

MEMORANDUM

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

Agenda Item No. 13(A)(1)

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

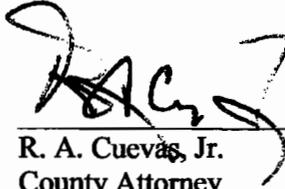
DATE: November 6, 2007

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

SUBJECT: Resolution authorizing
settlement in County
eminent domain proceedings
by County Attorney
in connection with
the acquisition of land needed
for construction of the MIC/
Earlington Heights Connector

R-1261-07

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: November 6, 2007

FROM: 
R. A. Cuevas, Jr.
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

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 13(A)(1)
11-6-07

RESOLUTION NO. R-1261-07

RESOLUTION AUTHORIZING CERTAIN SETTLEMENT IN COUNTY EMINENT DOMAIN PROCEEDINGS BY COUNTY ATTORNEY IN CONNECTION WITH THE ACQUISITION OF LAND NEEDED FOR THE CONSTRUCTION OF THE MIAMI INTERMODAL CENTER (MIC)/EARLINGTON HEIGHTS CONNECTOR, A 2.4 MILE CORRIDOR LINKING THE MIC TO THE EARLINGTON HEIGHTS METRORAIL STATION LOCATED AT STATE ROAD (SR) 112 AND NW 22 AVENUE, IN MIAMI-DADE COUNTY, FLORIDA

WHEREAS, this Board by Resolution No. R-825-06 dated July 6, 2006, previously declared the acquisition of land needed for the construction of the Miami Intermodal Center (MIC)/Earlington Heights Connector, a 2.4 mile corridor linking the MIC to the Earlington Heights Metrorail Station located at State Road (SR) 112 and NW 22 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 the parcel 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 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 Jose "Pepe" Diaz, who moved its adoption. The motion was seconded by Commissioner Rebeca Sosa and upon being put to a vote, the vote was as follows:

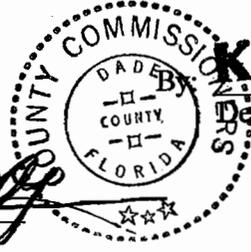
	Bruno A. Barreiro, Chairman	aye		
	Barbara J. Jordan, Vice-Chairwoman	absent		
Jose "Pepe" Diaz	aye	Audrey M. Edmonson	aye	
Carlos A. Gimenez	aye	Sally A. Heyman	aye	
Joe A. Martinez	aye	Dennis C. Moss	aye	
Dorrin D. Rolle	aye	Natacha Seijas	aye	
Katy Sorenson	aye	Rebeca Sosa	aye	
Sen. Javier D. Souto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

The Chairperson thereupon declared the resolution duly passed and adopted this 6th day of November, 2007. This resolution shall become effective as follows: (1) 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, and (2) either i) the Citizens' Independent Transportation Trust (CITT) has approved same, or ii) in response to the CITT's disapproval, the County Commission reaffirms its award by two-thirds (2/3) vote of the Commission's membership and such reaffirmation becomes final.

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

LAND ACQUISITION SUMMARY SHEET

PROJECT LOCATION: Miami Intermodal Center (MIC)/Earlington Heights Connector, a 2.4 mile corridor linking the MIC to the Earlington Heights Metrorail Station located at State Road (SR) 112 and NW 22 Avenue in Miami-Dade County, Florida

APPRAISERS: Edward N. Parker, M.A.I.

PARCEL NUMBER: 129

OWNERSHIP INTEREST: Jack K. Thomas, Jr., as Trustee

PARCEL AREA ACQUIRED: 21,262 sq.ft (Fee) – 59,243 (Temporary Construction Easement for a period of four years.)

COUNTY'S INITIAL ESTIMATE OF VALUE: \$2,120,000.00 (June 13, 2006)
(Edward N. Parker)

COUNTY'S UPDATED VALUE: \$2,550,000.00 (August 20, 2007)
(Edward N. Parker)

OWNERS' APPRAISAL: \$4,575,800.00

SETTLEMENT AMOUNT: \$3,049,393.00 (See Remarks)

REMARKS: The owner is being represented by the Law Firm of Brigham Moore, LLP. The settlement amount stated above represents full compensation payment for this parcel (fee and easement) broken down as follows: \$691,015.00 for the land taken; \$1,491,266.00 for damages to the remaining land and \$661,615.00 for the four year temporary construction easement. An additional sum of \$200,974.00 represents statutory attorney's fees owed and \$4,523.00 represents expert's fees and reasonable costs. The total settlement figure is, therefore, \$3,049,393.00