MEMORANDUM

Agenda Item No. 13(A)(1)

TO:	Honorable Chairwoman Rebeca Sosa and Members, Board of County Commissioners	**DATE:**	July 15, 2014
FROM:	R. A. Cuevas, Jr. County Attorney	**SUBJECT:**	Resolution authorizing certain settlement in the amount of $10,750.00, in County eminent domain proceedings in connection with the acquisition of land referred to as Parcel 10

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

R. A. Cuevas, Jr.
County Attorney

RAC/smm

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MEMORANDUM
(Revised)

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

DATE: July 15, 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)
7-15-14

RESOLUTION NO. _____

RESOLUTION AUTHORIZING CERTAIN SETTLEMENT IN THE AMOUNT OF $10,750.00, IN COUNTY EMINENT DOMAIN PROCEEDINGS BY COUNTY ATTORNEY IN CONNECTION WITH THE ACQUISITION OF LAND REFERRED TO AS PARCEL 10, FOR THE RIGHT-OF-WAY NEEDED FOR THE PEOPLE'S TRANSPORTATION PLAN (PTP) PROJECT ENTITLED ROADWAY IMPROVEMENTS TO SW 157 AVENUE FROM SW 152 STREET TO SW 184 STREET AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS

WHEREAS, this Board by Resolution No. R-532-09 dated May 5, 2009, previously declared the acquisition of Parcel 10 for the right-of-way needed for the People's Transportation Plan (PTP) project entitled Roadway Improvements to SW 157 Avenue, from SW 152 Street to SW 184 Street, to be a public necessity and authorized the acquisition of land therefore by eminent proceedings; and

WHEREAS, the owner of Parcel 10, 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 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.

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 10 in the amount specified in the attached land acquisition summary sheet, and authorizes the use of Charter County Transportation Surtax Funds.

Section 3. Pursuant to Resolution No. R-974-09, the Board directs the County Mayor or the County Mayor's designee to record any instrument of conveyance accepted herein in the Public Records of Miami-Dade County, Florida; and to provide a recorded copy of the instrument to the Clerk of the Board within thirty (30) days of execution of said instrument; and directs the Clerk of the Board to attach and permanently store a recorded copy together with this resolution.

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 15th day of July, 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

