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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM Agenda Item No. 13(A)(1)

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

DATE: October 2, 2012

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

SUBJECT: Resolution authorizing certain settlement in the amount of $350,000.00 in County eminent domain proceeding by County Attorney in connection with the acquisition of land for the right-of-way needed for the construction of the Miami Intermodal Center (MIC) Earlington Heights

Resolution No. R-828-12

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

R. A. Cuevas, Jr.
County Attorney

RAC/lmp

MEMORANDUM

(Revised)

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

DATE: October 2, 2012

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

SUBJECT: Agenda Item No.13(A)(1)

Resolution No. R-828-12

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**

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Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 13(A)(1)
10-2-12

RESOLUTION NO. R-828-12

RESOLUTION AUTHORIZING CERTAIN SETTLEMENT IN THE AMOUNT OF $350,000.00 IN COUNTY EMINENT DOMAIN PROCEEDINGS BY COUNTY ATTORNEY IN CONNECTION WITH THE ACQUISITION OF LAND FOR THE RIGHT-OF-WAY NEEDED FOR THE CONSTRUCTION OF THE MIAMI INTERMODAL CENTER (MIC) EARLINGTON HEIGHTS EXTENSION OF THE METRORAIL AUTHORIZING THE ACQUISITION OF AN ADDITIONAL CONTIGUOUS PARCEL OF LAND AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS

WHEREAS, this Board by Resolution No. R-825-06 dated July 6, 2006 previously declared the acquisition of land for the right-of-way needed for construction of the Miami Intermodal Center (MIC) Earlington Heights Connector, a 2.4 Mile corridor linking the MIC to the Metrorail Corridor from the MIC to the Earlington Heights Metrorail Station located at State Road (SR) 112 and N.W. 22 Avenue 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 145, 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 145 also wishes to convey to the County Parcel 145A, an additional small contiguous parcel of land (21 square feet) which is permanently separated from the remainder of the property as a result of the taking and which is legally described in Exhibit A attached hereto; and

WHEREAS, it is beneficial to the safety and security of Metrorail operations to acquire Parcel 145A; 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.

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 145 in the amount specified in the attached land acquisition summary sheet, and authorizes the use of Charter County Transportation Surtax Funds.

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 **Sally A. Heyman**, 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.	**absent**	Jose "Pepe" Diaz	**absent**
Sally A. Heyman	**aye**	Barbara J. Jordan	**aye**
Jean Monestime	**aye**	Dennis C. Moss	**absent**
Rebeca Sosa	**aye**	Sen. Javier D. Souto	**absent**
Xavier L. Suarez	**absent**		

The Chairperson thereupon declared the resolution duly passed and adopted this 2nd day, of October, 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.

