MEMORANDUM

Agenda Item No. 13(A)(1)

TO:	Honorable Chairman Jean Monestime and Members, Board of County Commissioners	**DATE:**	June 7, 2016
FROM:	Abigail Price-Williams County Attorney	**SUBJECT:**	Resolution authorizing certain settlement in the amount of $336,130.00 in County eminent domain proceedings in connection with the acquisition of land referred to as Parcel 103-PH2 for the Norris Cut Project sewer force main replacement from Virginia Key to Fisher Island

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

Abigail Price-Williams
County Attorney

APW/smm

MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: June 7, 2016

FROM: Abigail Price-Williams
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**

_____ **Statement of social equity 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)
6-7-16

RESOLUTION NO. _____

RESOLUTION AUTHORIZING CERTAIN SETTLEMENT IN THE AMOUNT OF $336,130.00 IN COUNTY EMINENT DOMAIN PROCEEDINGS BY COUNTY ATTORNEY IN CONNECTION WITH THE ACQUISITION OF LAND REFERRED TO AS PARCEL 103-PH2 FOR THE NORRIS CUT PROJECT SEWER FORCE MAIN REPLACEMENT FROM VIRGINIA KEY TO FISHER ISLAND IN MIAMI-DADE COUNTY, FLORIDA

WHEREAS, this Board by Resolution No. R-245-13, dated April 2, 2013 previously declared the acquisition of land for the Norris Cut Project sewer force main replacement from Virginia Key to Fisher Island in Miami-Dade County, Florida, to be a public purpose and a public necessity and authorized the acquisition of land therefor by eminent domain proceedings; and

WHEREAS, the owner of Parcel 103-PH2, 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 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.

Section 2. This Board authorizes the County Attorney to compromise and settle on behalf of the County claims against the County in eminent domain proceedings for Parcel 103-PH2 on the terms and in the amount specified in the attached land acquisition summary sheet.

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

Jean Monestime, Chairman
Esteban L. Bovo, Jr., Vice Chairman

Bruno A. Barreiro	Daniella Levine Cava
Jose "Pepe" Diaz	Audrey M. Edmonson
Sally A. Heyman	Barbara J. Jordan
Dennis C. Moss	Rebeca Sosa
Sen. Javier D. Souto	Xavier L. Suarez
Juan C. Zapata	

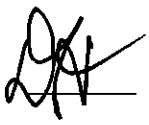
The Chairperson thereupon declared the resolution duly passed and adopted this 7th day of June, 2016. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the 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.