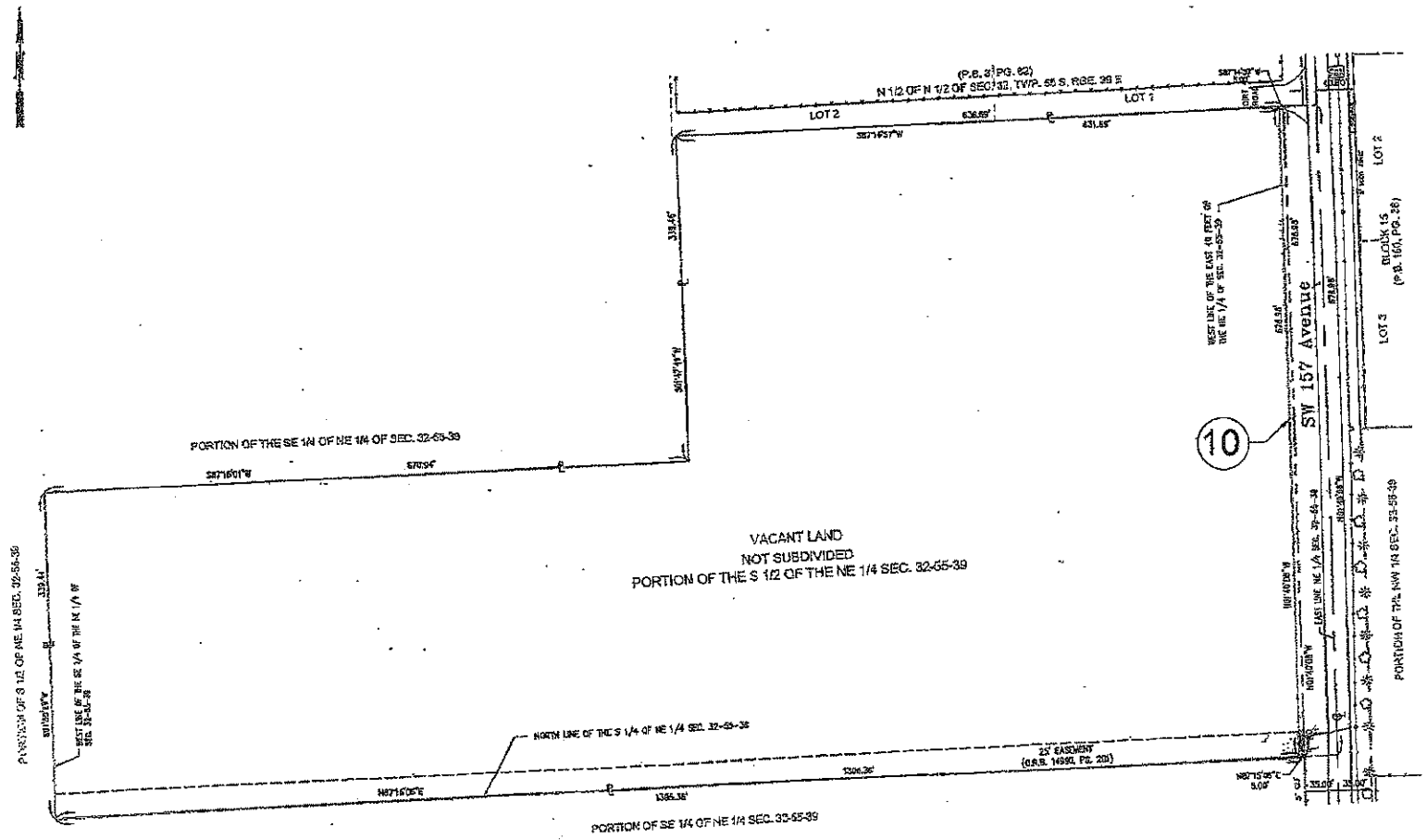
By:_____
Deputy Clerk

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

Jason E. Bloch

LAND ACQUISITION SUMMARY SHEET

PROJECT:	Roadway improvements to SW 157th Avenue, from SW 152 Street to SW 184 Street in Miami-Dade County, Florida.
PARCEL NUMBER AND PROPERTY ACQUIRED:	Parcel No. 10 (3,395 square feet in fee simple as depicted in the attached sketch)
OWNERSHIP INTEREST:	Santana Properties, Inc., a Florida corporation
COUNTY'S APPRAISAL AND DAMAGES:	$4,685.00 Howard J. Delahanty, MAI Delahanty & Associates, Inc.
OWNER'S ESTIMATE OF VALUE:	$6,628.00
SETTLEMENT AMOUNT:	The total settlement amount is $10,750.00. (See Comments below – this amount includes any owner's attorneys' fees, costs, site development fees and expert fees).
POTENTIAL EXPOSURE TO COUNTY:	$1,943.00 (difference between owner's estimate of value and County's appraisal), plus potential additional costs and attorneys' fees.
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 $10,750.00 represents full compensation for this parcel, and includes $6,628.00 for the property acquired, and $4,122.00 for attorneys' fees and costs. The landowner is represented by Louis L. LaFontisee, Jr., Attorney-at-Law.



Area of Parcel = 3,395 square-feet = 0.078 acres
Area of Parent Tract = 659,298 square-feet = 15.135 acres
Ref. Fieldbook No.
Sec. 32-55-39
Folio No: 30-5932-000-0032

LEGEND

	RIGHT-OF-WAY LINE		JOINT USE PARCEL AREA	(L)	LENGTH	℄	PROPERTY LINE
	PROPERTY LINE	(PT)	POINT OF TANGENCY	(R)	RADIUS	R/W	RIGHT OF WAY
	MONUMENT LINE	(POB)	POINT OF BEGINNING	(I)	CHORD	M	MONUMENT LINE
	CENTER LINE	(POC)	POINT OF COMM.	(PI)	POINT OF INTERSECTION		
(POC)	POINT OF COMMENCEMENT	℄	CENTER LINE	(PC)	POINT OF CURVATURE		

PARCEL SKETCH

MIAMI-DADE

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

SW 167 Avenue
From SW 184 Street to SW 152 Street
PARCEL NO. 10

SCALE: 1" = 60' | DATE: 06-17-02
FIELD BOOK NO.'S:
PREPARED BY: L. ESPINOSA
PROJECT: 20040372 | SHEET 1 OF 1

Memorandum

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

From: Charles Scurr, Executive Director

Date: June 19, 2014

Re: **CITT AGENDA ITEM 5O:**
RESOLUTION BY THE CITIZENS' INDEPENDENT TRANSPORTATION TRUST (CITT) RECOMMENDING THAT THE BOARD OF COUNTY COMMISSIONERS (BCC), AUTHORIZE CERTAIN SETTLEMENT IN THE AMOUNT OF $10,750.00 IN COUNTY EMINENT DOMAIN PROCEEDINGS BY COUNTY ATTORNEY IN CONNECTION WITH THE ACQUISITION OF LAND REFERRED TO AS PARCEL 10 FOR THE RIGHT-OF-WAY NEEDED FOR THE PEOPLE'S TRANSPORTATION PLAN (PTP) PROJECT ENTITLED ROADWAY IMPROVEMENTS TO SW 157 AVENUE FROM SW 152 STREET TO SW 184 STREET; AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS **(CAO – Legislative File No. 141550)**

On June 19, 2014, the CITT voted (9-0) to forward a favorable recommendation to the Board of County Commissioners (BCC) for the approval of the above referenced item, CITT Resolution No. 14-053. 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

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

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

cc: Alina Hudak, Deputy Mayor/Interim Director Public Works & Waste Management Department
Bruce Libhaber, Assistant County Attorney