

MEMORANDUM

Agenda Item No. 13(A)(1)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: April 2, 2013

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution authorizing certain settlement in the amount of \$90,507.00 in County eminent domain proceedings in connection with the acquisition of the land for the right-of-way needed for improvements to SW 157th Avenue from SW 152nd Street to SW 184th Street

The accompanying resolution was placed on the agenda by the County Attorney's Office.



R. A. Cuevas, Jr.
County Attorney

RAC/lmp



MEMORANDUM
(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: April 2, 2013

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 13(A)(1)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 13(A)(1)

4-2-13

RESOLUTION NO. _____

RESOLUTION AUTHORIZING CERTAIN SETTLEMENT IN THE AMOUNT OF \$90,507.00 IN COUNTY EMINENT DOMAIN PROCEEDINGS BY COUNTY ATTORNEY IN CONNECTION WITH THE ACQUISITION OF LAND FOR THE RIGHT-OF-WAY NEEDED FOR IMPROVEMENTS TO SW 157TH AVENUE FROM SW 152ND STREET TO SW 184TH STREET AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS

WHEREAS, this Board by Resolution No. R-534-09 dated May 5, 2009 previously declared the acquisition of land for the right-of-way needed for the expansion, beautification, and right-of-way improvements to SW 157th Avenue from SW 152nd Street to SW 184th Street in Miami-Dade County, Florida, to be a public necessity and authorized the acquisition of land therefor by eminent domain proceedings; and

WHEREAS, the owner of Parcel 12, as set forth in the attached land acquisition summary sheet, has offered to settle for the figure specified therein; and

WHEREAS, this project is being funded by the use of Charter County Transportation Surtax Funds, and this settlement thus must be submitted for the review and recommendation of the Citizens Independent Transportation Trust; and

WHEREAS, the County Attorney hereby recommends the settlement amounts as set forth in the attached land acquisition summary sheet,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. This Board ratifies and adopts the matters set forth in the foregoing recitals, and

Section 2. This Board authorizes the County Attorney to compromise and settle on behalf of the County all claims against the County in eminent domain proceedings for Parcel 12 on the terms and in the amount specified in the attached land acquisition summary sheet, and authorizes the use of Charter County Transportation Surtax Funds.

The foregoing resolution was offered by Commissioner , who moved its adoption. The motion was seconded by Commissioner and upon being put to a vote, the vote was as follows:

- | | | |
|----------------------|-------------------------|----------------------|
| | Rebeca Sosa, Chairwoman | |
| | Lynda Bell, Vice Chair | |
| Bruno A. Barreiro | | Esteban L. Bovo, Jr. |
| Jose "Pepe" Diaz | | Audrey M. Edmonson |
| Sally A. Heyman | | Barbara J. Jordan |
| Jean Monestime | | Dennis C. Moss |
| Sen. Javier D. Souto | | Xavier L. Suarez |
| Juan C. Zapata | | |

The Chairperson thereupon declared the resolution duly passed and adopted this 2nd day of April, 2013. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Debra Herman

LAND ACQUISITION SUMMARY SHEET

PROJECT LOCATION: Roadway expansion, beautification, and right-of-way improvements to SW 157th Avenue from SW 152nd Street to SW 184th Street in Miami-Dade County, Florida

PARCEL NUMBER AND PROPERTY ACQUIRED: Parcel No. 12
(land plus improvements – See attached sketch)

OWNERSHIP INTEREST: Louise C. Hickson, individually and as surviving Trustee of the Hickson Living Trust of October 9, 1997

COUNTY'S APPRAISAL AND DAMAGES: \$67,260.00 (fee simple land and improvements, including updated cost to cure by contractor)
Howard Delahanty, MAI

OWNER'S APPRAISAL AND DAMAGES: 107,973.00
David Randall, MAI

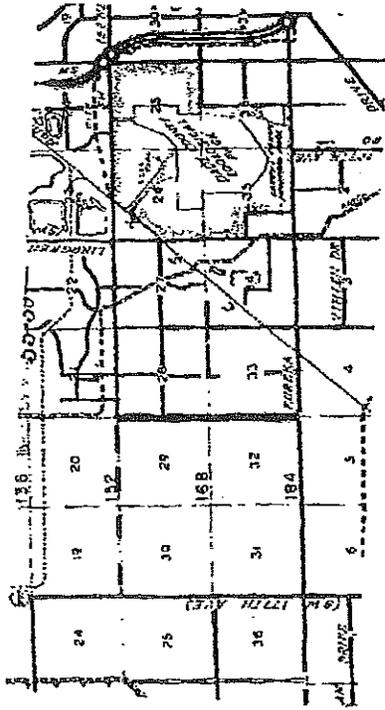
ATTORNEYS' FEES AND COSTS See Comments

SETTLEMENT AMOUNT: The total settlement amount is \$90,507.00.
(See Comments below – this amount includes the owner's attorneys' fees for Parcel 12, and excludes expert fees which will be determined by Court order at a later date).

