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

MEMORANDUM

Agenda Item No. 13(A)(1)

TO: Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

DATE: March 16, 2010

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

SUBJECT: Resolution authorizing certain settlement in County eminent domain proceedings by County Attorney in the amount of $45,247.62 in connection with the acquisition of land for the right-of-away needed for improvements to the NW 72nd Avenue from NW 74th Street to Okeechobee Road, State Road No. 25 in Miami-Dade County, Florida

Resolution No. R-319-10

The accompanying resolution was prepared and placed on the agenda at the request of the County Attorney.

R. A. Cuevas, Jr.
County Attorney

RAC/up

MEMORANDUM
(Revised)

TO: Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

DATE: March 16, 2010

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

SUBJECT: Agenda Item No. 13(A)(1)

Please note any items checked.

_____ **"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**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

✓ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous _____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 13(A)(1)
3-16-10

RESOLUTION NO. R-319-10

RESOLUTION AUTHORIZING CERTAIN SETTLEMENT IN COUNTY EMINENT DOMAIN PROCEEDINGS BY COUNTY ATTORNEY IN THE AMOUNT OF $45,247.62 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-DADE 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 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 **Barbara J. Jordan**, who moved its adoption. The motion was seconded by Commissioner **Audrey M. Edmonson** and upon being put to a vote, the vote was as follows:

Dennis C. Moss, Chairman **aye**
Jose "Pepe" Diaz, Vice-Chairman **aye**

Bruno A. Barreiro	**aye**	Audrey M. Edmonson	**aye**
Carlos A. Gimenez	**aye**	Sally A. Heyman	**aye**
Barbara J. Jordan	**aye**	Joe A. Martinez	**absent**
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 16th day of March, 2010. 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: **DIANE COLLINS**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Debra Herman

LAND ACQUISITION SUMMARY SHEET
PARCEL NO. 10

PROJECT LOCATION:	Widening and improvement of NW 72nd Avenue from NW 74th Street to Okeechobee Road, State Road No. 25 in Miami-Dade County, Florida
PARCEL NUMBER:	10
OWNERSHIP INTEREST:	XLT Investment, Inc.
PARCEL AREA ACQUIRED:	Parcel No. 10 (Fee) 2,801 sq. ft.
COUNTY APPRAISAL:	$36,200.00 (land and improvments) J. Mark Quinlivan, MAI
ATTORNEY'S FEES AND COSTS:	See Comments
SETTLEMENT AMOUNT:	The total settlement amount for this parcel is **$45,247.62.** (See Comments below – this amount also includes attorneys' fees)
OWNER'S APPRAISAL:	$185,000 (land, cure costs, and damages) Jesse B. Vance, Jr., MAI
EXPOSURE TO COUNTY:	$148,800.00 (Difference between owner's appraisal of $185,000 and County appraisal of $36,200)
COMMENTS:	The owner of this parcel is represented by the law firm of Brigham Moore LLP. The settlement amount stated above represents the full compensation for this parcel and includes $41,514.00 for the parcel taken, plus statutory attorney's fees of $3,733.62, for a total settlement of **$45,247.62.**

5