MEMORANDUM

Agenda Item No. 13(A)(1)

TO:	Honorable Chairwoman Rebeca Sosa and Members, Board of County Commissioners	**DATE:**	September 3, 2014
FROM:	R. A. Cuevas, Jr. County Attorney	**SUBJECT:**	Resolution authorizing certain settlement in the amount of $32,000.00, in County eminent domain proceedings in connection with the acquisition of land referred to as Parcel 8

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: September 3, 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)
9-3-14

RESOLUTION NO. _____

RESOLUTION AUTHORIZING CERTAIN SETTLEMENT IN THE AMOUNT OF $32,000.00 IN COUNTY EMINENT DOMAIN PROCEEDINGS BY COUNTY ATTORNEY IN CONNECTION WITH THE ACQUISITION OF LAND REFERRED TO AS PARCEL 8 FOR THE RIGHT-OF-WAY NEEDED FOR IMPROVEMENTS TO SW 216TH STREET FROM THE FLORIDA TURNPIKE TO SW 127TH AVENUE AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS

WHEREAS, this Board by Resolution No. R-819-11, dated October 4, 2011 previously declared the acquisition of land for the right-of-way needed for the road widening, beautification, and right-of-way improvements to SW 216th Street from the Florida Turnpike to SW 127th Avenue 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 8, 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 8 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 3rd day of September, 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 SW 216th Street from the Florida Turnpike to SW 127th Avenue in Miami-Dade County, Florida
PARCEL NUMBER AND PROPERTY ACQUIRED:	Parcel No. 8 – see attached sketch (land plus improvements)
OWNERSHIP INTEREST:	The Holiness Church of Florida, Inc., a Florida Non-profit corporation
COUNTY'S APPRAISAL AND DAMAGES:	$14,200.00 (fee simple land and improvements) Robert Gallaher, MAI
OWNER'S APPRAISAL:	$28,000.00 Chris Mafera, MAI
ATTORNEYS' FEES AND COSTS	See Comments
SETTLEMENT AMOUNT:	The total settlement amount is $32,000.00. (See Comments below – this amount also includes the owner's attorneys' fees and expert fees for Parcel 8).
EXPOSURE TO COUNTY:	$13.800.00 (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 $32,000.00 represents full compensation for this parcel, and includes $19,000.00 for the property acquired, $3,500.00 for the owner's statutory attorneys' fees and $9,500.00 for the owner's expert fees and costs. 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 Gaylord, Merlin et al.

Memorandum

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

From: Charles Scurr, Executive Director

Date: August 22, 2014

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 $32,000.00 IN COUNTY EMINENT DOMAIN PROCEEDINGS BY COUNTY ATTORNEY IN CONNECTION WITH THE ACQUISITION OF LAND REFERRED TO AS PARCEL 8 FOR THE RIGHT-OF-WAY NEEDED FOR IMPROVEMENTS TO SW 216TH STREET FROM THE FLORIDA TURNPIKE TO SW 127TH AVENUE AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS **(PWWM- BCC Legislative File No. 141687)**

On August 21, 2014, the CITT voted (11-0) to forward a favorable recommendation to the Board of County Commissioners (BCC) for the approval of the above referenced item, CITT Resolution No. 14-064. 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 – Aye
Jonathan Martinez – Aye
Miles E. Moss, P.E. – Aye
Marilyn Smith – Aye

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

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