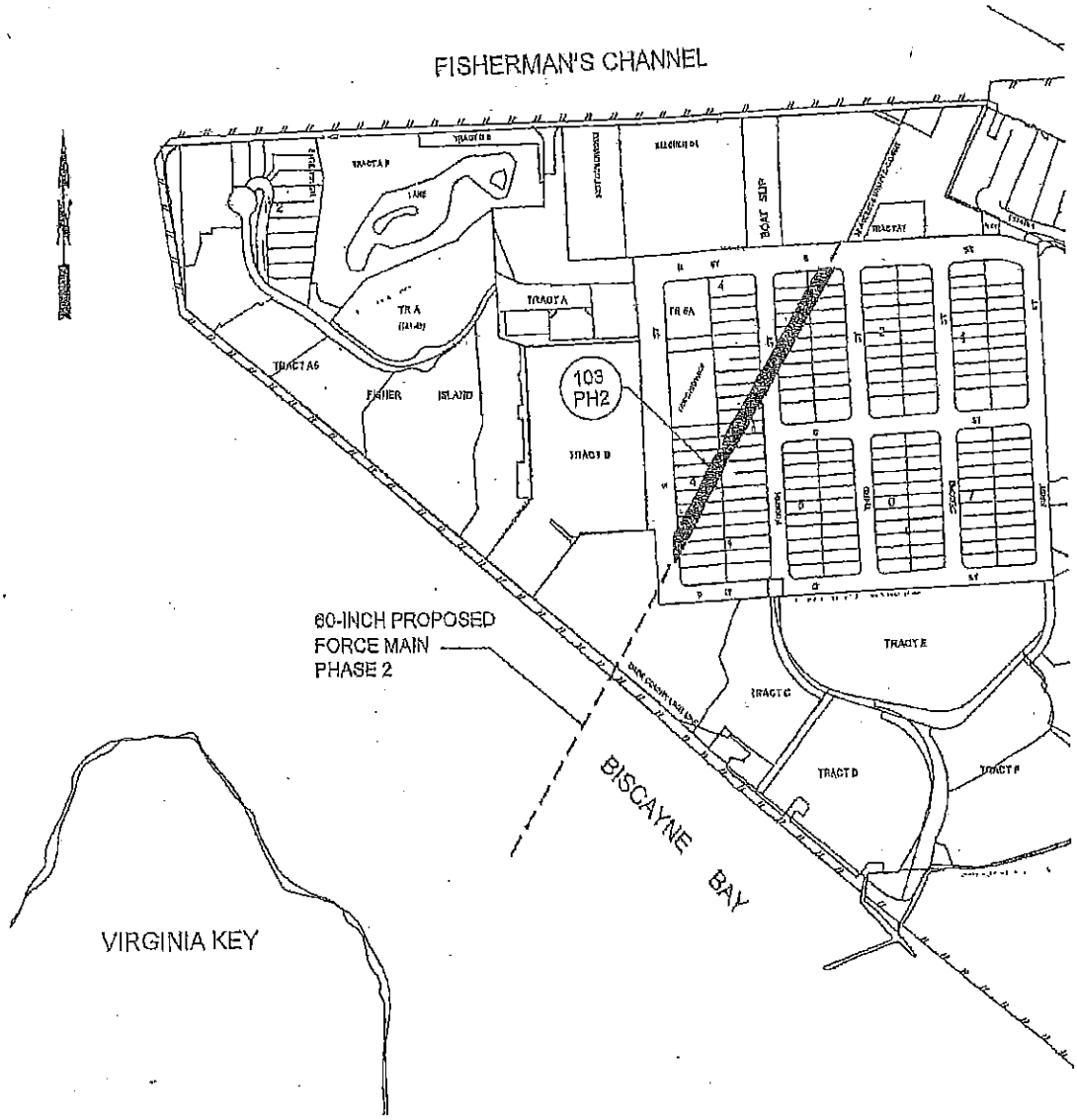


Debra Herman

LAND ACQUISITION SUMMARY SHEET

PROJECT DESCRIPTION:	Norris Cut Project Proposed Sewer Force Main Replacement from Viginia Key to Fisher Island in Miami-Dade County, Florida
PARCEL NUMBER AND PROPERTY ACQUIRED:	Parcel No. 103-PH2 – see attached sketch (64,070 square foot easement)
OWNERSHIP INTEREST:	Fisher Island Club, Inc.
COUNTY'S APPRAISAL AND DAMAGES:	$125,000.00 Andy Maggenheimer, MAI
OWNER'S APPRAISAL:	$640,700.00 Robert Miller, MAI
ATTORNEYS' FEES, EXPERT FEES, AND COSTS	See Comments
SETTLEMENT AMOUNT:	The settlement amount is $336,130.00. (See Comments below – includes owner's statutory attorneys' fees, expert fees, and costs)
EXPOSURE TO COUNTY:	$515,700.00 (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 $336,130.00 represents full compensation for this parcel, and includes $260,000.00 for the property acquired, and $59,110.00 for the owner's statutory attorneys' fees and costs, and $17,020.00 for the owner's statutory expert fees (appraiser/planning). The landowner is represented by the law firm of Hinshaw & Culbertson, LLP.

SEC 9&10
TWP 54 S
RGE 42 E



FISHER ISLAND

MIAMI-DADE COUNTY PUBLIC WORKS AND
WASTE MANAGEMENT DEPT.
ROAD WAY ENGINEERING AND RIGHT OF WAY DIVISION
ENGINEERING SECTION

0 200 400 800 1600
SCALE 1" = 800'

SCALE 1" = 800'
PROJECT: 20090239
PREPARED BY: L.E.
DATED: 02-15-13

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