Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 13(A)(1)
07-10-07

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

RESOLUTION NO. R-852-07

RESOLUTION AUTHORIZING CERTAIN SETTLEMENT IN COUNTY EMINENT DOMAIN PROCEEDINGS BY COUNTY ATTORNEY IN CONNECTION WITH THE ACQUISITION OF A PERMANENT AERIAL EASEMENT AND A TEMPORARY CONSTRUCTION EASEMENT NEEDED FOR ROADWAY CONSTRUCTION FOR ROADWAY IMPROVEMENTS TO N.W. 97 AVENUE, FROM FONTAINEBLEAU BOULEVARD TO NORTH OF N.W. 14 STREET, IN MIAMI-DADE COUNTY, FLORIDA

WHEREAS, this Board by Resolution No. R-1261-01 dated November 6, 2001 previously declared the acquisition of a permanent aerial easement and a temporary construction easement needed for roadway improvements to N.W. 97 Avenue, from Fontainebleau Boulevard to North of N.W. 14 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 Joe A. Martinez, who moved its adoption. The motion was seconded by Commissioner Dorrin D. Rolle and upon being put to a vote, the vote was as follows:

Bruno A. Barreiro, Chairman aye
Barbara J. Jordan, Vice-Chairwoman aye

Jose "Pepe" Diaz	aye	Audrey M. Edmonson	absent
Carlos A. Gimenez	absent	Sally A. Heyman	absent
Joe A. Martinez	aye	Dennis C. Moss	aye
Dorrin D. Rolle	aye	Natacha Seijas	absent
Katy Sorenson	absent	Rebeca Sosa	aye
Sen. Javier D. Souto	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 12th day of July, 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

By: KAY SULLIVAN
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Thomas Goldstein

Agenda Item No. 13(A)(1)

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

DATE: July 10, 2007

FROM: R. A. Cuevas, Jr.
Acting County Attorney

SUBJECT: Resolution authorizing certain settlement in county eminent domain proceedings by County Attorney in connection with the acquisition of a permanent aerial easement and a temporary construction easement needed for roadway improvements

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

R. A. Cuevas, Jr.
Acting County Attorney

RAC/jls

MEMORANDUM

(Revised)

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

DATE: July 10, 2007

FROM: R.A. Cuevas, Jr. Acting 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 NOS. 1A and 1B

PROJECT LOCATION:	Acquisition of a permanent aerial easement and a temporary construction easement needed for roadway construction for roadway improvements to N.W. 97 Avenue, from FONTAINEBLEAU Boulevard to North of N.W. 14 Street, in Miami-Dade County, Florida
PARCEL NUMBERS:	1A and 1B
OWNERSHIP INTEREST:	CSX Transportation, Inc., a Virginia corporation
PARCEL AREA ACQUIRED:	Parcel No. 1A (Aerial Easement) 9,176 sq. ft. Parcel No. 1B (Temporary Construction Easement) 34,371 sq. ft.
COUNTY APPRAISAL:	J. Mark Quinlivan, MAI $96,250.00
OWNER(s) APPRAISAL:	Heyward Cantrell, MAI $262,800.00
EXPOSURE TO COUNTY:	$166,550.00
SETTLEMENT AMOUNT:	$239,950.00
FULL COMPENSATION:	$290,948.00 Full compensation includes the settlement amount of $239,950.00 for the permanent aerial easement and temporary construction easement; $47,223.00 for statutory attorney's fee; and $4,375.00 for expert witness fees and costs.
REMARKS:	The County Appraiser concurs in the amount for full compensation based on applying a non-discounted "at the fence value" to the land acquired and an extended temporary construction easement that ran for a total of 5 years.