MEMORANDUM

Agenda Item No. 13(A)(2)

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 $62,000.00 in County eminent domain proceedings in connection with the acquisition for the People's Transportation Plan (PTP) Project

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)(2)

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)(2)
4-2-13

RESOLUTION NO. _____

RESOLUTION AUTHORIZING CERTAIN SETTLEMENT IN THE AMOUNT OF $62,000.00 IN COUNTY EMINENT DOMAIN PROCEEDINGS BY COUNTY ATTORNEY IN CONNECTION WITH THE ACQUISITION OF THE DESIGNATED PROPERTY KNOWN AS PARCEL 19 FOR RIGHT-OF-WAY NEEDED FOR THE PEOPLE'S TRANSPORTATION PLAN (PTP) PROJECT ENTITLED ROADWAY EXPANSION, BEAUTIFICATION AND IMPROVEMENTS TO SW 27 AVENUE FROM US1 TO SOUTH BAYSHORE DRIVE

WHEREAS, this Board by Resolution No. R-237-10 dated March 2, 2010, previously declared the acquisition of the designated property known as Parcel 19 for right-of-way needed for the People's Transportation Plan (PTP) Project entitled roadway expansion, beautification and improvements to SW 27th Avenue from US1 to South Bayshore Drive in Miami, Florida, to be a public necessity and authorized the acquisition of land therefor by eminent domain proceedings; and

WHEREAS, the owner of Parcel 19, as set forth in the attached land acquisition summary sheet, has offered to settle for the figures 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 19 on the terms and in the amounts specified in the attached land acquisition summary sheet and authorizes the use of Charter County Transportation Surtax Funds for such purposes.

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

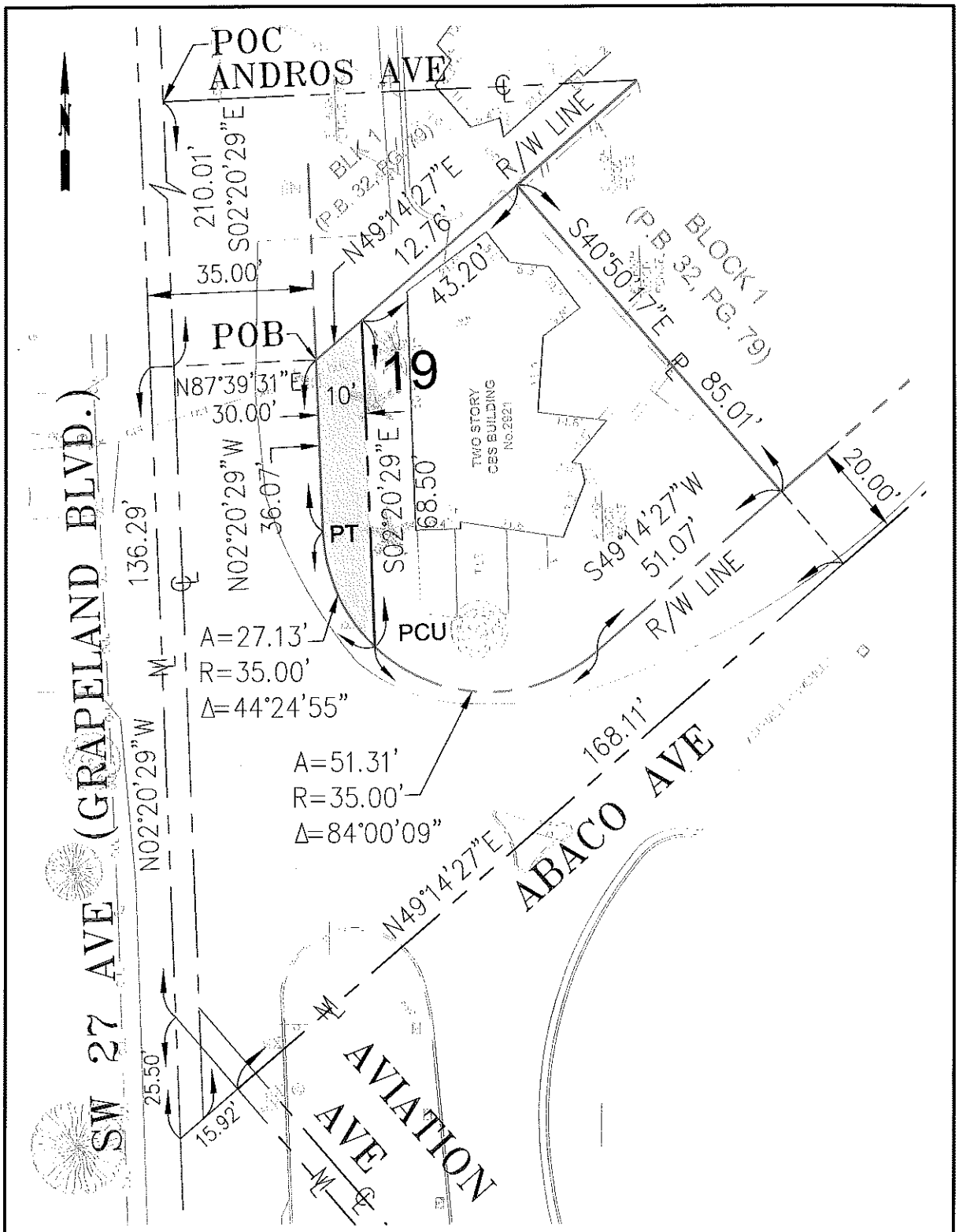
By:_____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency. JEB

