



MEMORANDUM

Agenda Item No. 13(A)(1)

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

DATE: January 24, 2012

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

SUBJECT: Resolution authorizing certain
settlement in the amount of
\$160,006.25 in County eminent
domain proceeding for parcel 100B

Resolution No. R-84-12

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

A handwritten signature in black ink, appearing to read "RAC", is written over a horizontal line.

R. A. Cuevas, Jr.
County Attorney

RAC/cp

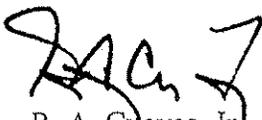


MEMORANDUM

(Revised)

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

DATE: January 24, 2012

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

Agenda Item No. 13(A)(1)

Veto _____

1-24-12

Override _____

RESOLUTION NO. R-84-12

RESOLUTION AUTHORIZING CERTAIN SETTLEMENT IN THE AMOUNT OF \$160,006.25 IN COUNTY EMINENT DOMAIN PROCEEDINGS BY COUNTY ATTORNEY IN CONNECTION WITH THE ACQUISITION OF LAND FOR THE CONSTRUCTION OF A NEW PARK AND RIDE FACILITY ADJACENT TO THE NORTH SIDE OF PALM AVENUE BETWEEN NORTHWEST 2ND AVENUE AND NW 3RD AVENUE IN FLORIDA CITY AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS

WHEREAS, this Board by Resolution No. R-671-10 dated June 15, 2010 previously declared the acquisition of land for the construction of a new park and ride facility, located at the southern terminus of the busway extension to Florida City, adjacent to the north side of Palm Avenue (SW 344 Street) between Northwest 2nd Avenue and Northwest 3rd Avenue in Florida City to be a public necessity, and authorized the acquisition of land therefor by eminent domain proceedings; and

WHEREAS, the owner of Parcel 100B, as set forth in the attached land acquisition summary sheet, has offered to settle for the figure 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 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:

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 100B 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.

The foregoing resolution was offered by Commissioner **Dennis C. Moss**, who moved its adoption. The motion was seconded by Commissioner **Sally A. Heyman** 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.	aye	Jose "Pepe" Diaz	aye
Sally A. Heyman	aye	Barbara J. Jordan	aye
Jean Monestime	aye	Dennis C. Moss	aye
Rebeca Sosa	nay	Sen. Javier D. Souto	aye
Xavier L. Suarez	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 24th day of January, 2012. 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.

A handwritten signature in black ink, appearing to be "DH", is written over the text of the County Attorney's approval.

Debra Herman

5

LAND ACQUISITION SUMMARY SHEET

PROJECT LOCATION: Construction of a new park and ride facility located at the southern terminus of the busway extension to Florida City, adjacent to the north side of Palm Avenue (SW 344th Street) between Northwest 2nd Avenue and Northwest 3rd avenue in Florida City

PARCEL NUMBER AND AREA ACQUIRED: Parcel No. 100B (Fee Simple) 12,507 square feet.

OWNERSHIP INTEREST: Sigma LLC, a Florida Limited Liability Company

COUNTY'S APPRAISAL AND DAMAGES: \$150,000.00
Ed Parker, MAI

ATTORNEYS' FEES AND COSTS See Comments

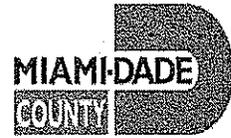
SETTLEMENT AMOUNT: The total settlement amount is \$160,006.25.
(See Comments below – this amount also includes the owner's statutory attorneys' fees and expert costs for Parcel 100B).

COMMENTS: A proposed settlement was reached in the amount stated above. In order for the County to obtain clear title to this parcel, eminent domain proceedings had to be instituted. The settlement amount of \$160,006.25 represents full compensation for the land acquired, and includes \$150,000.00 for Parcel 100B, \$4,006.25 for the owner's statutory expert fees and costs, and \$6,000.00 for the owner's statutory attorney's fees. The owner of this parcel is represented by the law firm of Weiss Serota.

6



Memorandum



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

From: Charles Scurr, Executive Director *Charles Scurr*

Date: January 4, 2012

Re: **CITT AGENDA ITEM 5G:**
RESOLUTION BY THE CITIZENS' INDEPENDENT TRANSPORTATION TRUST (CITT) RECOMMENDING THAT THE BOARD OF COUNTY COMMISSIONERS (BCC), APPROVE A CERTAIN SETTLEMENT IN THE AMOUNT OF \$160,006.25 IN COUNTY EMINENT DOMAIN PROCEEDINGS BY COUNTY ATTORNEY IN CONNECTION WITH THE ACQUISITION OF PARCEL 100B, FOR CONSTRUCTION OF A NEW PARK AND RIDE FACILITY ADJACENT TO THE NORTH SIDE OF PALM AVENUE BETWEEN NORTHWEST 2ND AVENUE AND NW 3RD AVENUE IN FLORIDA CITY; AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS (CAO)

On January 4, 2012, the CITT voted (8-0) to forward a favorable recommendation to the Board of County Commissioners (BCC) for the approval of the above referenced item, CITT Resolution No. 12-007. 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 – Aye

Christopher Benjamin, Esq. – Absent
David Concepcion – Absent
Glenn J. Downing, CFP® – Aye
Alfred J. Holzman – Aye
Marilyn Smith – Absent

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

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

7