

Approved _____ Mayor

Veto _____

Override _____

Agenda Item No. 13(A)(2)

9-18-07

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

RESOLUTION NO. R-1038-07

RESOLUTION AUTHORIZING CERTAIN BUSINESS DAMAGE SETTLEMENT IN COUNTY EMINENT DOMAIN PROCEEDINGS BY COUNTY ATTORNEY IN CONNECTION WITH THE ACQUISITION OF LAND FOR THE RIGHT-OF-WAY NEEDED FOR IMPROVEMENTS TO THE NW 72ND AVENUE FROM NW 74TH STREET TO OKEECHOBEE ROAD, STATE ROAD NO. 25 IN MIAMI COUNTY, FLORIDA

WHEREAS, this Board by Resolution No. R-1004-04 dated July 27, 2004 previously declared the acquisition of land for the right-of-way needed for improvements to the NW 72nd Avenue from NW 74th Street to Okeechobee Road, State Road No. 25 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 parcel of land set forth in the attached business damage summary sheet has offered to settle for the figure specified therein; and

WHEREAS, the County Attorney hereby recommends the business settlement amount as set forth in the attached business damage 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 business damage 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 Jose "Pepe" Diaz who moved its adoption. The motion was seconded by Commissioner Carlos A. Gimenez 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	aye
Carlos A. Gimenez	aye	Sally A. Heyman	absent
Joe A. Martinez	absent	Dennis C. Moss	absent
Dorrian D. Rolle	aye	Natacha Seijas	aye
Katy Sorenson	aye	Rebeca Sosa	absent
Sen. Javier D. Souto	absent		

The Chairperson thereupon declared the resolution duly passed and adopted this 20th day of September, 2006. 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.

A handwritten signature in black ink, appearing to be "T. Goldstein", written over a horizontal line.

Thomas Goldstein

MEMORANDUM

Agenda Item No. 13(A)(2)

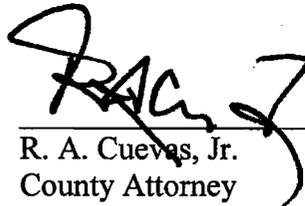
TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: September 18, 2007

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

SUBJECT: Resolution authorizing
certain business damage
settlement in County
eminent domain proceedings
by County Attorney
in connection with
the acquisition of land needed
for improvements to NW 72
Avenue from NW 74 Street to
Okeechobee Road, S.R. 25

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



R. A. Cuevas, Jr.
County Attorney

RAC/bw

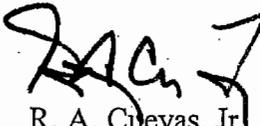


MEMORANDUM

(Revised)

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

DATE: September 18, 2007


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

SUBJECT: Agenda Item No. 13(A)(2)

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

BUSINESS DAMAGE SETTLEMENT SUMMARY SHEET

PROJECT LOCATION: Business located at Parcel No. 23 on NW 72nd Avenue from NW 74 Street to Okeechobee Road, State Road No. 25 in Miami-Dade County, Florida

BUSINESS OWNER: Work Injury Solutions of Dade County, Inc., d/b/a Healthcare Center of Miami, Inc.

BUSINESS DAMAGE CLAIM: Based on a loss of eight (8) parking spaces as a result of the acquisition of land from Parcel No. 23

OWNER'S BUSINESS DAMAGE CLAIM: \$472,000.00 in loss of net income.

FULL COMPENSATION AND REMARKS: Even though 8 parking spaces will be lost as a result of the taking, the County contends those spaces were not assigned to any particular business. However, the entire claim including attorney's fee and CPA costs can be settled for \$14,000.00. A trial would expose the County to a possible \$472,000.00 verdict plus attorney's fees and costs, as well as expert witness fees that will be incurred by the County.

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