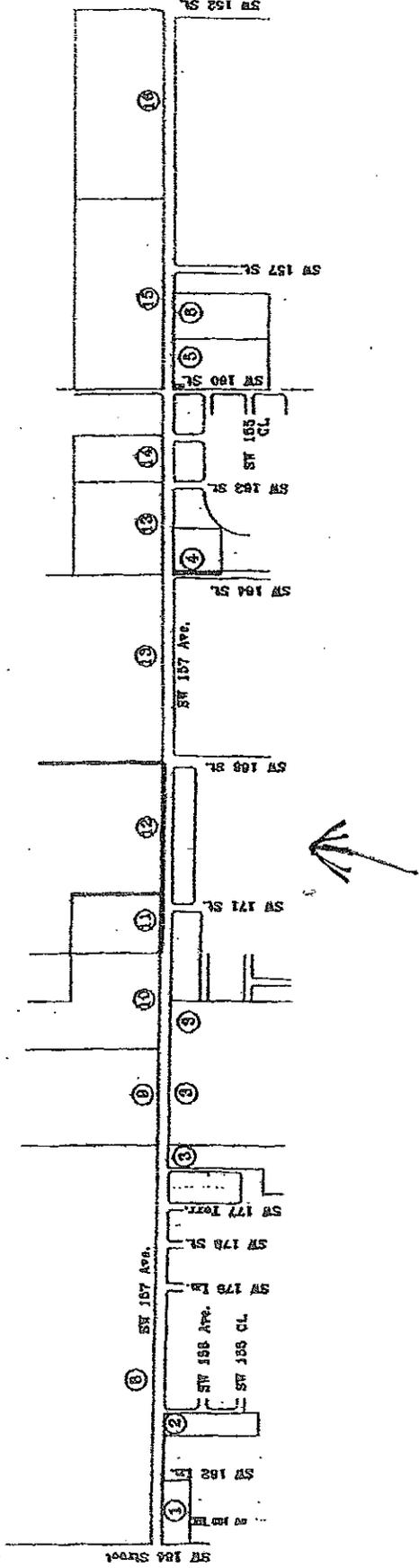
EXPOSURE TO COUNTY: \$40,713.00
(Difference between owner's appraisal and County's appraisal)

COMMENTS: A proposed settlement was reached in the amount stated above. In order for the County to obtain clear title to this parcel, eminent domain proceedings had to be instituted. The settlement amount of \$90,507.00 represents full compensation for this parcel, and includes \$78,000.00 for the property acquired, and \$12,507.00 for the owner's statutory attorneys' fees. Staff has confirmed that this project is listed in Exhibit 1 of the PTP Ordinance under Major Roadway and Neighborhood Improvement Projects. The landowner is represented by the law firm of Francisco Pines, P.A.

SEC 28, 29, 32 & 33
 TWP 55 S
 RGE 39 E



LOCATION MAP
 NOT TO SCALE



MIAMI-DADE
 SCALE: 1" = 1100'
 PROJECT: 20040372
 PREPARED BY: L.E.
 DATED: 02-25-09

R/W TO BE ACQUIRED BY THE COUNTY

EXHIBIT "B"
 MIAMI-DADE COUNTY PUBLIC WORKS DEPT.
 RIGHT OF WAY DIVISION
 RIGHT OF WAY ENGINEERING SECTION

SW 157 Avenue
 From SW 184 Street to SW 152 Street

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Memorandum



To: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

From: Charles Scurr, Executive Director *C Scurr*

Date: March 20, 2013

Re: CITT AGENDA ITEM 5A:
RESOLUTION BY THE CITIZENS' INDEPENDENT TRANSPORTATION TRUST (CITT) RECOMMENDING THAT THE BOARD OF COUNTY COMMISSIONERS (BCC), AUTHORIZE CERTAIN SETTLEMENT IN THE AMOUNT OF \$90,507.00 IN COUNTY EMINENT DOMAIN PROCEEDINGS BY COUNTY ATTORNEY IN CONNECTION WITH THE ACQUISITION OF LAND REFERRED TO AS PARCEL 12 FOR THE RIGHT-OF-WAY NEEDED FOR IMPROVEMENTS TO SW 157 AVENUE FROM SW 152 STREET TO SW 184 STREET; AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS (CAO/PWWM)

On March 20, 2013, the CITT voted (10-0) to forward a favorable recommendation to the Board of County Commissioners (BCC) for the approval of the above referenced item, CITT Resolution No. 13-006. The vote was as follows:

Paul J. Schwiep, Esq., Chairperson – Aye
Hon. Anna E. Ward, Ph.D., 1st Vice Chairperson – Aye
Glenn J. Downing, CFP®, 2nd Vice Chairperson – Aye

Christopher Benjamin, Esq. – Absent
Peter L. Forrest – Aye
Prakash Kumar – Aye
Hon. James A. Reeder – Aye
Hon. Linda Zilber – Aye

Joseph Curbelo – Aye
Alfred J. Holzman – Aye
Miles E. Moss, P.E. – Aye
Marilyn Smith – Absent

cc: Alina Hudak, Deputy Mayor/County Manager
Bruce Libhaber, Assistant County Attorney
Miguel Gonzalez, Assistant County Attorney