

MEMORANDUM

Agenda Item No. 13(A)(2)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: July 19, 2011

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

SUBJECT: Resolution authorizing certain
settlement in the amount of
\$525,000 in County eminent
domain proceedings for the
right-of-way needed for
construction of the Miami
Intermodal Center Earlington
Heights Extension of the
Metrorail in Miami-Dade
County
Resolution No. R-628-11

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 Joe A. Martinez
and Members, Board of County Commissioners

DATE: July 19, 2011

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

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

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)(2)
7-19-11

RESOLUTION NO. R-628-11

RESOLUTION AUTHORIZING CERTAIN SETTLEMENT IN THE AMOUNT OF \$525,000.00 IN COUNTY EMINENT DOMAIN PROCEEDINGS BY COUNTY ATTORNEY IN CONNECTION WITH THE ACQUISITION OF LAND FOR THE RIGHT-OF-WAY NEEDED FOR THE CONSTRUCTION OF THE MIAMI INTERMODAL CENTER (MIC) EARLINGTON HEIGHTS EXTENSION OF THE METRORAIL IN MIAMI-DADE COUNTY, FLORIDA AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS

WHEREAS, this Board by Resolution No. R-825-06 dated July 6, 2006 previously declared the acquisition of land for the right-of-way needed for construction of the Miami Intermodal Center (MIC) Earlington Heights Extension, a 2.4 Mile corridor linking the MIC to the Metrorail Corridor from the MIC to the Earlington Heights Metrorail Station located at State Road (SR) 112 and N.W. 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 Parcel No. 170, as set forth in the attached land acquisition summary sheet, has offered to settle for the figure specified therein, inclusive of attorney's fees and expert costs; 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 claims against

the County in eminent domain proceedings for Parcel 170 for substantially the terms and the amount specified in the attached land acquisition summary sheet; and authorizes use of Charter County Transportation Surtax Funds.

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:

	Joe A. Martinez, Chairman		aye
	Audrey M. Edmonson, Vice Chairwoman		absent
Bruno A. Barreiro	absent	Lynda Bell	absent
Esteban L. Bovo, Jr.	absent	Jose "Pepe" Diaz	aye
Sally A. Heyman	absent	Barbara J. Jordan	aye
Jean Monestime	aye	Dennis C. Moss	absent
Rebeca Sosa	aye	Sen. Javier D. Souto	aye
Xavier L. Suarez	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 19th day of July, 2011. 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: **Christopher Agrippa**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Debra Herman

LAND ACQUISITION SUMMARY SHEET

PROJECT LOCATION: Construction of the Miami Intermodal Center (MIC) Earlington Heights Connector, a 2.4 mile corridor linking the MIC to the Metrorail Corridor from the MIC to the Earlington Heights Metrorail Station located at State Road (SR) 112 and N.W. 22nd Avenue in Miami-Dade County, Florida.

PARCEL NUMBER AND AREA ACQUIRED: Parcel No. 170 (Fee Simple)
8,532 sq.ft. –Area Acquired.

OWNERSHIP INTEREST: Simkins Properties, Inc., a Florida corporation.

COUNTY’S APPRAISAL AND DAMAGES: \$341,000.00 - Andrew Magenheimer, M.A.I.
(See Comments)

ATTORNEYS’ FEES AND COSTS See Comments.

SETTLEMENT AMOUNT: The total settlement amount is \$525,000.00
(See Comments below – this amount includes statutory attorneys’ fees and expert costs).

OWNER’S APPRAISAL AND DAMAGES: \$906,400.00 – Heyward Cantrell, M.A.I.

EXPOSURE TO COUNTY: \$565,300.00 - (Difference between owner’s appraisal/damages and County’s appraisal/damages).

COMMENTS: The settlement amount of \$525,000.00 represents full compensation in the amount of \$421,000.00 for the parcel taken, \$33,330.00 for statutory attorney’s fees and \$70,670.00 in expert fees and costs. The County’s appraiser, Andrew Maggenheimer, has reviewed the appraisals and issued an update approving \$421,000 as within the range of comparable lands sales within his appraisal. The owner of this parcel is represented by the law firm of Holland & Knight, LLP.



Memorandum

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: Charles Scurr, Executive Director *Charles Scurr*

Date: July 6, 2011

Re: RESOLUTION BY THE CITIZENS' INDEPENDENT TRANSPORTATION TRUST (CITT) RECOMMENDING TO THE BOARD OF COUNTY COMMISSIONERS (BCC), THE APPROVAL OF CERTAIN SETTLEMENT IN THE AMOUNT OF \$525,000.00 IN COUNTY EMINENT DOMAIN PROCEEDINGS BY COUNTY ATTORNEY IN CONNECTION WITH THE ACQUISITION OF LAND FOR THE RIGHT-OF-WAY NEEDED FOR THE CONSTRUCTION OF THE MIAMI INTERMODAL CENTER (MIC) EARLINGTON HEIGHTS EXTENSION OF THE METRORAIL IN MIAMI-DADE COUNTY, FLORIDA AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS (CAO)

On July 6, 2011, the CITT voted (7-0) to forward a favorable recommendation to the Board of County Commissioners (BCC) for the approval of the above referenced item, CITT Resolution No. 11-048. The vote was as follows:

Hon. Linda Zilber, Chairperson – Aye
Paul J. Schwiep, Esq., 1st Vice Chairperson – Absent
Hon. Anna E. Ward, Ph.D., 2nd Vice Chairperson – Aye

Christopher Benjamin, Esq. – Absent
David Concepcion – Absent
Glenn J. Downing, CFP® – Aye
Alfred J. Holzman – Aye
Hon. James A. Reeder – Aye

Harold Braynon, Jr. – Absent
Joseph Curbelo – Absent
Peter L. Forrest – Aye
Miles E. Moss, P.E. – Aye
Marilyn Smith – Absent

cc: Ysela Llort, Assistant County Manager
Bruce Libhaber, Assistant County Attorney