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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

Agenda Item No. 13(A)(2)

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

DATE: June 17, 2008

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

SUBJECT: Resolution authorizing the certain settlements in eminent domain proceedings by County Attorney in connection with the acquisition of land for the right-of-way needed for improvements of W. 137 Avenue

Resolution No. R-714-08

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

R. A. Cuevas, Jr.
County Attorney

RAC/jls

MEMORANDUM
(Revised)

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

DATE: June 17, 2008

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**

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Approved _____ Mayor
Veto _____
Override _____

Agenda Item No.13(A)(2)
6-17-08

RESOLUTION NO. **R-714-08**

RESOLUTION AUTHORIZING CERTAIN SETTLEMENTS IN COUNTY EMINENT DOMAIN PROCEEDINGS BY COUNTY ATTORNEY IN THE AMOUNTS OF $15,657.30 (PARCEL NO. 6); $15,657.30 (PARCEL NO. 7); $22,277.80 (PARCEL NO. 8); and $9,973.20 (PARCEL NO. 14) 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 **Jose "Pepe" Diaz**, who moved its adoption. The motion was seconded by Commissioner **Katy Sorenson** 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	**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 17th day of June, 2008. 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.

Debra Herman

LAND ACQUISITION SUMMARY SHEET
PARCEL NO. 6

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:	6
OWNERSHIP INTEREST:	Marisa Group Warehouses, Inc., a Florida Corporation
PARCEL AREA ACQUIRED:	Parcel No. 6 (Fee) 2,082 sq. ft.
COUNTY APPRAISAL:	$8,350.00 (land) J. Mark Quinlivan, MAI
ATTORNEY'S FEES AND COSTS:	See Comments
SETTLEMENT AMOUNT:	The settlement amount for this parcel is **$15,657.30.** (See Comments)
OWNER(s) APPRAISAL:	$13,533.00 (land) Bertelle & Associates, Inc.
EXPOSURE TO COUNTY:	$5,183.00
COMMENTS:	The owner of this parcel is represented by the law firm of John C. Lukacs, P.A. The settlement amount stated above represents the full compensation for this parcel and includes $10,410.00 for the parcel taken, plus statutory attorney's fees of $2,247.30 and costs of $3,000.00, for a total settlement of **$15,657.30.**

LAND ACQUISITION SUMMARY SHEET
PARCEL NO. 7

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:	7
OWNERSHIP INTEREST:	Persant Construction Company, Inc., A Florida corporation
PARCEL AREA ACQUIRED:	Parcel No. 7 (Fee) 2,082 sq. ft.
COUNTY APPRAISAL:	$8,350.00 (land) J. Mark Quinlivan, MAI
ATTORNEYS' FEES AND COSTS	See Comments.
SETTLEMENT AMOUNT:	The settlement amount for this parcel is **$15,657.30.** (See Comments)
OWNER(s) APPRAISAL:	$13,533.00 (land) Bertelle & Associates, Inc.
EXPOSURE TO COUNTY:	$5,183.00
COMMENTS:	The owner of this parcel is represented by the law firm of John C. Lukacs, P.A. The settlement amount stated above represents the full compensation for this parcel and includes $10,410.00 for the parcel taken, plus statutory attorney's fees of $2,247.30 and costs of $3,000.00, for a total settlement of **$15,657.30**.

LAND ACQUISITION SUMMARY SHEET
PARCEL NO. 8

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:	8
OWNERSHIP INTEREST:	Lillian C. Mendoza, or the Estate of Lillian C. Mendoza, if deceased, Jose A. G. Mendoza, or the Estate of Jose A.G. Mendoza, if deceased, Fernando Mendoza a/k/a Fernando G. Mendoza, Jr., as Trustee of the Fernando G. Mendoza, Jr., Revocable Trust dated 4/22/97; Laura M. Gabriel, as Successor Trustee of the Fernando G. Mendoza, Jr. Revocable Trust dated 4/22/97; and Fernando G. Mendoza, III, as Successor Trustee of the Fernando G. Mendoza,Jr. Revocable Trust Dated 4/22/97
PARCEL AREA ACQUIRED:	Parcel No. 8 (Fee) 3,124 sq. ft.
COUNTY APPRAISAL:	$11,660.00 (land) J. Mark Quinlivan, MAI
ATTORNEY'S FEES AND COSTS:	See Comments.
SETTLEMENT AMOUNT:	The settlement amount for this parcel is **$22,277.80.** (See Comments)
OWNER(s) APPRAISAL:	$20,306.00 (Land) Bertelle & Associates, Inc.
EXPOSURE TO COUNTY:	$8,646.00
COMMENTS:	The owner of this parcel is represented by the law firm of John C. Lukacs, P.A. The settlement amount stated above represents the full compensation for this parcel and includes $15,760.00 for the parcel taken, plus statutory attorney's fees of $3,517.80, and costs of $3,000.00, for a total settlement of **$22,277.80**.

LAND ACQUISITION SUMMARY SHEET
PARCEL NO. 14

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:	14
OWNERSHIP INTEREST:	Persant Construction Company, Inc., a Florida corporation and The Old Yard at 137th Avenue, Inc., a Florida corporation
PARCEL AREA ACQUIRED:	Parcel No. 14 (Fee) 1, 410 sq. ft.
COUNTY APPRAISAL:	$3,665.00 (Land) J. Mark Quinlivan, MAI
ATTORNEY'S FEES AND COSTS:	See Comments
SETTLEMENT AMOUNT:	The settlement amount for this parcel is **$9,973.20**. (See Comments)
OWNER(s) APPRAISAL:	Bertelle & Associates, Inc. $7,755.00 (Land)
EXPOSURE TO COUNTY:	$4,090.00
COMMENTS:	The owner of this parcel is represented by the law firm of John C. Lukacs, P.A. The settlement amount stated above represents the full compensation for this parcel and includes $5,640.00 for the parcel taken, plus statutory attorney's fees of $1,333.20 and costs of $3,000.00, for a total settlement of **$9,973.20**.