

MEMORANDUM

Agenda Item No. 13(A)(2)

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 \$67,000.00 in
County eminent domain
proceedings for the right-of-
way needed for improvements
to SW 27 Avenue from US 1
to South Bayshore Drive

Resolution R-1100-11

The accompanying resolution was prepared and placed on the agenda by the County Attorney's Office.



R. A. Cuevas, Jr.
County Attorney

RAC/jls



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) (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

Agenda Item No. 13(A)(2)

Veto _____

12-6-11

Override _____

RESOLUTION NO. R-1100-11

RESOLUTION AUTHORIZING CERTAIN SETTLEMENT IN THE AMOUNT OF \$67,000.00 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-1203-08 dated November 20, 2008 previously declared the acquisition of land for the right-of-way needed for the expansion, beautification, and right-of-way improvements to SW 27th Avenue from US I 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 of Parcel 26, as set forth in the attached land acquisition summary sheet, has offered to settle for the figure specified therein; and

WHEREAS, the owner of Parcel 26 has asserted an ownership interest in the property described in Exhibit "A" hereto, which is incorporated into Petitioner's current construction plans, and such owner has agreed to waive any claim thereto and to convey its purported interest therein (as disputed by the County), at no additional cost to the County; 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 26 on the terms and in the amount specified in the attached land acquisition summary sheet, and authorizes the use of Charter County Transportation Surtax Funds, and

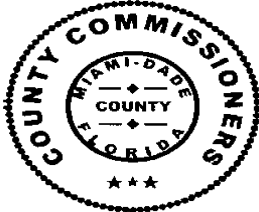
Section 3. Pursuant to Resolution No. R-974-09, the Board directs the County Mayor or the County Mayor's designee to record any instrument of conveyance accepted herein in the Public Records of Miami-Dade County, Florida; and to provide a recorded copy of the instrument to the Clerk of the Board within thirty (30) days of execution of said instrument; and directs the Clerk of the Board to attach and permanently store a recorded copy together with this resolution.

The foregoing resolution was offered by Commissioner **Dennis C. Moss**, who moved its adoption. The motion was seconded by Commissioner **Barbara J. Jordan** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 6th 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 27th Avenue from US 1 to South Bayshore Drive in Miami-Dade County, Florida

PARCEL NUMBER AND PROPERTY ACQUIRED: Parcel No. 26 (land and improvements) and any property interest claimed by Owner in the property described in Exhibit A.

OWNERSHIP INTEREST: Miami Living Limited Partnership, a Florida limited partnership

COUNTY'S APPRAISAL AND DAMAGES: \$51,000.00 (fee simple land and improvements) Robert Gallaher, MAI (including updated costs to cure the property by County's expert architect land planner, Carlos Marin, in the additional amount of \$15,000)

OWNER'S APPRAISAL AND DAMAGES: \$77,000.00 Chris Mafera, MAI

ATTORNEYS' FEES AND COSTS See Comments

SETTLEMENT AMOUNT: The total settlement amount is \$67,000.00. (See Comments below - this amount also includes attorneys' fees and expert costs for Parcel 26 for the owner)

EXPOSURE TO COUNTY: \$26,000 (The difference between the owner's appraisal and the County's appraisal).

COMMENTS: The settlement amount of \$67,000.00 represents full compensation for the land acquired, and includes \$51,000 for the property acquired, \$10,500.00 for statutory attorneys' fees and \$5,500.00 for the property owner's expert costs. The landowner is represented by the law firm of Ruden McClosky, PA

EXHIBIT "A"

Legal description of additional land in which owner has asserted an ownership interest, as disputed by the County:

The East 15 feet of Lot 1 in Block 2 of PALM TERRACE, according to the plat thereof recorded in Plat Book 34, Page 47 of the Public Records of Miami-Dade County, Florida, previously conveyed to the Public by Deed of Dedication dated May 12, 1925 recorded in Deed Book 722 at Page 70, and LESS the West 10 feet of the East 25 feet thereof, previously conveyed to the public by Warranty Deed dated May 09, 1990 recorded in Official Records Book 14904 at Page 3198 of the Public Records of Miami-Dade County, Florida.



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 5M:**
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 \$67,000.00 IN COUNTY EMINENT DOMAIN PROCEEDINGS BY COUNTY ATTORNEY IN CONNECTION WITH THE ACQUISITION OF PARCEL 26, 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. 11-082. 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	Harold Braynon, Jr. – Aye
David Concepcion – Absent	Joseph Curbelo – Aye
Glenn J. Downing, CFP® – Aye	Peter L. Forrest – Aye
Alfred J. Holzman – Aye	Miles E. Moss, P.E. – Aye
Hon. James A. Reeder – Aye	Marilyn Smith – Absent

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