

Approved _____ Mayor

Agenda Item No.13(A)(1)

Veto _____

04-24-07

Override _____

**OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA**

RESOLUTION NO. R-490-07

RESOLUTION AUTHORIZING CERTAIN SETTLEMENT IN COUNTY EMINENT DOMAIN PROCEEDINGS BY COUNTY ATTORNEY IN CONNECTION WITH THE ACQUISITION OF LAND FOR THE RIGHT-OF-WAY NEEDED FOR IMPROVEMENTS OF WEST 137 AVENUE FROM S.W. 8TH STREET (TAMIAMI TRAIL) TO N.W. 12TH STREET IN MIAMI-DADE COUNTY, FLORIDA

WHEREAS, this Board by Resolution No. R-389-03 dated April 22, 2003 previously declared the acquisition of land for the right-of-way needed for improvements of West 137 Avenue from S.W. 8 Street (Tamiami Trail) to N.W. 12th Street 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 the parcels of land set forth in the attached land acquisition summary sheet has offered to settle for the figure 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 the County Attorney is hereby authorized to compromise and settle on behalf of the County all claims against the County in eminent domain proceedings for the parcel and for substantially the terms and the amount specified in the attached land acquisition summary sheet.

The foregoing resolution was offered by Commissioner Carlos A. Gimenez, who moved its adoption. The motion was seconded by Commissioner Dennis C. Moss and upon being put to a vote, the vote was as follows:

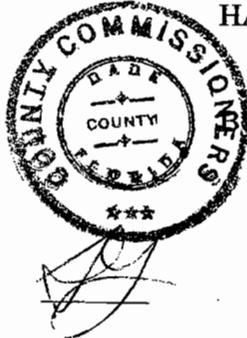
3.

Bruno A. Barreiro, Chairman	aye		
Barbara J. Jordan, Vice-Chairwoman	aye		
Jose "Pepe" Diaz	aye	Audrey M. Edmonson	absent
Carlos A. Gimenez	aye	Sally A. Heyman	absent
Joe A. Martinez	aye	Dennis C. Moss	aye
Dorrin D. Rolle	aye	Natacha Seijas	absent
Katy Sorenson	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 24th day of April, 2007. 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



KAY SULLIVAN
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Thomas Goldstein

MEMORANDUM

Agenda Item No. 13(A)(1)

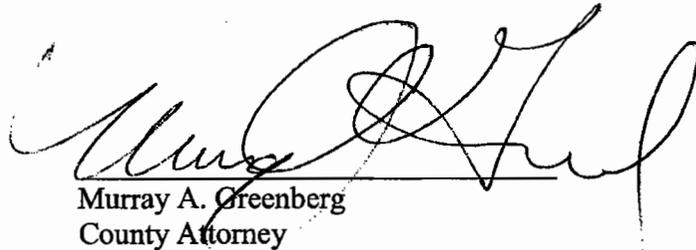
TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: April 24, 2007

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Resolution authorizing certain
settlement in County eminent
domain proceedings by County
Attorney in connection with the
acquisition of land for right-of-
way needed for improvements
of West 137 Avenue from S.W.
8th Street (Tamiami Trail) to
N.W. 12th Street

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


Murray A. Greenberg
County Attorney

MAG/jls



MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: April 24, 2007

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Agenda Item No. 13(A)(1)

Please note any items checked.

- "4-Day Rule" ("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
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

LAND ACQUISITION SUMMARY SHEET
PARCEL NO. 3

PROJECT LOCATION: Widening and improvement of West 137 Avenue from S.W. 8 Street (Tamiami Trail) to N.W. 12 Street in Miami-Dade County, Florida

PARCEL NUMBER: 3

OWNERSHIP INTEREST: Lowe's Home Centers, Inc., a North Carolina corporation

PARCEL AREA ACQUIRED: Parcel No. 3 (Fee) 22,725 sq. ft.

COUNTY APPRAISAL: J. Mark Quinlivan, MAI
(\$200,000.00) (Land)

OWNER(s) APPRAISAL: Robert B. Miller
\$284,063.00 (Land)

EXPOSURE TO COUNTY: \$84,063.00

SETTLEMENT AMOUNT: The full compensation settlement for this parcel is in the sum of \$288,640.00, which includes \$230,000.00 for the land acquired, \$45,870.00, as statutory attorney's fees and \$12,770.00 experts fees and costs.

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