

MEMORANDUM

Agenda Item No. 13(A)(2)

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

**DATE:** January 24, 2012

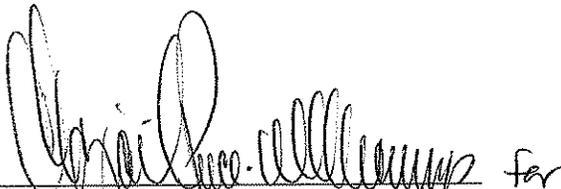
**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Resolution authorizing  
certain settlement in the  
Amount of \$104,900.00 in  
County eminent domain  
proceedings for Parcel 100A

Resolution No. R-85-12

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

  
\_\_\_\_\_  
R. A. Cuevas, Jr.  
County Attorney

RAC/jls

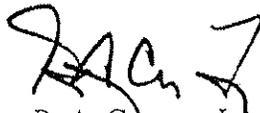


# MEMORANDUM

(Revised)

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

**DATE:** January 24, 2012

**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 \_\_\_\_\_

1-24-12

Override \_\_\_\_\_

RESOLUTION NO. R-85-12

RESOLUTION AUTHORIZING CERTAIN SETTLEMENT IN THE AMOUNT OF \$104,900.00 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 2<sup>ND</sup> AVENUE AND NW 3<sup>RD</sup> AVENUE IN FLORIDA CITY AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS

**WHEREAS**, this Board by Resolution No. R-670-10 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 2<sup>nd</sup> Avenue and Northwest 3<sup>rd</sup> 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 100A, 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 100A 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	<b>nay</b>	
	Audrey M. Edmonson, Vice Chairwoman	<b>aye</b>	
Bruno A. Barreiro	<b>aye</b>	Lynda Bell	<b>aye</b>
Esteban L. Bovo, Jr.	<b>aye</b>	Jose "Pepe" Diaz	<b>aye</b>
Sally A. Heyman	<b>aye</b>	Barbara J. Jordan	<b>aye</b>
Jean Monestime	<b>aye</b>	Dennis C. Moss	<b>aye</b>
Rebeca Sosa	<b>nay</b>	Sen. Javier D. Souto	<b>aye</b>
Xavier L. Suarez	<b>aye</b>		

The Chairperson thereupon declared the resolution duly passed and adopted this 24<sup>th</sup> 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

**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 344<sup>th</sup> Street) between Northwest 2<sup>nd</sup> Avenue and Northwest 3<sup>rd</sup> avenue in Florida City

**PARCEL NUMBER AND AREA ACQUIRED:** Parcel No. 100A (Fee Simple) 14,387 square feet.

**OWNERSHIP INTEREST:** Sigma LLC, a Florida Limited Liability Company

**COUNTY'S APPRAISAL AND DAMAGES:** \$95,000.00  
Ed Parker, MAI

**ATTORNEYS' FEES AND COSTS** See Comments

**SETTLEMENT AMOUNT:** The total settlement amount is \$104,900.00.

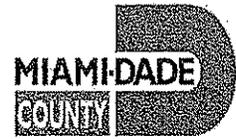
(See Comments below – this amount also includes the owner's statutory attorneys' fees and expert costs for Parcel 100A).

**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 \$104,900.00 represents full compensation for the land acquired, and includes \$95,000.00 for Parcel 100A, \$3,900.00 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

Date: January 4, 2012

Re: **CITT AGENDA ITEM 5F:**

RESOLUTION BY THE CITIZENS' INDEPENDENT TRANSPORTATION TRUST (CITT) RECOMMENDING THAT THE BOARD OF COUNTY COMMISSIONERS (BCC), APPROVE A CERTAIN SETTLEMENT IN THE AMOUNT OF \$104,900.00 IN COUNTY EMINENT DOMAIN PROCEEDINGS BY COUNTY ATTORNEY IN CONNECTION WITH THE ACQUISITION OF PARCEL 100A, FOR CONSTRUCTION OF A NEW PARK AND RIDE FACILITY ADJACENT TO THE NORTH SIDE OF PALM AVENUE BETWEEN NORTHWEST 2<sup>ND</sup> AVENUE AND NW 3<sup>RD</sup> 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. 12-006. 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