

MEMORANDUM

Agenda Item No. 13(A)(6)

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 \$370,000.00 in
County eminent domain
proceedings for the right-of-
way needed for improvements
to 87 Avenue from NW 154
Street to NW 186 Street

Resolution R-1104-11

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)(6)

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)(6)

Veto _____

12-6-11

Override _____

RESOLUTION NO. R-1104-11

RESOLUTION AUTHORIZING CERTAIN SETTLEMENT IN COUNTY EMINENT DOMAIN PROCEEDINGS BY COUNTY ATTORNEY IN THE AMOUNT OF \$370,000.00 IN CONNECTION WITH THE ACQUISITION OF LAND FOR THE RIGHT-OF-WAY NEEDED FOR IMPROVEMENTS TO 87th AVENUE FROM NW 154th STREET TO NW 186th STREET IN MIAMI COUNTY, FLORIDA AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS

WHEREAS, this Board by Resolution No. R-832-07 dated July 10, 2007, previously declared the acquisition of land for the right-of-way needed for improvements to 87th Avenue from 154th Street to NW 186th 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 owners of the parcels of land set forth in the attached land acquisition summary sheet have offered to settle for the payment and upon the terms 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 attached hereto and made a part hereof; and authorizes use of Charter County Transportation Surtax Funds.

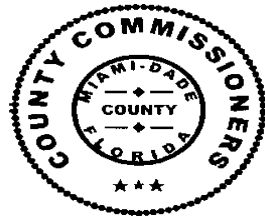
The foregoing resolution was offered by Commissioner **Dennis C. Moss**,
who moved its adoption. The motion was seconded by Commissioner **Barbara J. Jordan**
and upon being put to a vote, the vote was as follows:

	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

COUNTY PARCELS 10 and 10A

PROJECT LOCATION: Construction of 87th Avenue from NW 154th Street to NW 186th Street in Miami-Dade County, Florida

PROPERTY LOCATION Extending from corner of NW 181st Street to NW 186th Street and 87th Avenue in Miami-Dade County

PARCELS TO BE ACQUIRED: 10 and 10A

OWNERSHIP INTEREST: The Genet Family Limited Partnership, No. 1
The Genet Family Limited Partnership, No. 2

PARCEL AREAS TO BE ACQUIRED: Parcels 10 and 10A – 36,793 square feet

COUNTY APPRAISALS:
Original – (as of 2007) Parcels 10 and 10A - \$550,000.00
Andrew Magenheimer, MAI

(UPDATED – as of 2011) Parcels 10 and 10A - \$370,000
Andrew Magenheimer, MAI

SETTLEMENT AMOUNT: \$370,000.00
(the current appraised amount)

COMMENTS: This is a “slow take,” with transfer of title and compensation occurring on the date of settlement. The parcels to be acquired in this matter are necessary for the construction and expansion of 87th Avenue. This settlement is exclusive of attorneys’ fees and costs.



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 7B:**
RESOLUTION AUTHORIZING CERTAIN SETTLEMENT IN THE AMOUNT OF \$370,000.00 IN COUNTY EMINENT DOMAIN PROCEEDINGS BY COUNTY ATTORNEY IN THE ACQUISITION OF PARCELS 10 AND 10A FOR THE RIGHT-OF-WAY NEEDED FOR IMPROVEMENTS TO NW 87 AVENUE FROM NW 154 STREET TO NW 186 STREET AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS (CAO – 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. 11-085. 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