Jason E. Bloch

LAND ACQUISITION SUMMARY SHEET

PROJECT LOCATION:	Acquisition of the designated property known as Parcel 19 for right-of-way needed for the People's Transportation Plan (PTP) Project entitled roadway expansion, beautification and improvements to SW 27 Avenue from US1 to South Bayshore Drive
PARCEL NUMBER AND INTEREST ACQUIRED:	Parcel No. 19 (272 sq. feet in fee simple as depicted in the attached sketch)
OWNERSHIP INTEREST:	The Criminal Defense Center, Mark A. Kamilar, Mark A. Lefcourt, Victor E. Rocha, P.A. and Victor E. Rocha
COUNTY'S APPRAISAL AMOUNT:	$34,800.00 (Updated value, April 1, 2010, Gallaher & Birch, Inc.)
OWNER'S APPRAISAL AMOUNT:	$90,000.00 (Owner's estimate of value)
SETTLEMENT AMOUNT:	The total settlement amount is $62,000.00, as a lump sum fee. (This amount is inclusive of any obligation for the owner's attorney's fees, expert's fees and costs -- See Comments below.)
EXPOSURE TO COUNTY:	$55,200.00 (representing the difference between owner's estimate of value and County's appraisal), plus potential additional attorney's fees, expert fees and costs.
COMMENTS:	To obtain clear title to this parcel, eminent domain proceedings had to be instituted. The proposed lump sum settlement amount of $62,000.00, represents full compensation for this parcel. The Owners are represented by Mark A. Kamilar, Esq., and Edward Tapanes, Esq.



LEGEND

	PROPERTY LINE		RIGHT-OF-WAY LINE						
	EXISTING EDGE OF PAVEMENT	(PT)	POINT OF TANGENCY		JOINT USE PARCEL AREA	(L)	LENGTH		
	BOUNDARY LINE	(POB)	POINT OF BEGINNING	(R)	RADIUS	(Δ)	DELTA		
	CENTER LINE	(PCU)	POINT OF CUSP	(PI)	POINT OF INTERSECTION	℄	PROPERTY LINE		
(POC)	POINT OF COMMENCEMENT	℄	CENTER LINE	(PC)	POINT OF CURVATURE	R/W	RIGHT OF WAY		
						⋕	MONUMENT LINE		

Area of Parent Tract = 6,466 square-feet = 0.15acres
Area of Parcel = 569 square-feet = 0.01 acres
Ref. Topo Survey prepared by HADONNE CORP. dated 8-23-07

Job No. 06107
Folio No: 01-4115-031-0010
Section: 15-54-41

THIS IS NOT A SURVEY

MIAMI-DADE

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

PARCEL SKETCH

SW 27 AVE

PARCEL NO. 19

SCALE: 1" = 20' | DATE: 10-28-08
CHECKED BY: C. SOCARRAS
DRAWN BY: L. ESPINOSA
PROJECT 2004-0337 | SHEET: 1 OF 1

Memorandum

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

From: Charles Scurr, Executive Director

Date: March 20, 2013

Re: **CITT AGENDA ITEM 5F:**
RESOLUTION BY THE CITIZENS' INDEPENDENT TRANSPORTATION TRUST (CITT) RECOMMENDING THAT THE BOARD OF COUNTY COMMISSIONERS (BCC), AUTHORIZE CERTAIN SETTLEMENT IN THE AMOUNT OF **$62,000.00** IN COUNTY EMINENT DOMAIN PROCEEDINGS BY COUNTY ATTORNEY IN CONNECTION WITH THE ACQUISITION OF LAND REFERRED TO AS PARCEL 19 FOR THE RIGHT-OF-WAY NEEDED FOR IMPROVEMENTS TO SW 27 AVENUE FROM US1 TO SOUTH BAYSHORE DRIVE; 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. 13-011. 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