MEMORANDUM

Agenda Item No. 13(A)(1)

TO:	Honorable Chairwoman Rebeca Sosa and Members, Board of County Commissioners	**DATE:**	May 20, 2014
FROM:	R. A. Cuevas, Jr. County Attorney	**SUBJECT:**	Resolution authorizing authorizing certain settlement in the amount of $180,000.00 in County eminent domain proceedings in connection with the acquisition of land referred to as parcel 14 for the right-of-way needed for improvements to NW 72nd Avenue from NW 74th Street to Okeechobee Road, State Road No. 25

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

R. A. Cuevas, Jr.
County Attorney

RAC/cp

MEMORANDUM
(Revised)

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

DATE: May 20, 2014

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)
5-20-14

RESOLUTION NO. _____

RESOLUTION AUTHORIZING CERTAIN SETTLEMENT IN THE AMOUNT OF $180,000.00 IN COUNTY EMINENT DOMAIN PROCEEDINGS BY COUNTY ATTORNEY IN CONNECTION WITH THE ACQUISITION OF LAND REFERRED TO AS PARCEL 14 FOR THE RIGHT-OF-WAY NEEDED FOR IMPROVEMENTS TO NW 72ND AVENUE FROM NW 74TH STREET TO OKEECHOBEE ROAD, STATE ROAD NO. 25

WHEREAS, this Board by Resolution No. 1004-04 dated July 27, 2004 previously declared the acquisition of land for the right-of-way needed for improvements to the NW 72nd Avenue from NW 74th Street to Okeechobee Road, State Road No. 25 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 14, as set forth in the attached land acquisition summary sheet, has offered to settle for the figures specified therein; and

WHEREAS, the County Attorney hereby recommends the settlement amount 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 14 on the terms and in the amount specified in the attached land acquisition summary sheet.

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 20th day of May, 2014. 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

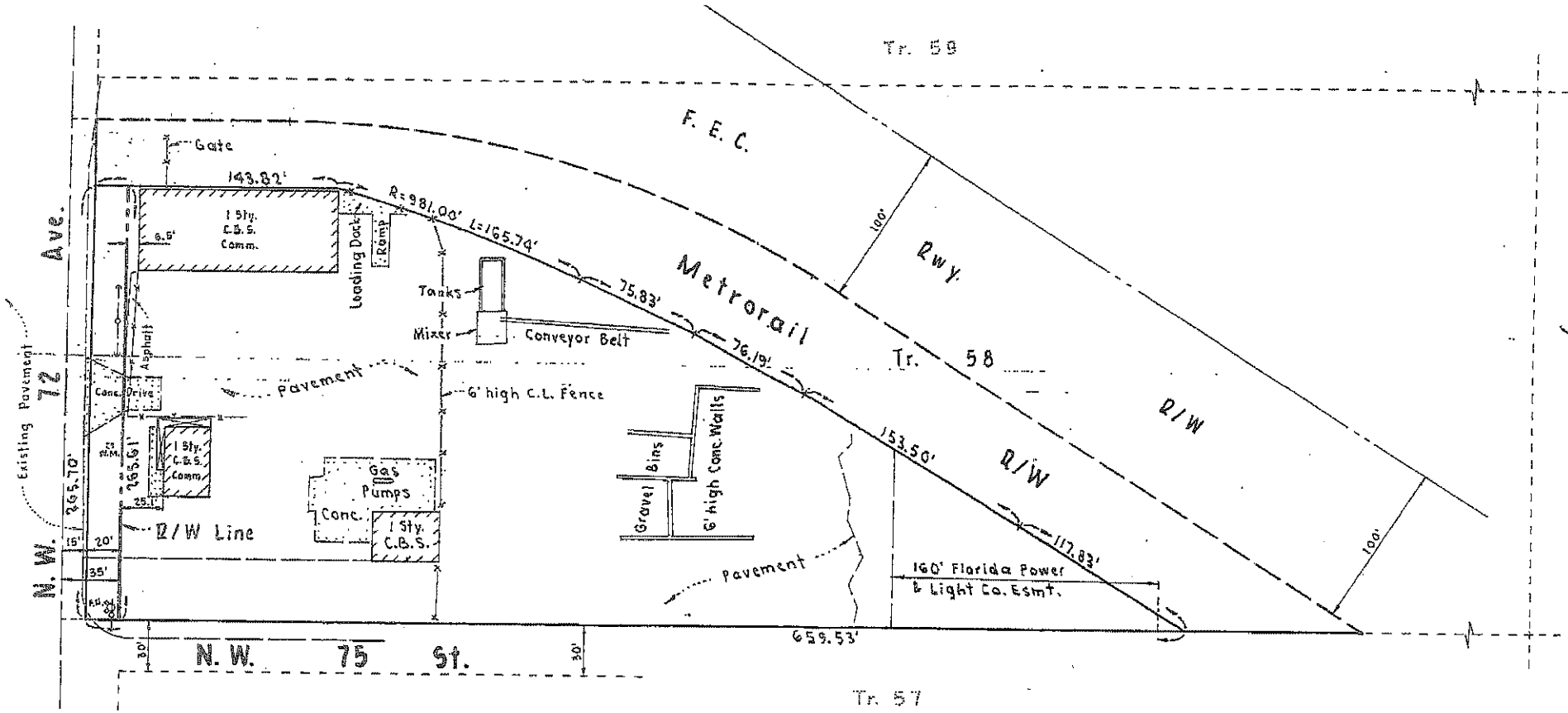
By:_____
Deputy Clerk

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 NW 72nd Avenue from NW 74th Street to Okeechobee Road, State Road No. 25 in Miami-Dade County, Florida
PARCEL NUMBER AND PROPERTY ACQUIRED:	Parcel No. 14 – see attached sketch (land plus improvements and cost to cure)
OWNERSHIP INTEREST:	MCM Corporation
COUNTY'S APPRAISAL AND DAMAGES:	$126,000 (fee simple land, cost to cure, and improvements) Robert Gallaher, MAI
OWNER'S ESTIMATE OF VALUE:	$258,000 Reggie Mesimer, P.E. (estimate of cost to cure/cost of improvements)
ATTORNEYS' FEES AND COSTS	See Comments
SETTLEMENT AMOUNT:	The settlement amount is $180,000.00. (See Comments below – this amount excludes the owner's statutory attorneys' fees and expert fees for Parcels 14).
EXPOSURE TO COUNTY:	$132,000.00 (Difference between owner's estimate of value 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 $180,000.00 represents full compensation for this parcel, excluding the owner's statutory attorneys' fees and the owner's expert fees which will be determined by the Court. The landowner is represented by the law firm of Hinshaw & Culbertson, LLP.



Parcel Area = 5,313 Sq. Ft. = 0.122 Ac.

Parent Tract Area excluding F.P.& L. Esmt. = 106,204 Sq. Ft. = 2.438 Ac.

Parent Tract Area within F.P.& L. Esmt. = 9,668 Sq. Ft. = 0.222 Ac.

Total Parent Tract Area = 115,872 Sq. Ft. = 2.660 Ac.

Ref.: Pgs. 13-15, D.C.F.B. 2086
Sec. 11-53-40

A Portion of Tract 58
FLORIDA FRUIT LANDS COMPANY'S SUB. NO. 1
(P.B. 2, Pg. 17)

Scale: 1" = 60'

N.W. 72 AVENUE
Project No. 662347

Parcel No. 14

C. Dean 4-1-03