

MEMORANDUM

Agenda Item No. 13(A)(3)

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

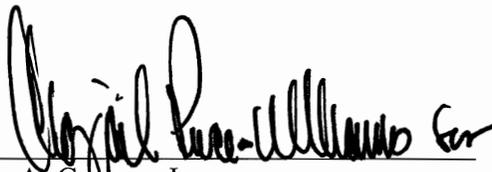
DATE: March 4, 2008

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

SUBJECT: Resolution authorizing
settlement of eminent domain
proceedings relating to the
Intermodal Center (MIC)/
Earlington Heights Connector;
trade fixtures

Resolution No. R-278-08

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



R. A. Cuevas, Jr.
County Attorney

RAC/bw



MEMORANDUM

(Revised)

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R. A. Cuevas, Jr.
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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)(3)

3-4-08

RESOLUTION NO. **R-278-08**

RESOLUTION AUTHORIZING CERTAIN SETTLEMENT IN COUNTY EMINENT DOMAIN PROCEEDINGS BY COUNTY ATTORNEY IN CONNECTION WITH THE ACQUISITION OF TRADE FIXTURES LOCATED ON LAND NEEDED FOR THE RIGHT-OF-WAY 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 right-of-way 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, this Board by Resolution No. R-1267-07 dated December 4, 2007, authorized a settlement in County eminent domain proceedings in connection with the acquisition of Parcel No. 198 for the construction of Miami Intermodal Center (MIC) Earlington Heights Extension of the Metrorail excluding tenant trade fixtures; and

WHEREAS, tenants Leira Service, 2515 N.W. 38th Court, Beyond Details, 2517 N.W. 38th Court and Forward Euros, 2525 N.W. 38th Court, have offered to settle their claim totaling \$116,160.00 for trade fixtures for \$74,509.00, and requested an extension of time to vacate the property until April 30, 2008; and

WHEREAS, the County Attorney hereby recommends the settlement amount of \$74,509.00 for all trade fixtures of the tenants listed above, together with a statutory attorney's fee of \$18,808.00 and expert's fees and costs of \$5,500.00, as well as providing an extension of possession until April 30, 2008,

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 all claims of the tenants of Parcel No. 198 filed against the County in eminent domain proceedings for said parcel and for substantially the total amount of \$98,817.00, inclusive of all trade fixtures, attorney's fee and expert's fees and costs, as well as extending the possession of the tenants in the leased properties until April 30, 2008.

The foregoing resolution was offered by Commissioner **Joe A. Martinez**, who moved its adoption. The motion was seconded by Commissioner **Sally A. Heyman** 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 aye
Joe A. Martinez	aye	Dennis C. Moss aye
Dorrin D. Rolle	aye	Natacha Seijas aye
Katy Sorenson	absent	Rebeca Sosa aye
Sen. Javier D. Souto	aye	

The Chairperson thereupon declared the resolution duly passed and adopted this 4th day of April, 2008. 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

By: **Kay Sullivan**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency. 

Thomas Goldstein