

## MEMORANDUM

Agenda Item No. 13(A)(1)

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

**DATE:** December 6, 2011

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

**SUBJECT:** Resolution authorizing certain  
settlement in the amount of  
\$20,978.50 in County eminent  
domain proceedings for the  
right-of-way needed for  
improvements to SW 27  
Avenue from US1 to South  
Bayshore Drive

Resolution R-1099-11

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



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R. A. Cuevas, Jr.  
County Attorney

RAC/up

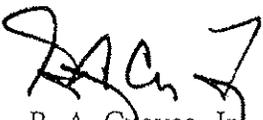


# MEMORANDUM

(Revised)

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

**DATE:** December 6, 2011

**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)  
12-6-11

RESOLUTION NO. R-1099-11

RESOLUTION AUTHORIZING CERTAIN SETTLEMENT IN THE AMOUNT OF \$20,978.50 IN COUNTY EMINENT DOMAIN PROCEEDINGS BY COUNTY ATTORNEY IN CONNECTION WITH THE ACQUISITION OF LAND FOR THE RIGHT-OF-WAY NEEDED FOR IMPROVEMENTS TO SW 27 AVENUE FROM US 1 TO SOUTH BAYSHORE DRIVE AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS

**WHEREAS**, this Board by Resolution No. R-239-10 dated March 2, 2010 previously declared the acquisition of land for the right-of-way needed for the expansion, beautification, and right-of-way improvements to SW 27<sup>th</sup> Avenue from US 1 to South Bayshore Drive 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 and tenant of Parcel 21, as set forth in the attached land acquisition summary sheet, have offered to settle for the figures specified therein; and

**WHEREAS**, this project is being funded by the use of Charter County Transportation Surtax Funds, and this settlement thus must be submitted for the review and recommendation of the Citizens Independent Transportation Trust; and

**WHEREAS**, the County Attorney hereby recommends the settlement amounts 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:**

Section 1. This Board ratifies and adopts the matters set forth in the foregoing recitals, and

Section 2. This Board authorizes the County Attorney to compromise and settle on behalf of the County all claims against the County in eminent domain proceedings for Parcel 21 on the terms and in the amounts specified in the attached land acquisition summary sheet, and authorizes the use of Charter County Transportation Surtax Funds.

The foregoing resolution was offered by Commissioner **José "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	aye		
Bruno A. Barreiro	aye	Lynda Bell	aye
Esteban L. Bovo, Jr.	aye	Jose "Pepe" Diaz	aye
Sally A. Heyman	aye	Barbara J. Jordan	aye
Jean Monestime	aye	Dennis C. Moss	aye
Rebeca Sosa	aye	Sen. Javier D. Souto	aye
Xavier L. Suarez	absent		

The Chairperson thereupon declared the resolution duly passed and adopted this 6<sup>th</sup> day of December, 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:** Roadway expansion, beautification, and right-of way improvements to SW 27<sup>th</sup> Avenue from US 1 to South Bayshore Drive in Miami-Dade County, Florida

**PARCEL NUMBER AND AREA ACQUIRED:** Parcel No. 21  
(sf permanent easement)

**OWNERSHIP INTEREST:** Neil Rollnick, Trustee a/k/a Neil Steven Rollnick, Trustee (owner)  
Burger King Corp. (tenant)

**COUNTY'S APPRAISAL AND DAMAGES:** \$10,000.00 (permanent easement)  
Robert Gallaher, MAI

**ATTORNEYS' FEES AND COSTS** See Comments

**SETTLEMENT AMOUNT:** The total settlement amount is \$20,978.50.  
(See Comments below – this amount also includes attorneys' fees and expert costs for the owner and the tenant for Parcel 21)

**COMMENTS:** The settlement amount of \$20,978.50 represents full compensation for this parcel, and includes \$10,000.00 for the property acquired, \$4,366.00 for statutory attorneys' fees and \$6,612.50 for the property owner's expert costs. The landowner is represented by the law firm of Brigham Moore, P.A. and the tenant is represented by the law firm of Gaylord Merlin.

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Memorandum



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

From: *for Marlene Amaro*  
Charles Scurr, Executive Director

Date: November 22, 2011

Re: **CITT AGENDA ITEM 5L:**  
RESOLUTION BY THE CITIZENS' INDEPENDENT TRANSPORTATION TRUST (CITT) RECOMMENDING TO THE BOARD OF COUNTY COMMISSIONERS (BCC), THE AUTHORIZATION OF A CERTAIN SETTLEMENT IN THE AMOUNT OF \$20,978.50 IN COUNTY EMINENT DOMAIN PROCEEDINGS BY COUNTY ATTORNEY IN CONNECTION WITH THE ACQUISITION OF PARCEL 21, FOR RIGHT-OF-WAY NEEDED FOR THE PEOPLE'S TRANSPORTATION PLAN (PTP) PROJECT ENTITLED, ROADWAY EXPANSION AND IMPROVEMENTS TO SW 27 AVENUE, FROM US 1 TO SOUTH BAYSHORE DRIVE; AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS (PWWMD – BCC Legislative File No. )

On November 17, 2011, the CITT voted (10-0) to forward a favorable recommendation to the Board of County Commissioners (BCC) for the approval of the above referenced item, CITT Resolution No. 11-081. The vote was as follows:

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

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

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

cc: Alina Hudak, Deputy Mayor/County Manager  
Bruce Libhaber, Assistant County Attorney  
Alexander Bokor, Assistant County Attorney