Debra Herman

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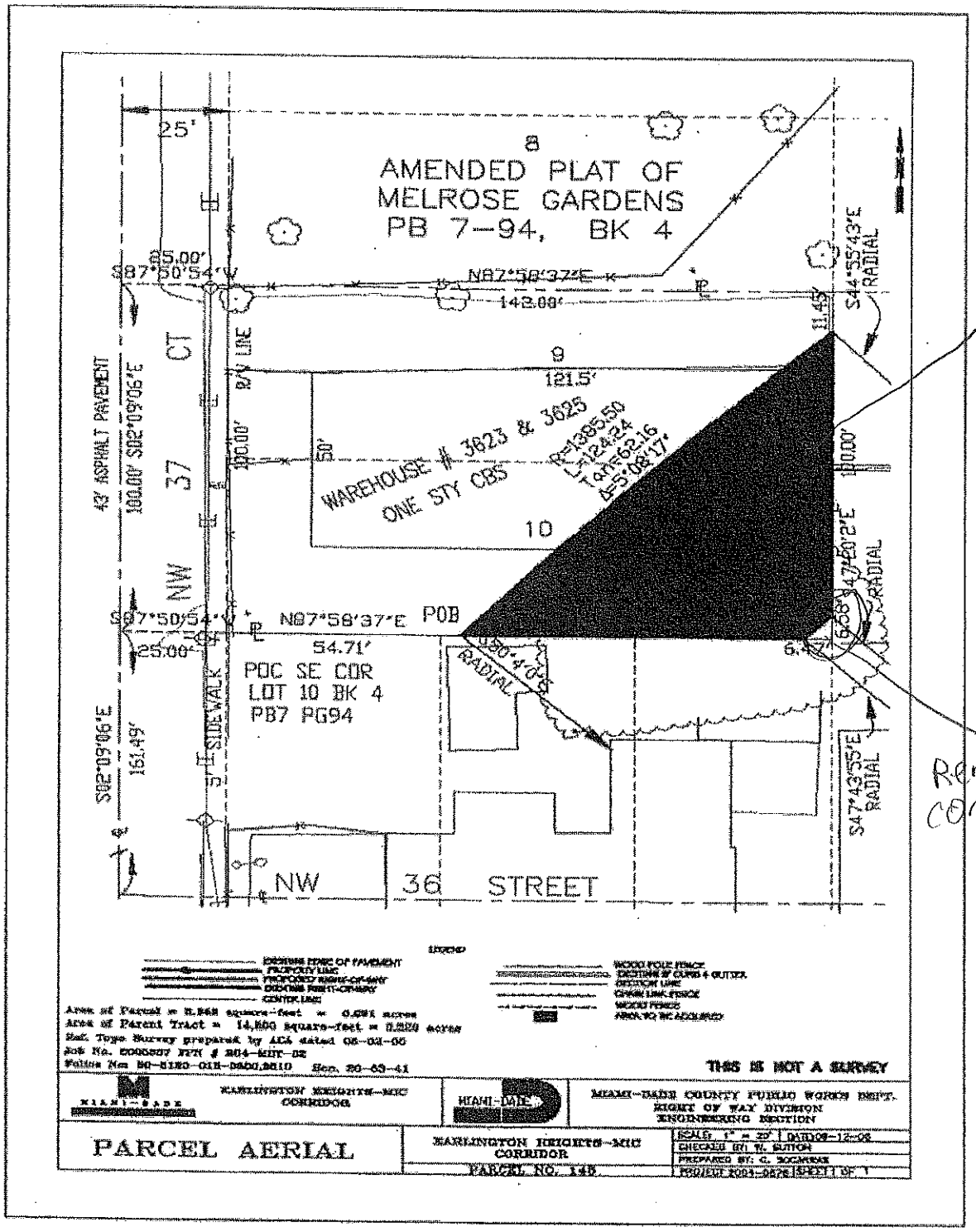
LAND ACQUISITION SUMMARY SHEET

PROJECT LOCATION:	Construction of the Miami Intermodal Center (MIC) Earlington Heights Connector, a 2.4 mile corridor linking the MIC to the Metrorail Corridor from the MIC to the Earlington Heights Metrorail Station located at State Road (SR) 112 and N.W. 22nd Avenue in Miami-Dade County, Florida
PARCEL NUMBER AND PROPERTY ACQUIRED:	Parcel No. 145 (Fee Simple) 3,976 square feet (land and improvements) Parcel No. 145A (Fee Simple) 23 square feet
OWNERSHIP INTEREST:	Leslie and Susan Eisenberg
COUNTY'S APPRAISAL AND DAMAGES:	$318,000 James Riley, ASA
OWNER'S APPRAISAL AND DAMAGES:	$580,000.00 Charles Bertelle, MAI
SETTLEMENT AMOUNT:	The total settlement amount is $350,000.00. (See Comments below – this amount excludes attorneys' fees and expert fees)
EXPOSURE TO COUNTY:	$230,000.00 (Difference between owner's appraisal and County's appraisal)
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 $350,000.00 represents compensation for the land and improvements acquired of Parcel 145, including the additional 21 square feet of Parcel 145A at no cost. The landowner is represented by the law firm of John C. Lukacs, P.A.

Property Sketch



Memorandum

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

From: Charles Scurr, Executive Director

Date: September 19, 2012

Re: **CITT AGENDA ITEM 5K:**
RESOLUTION BY THE CITIZENS' INDEPENDENT TRANSPORTATION TRUST (CITT) RECOMMENDING THAT THE BOARD OF COUNTY COMMISSIONERS (BCC), AUTHORIZE CERTAIN SETTLEMENT IN THE AMOUNT OF **$350,000.00** IN COUNTY EMINENT DOMAIN PROCEEDINGS BY COUNTY ATTORNEY IN CONNECTION WITH THE ACQUISITION OF PARCEL 145 FOR THE RIGHT-OF-WAY NEEDED FOR THE CONSTRUCTION OF THE MIAMI INTERMODAL CENTER (MIC) EARLINGTON HEIGHTS EXTENSION OF THE METRORAIL; AUTHORIZING THE ACQUISITION OF AN ADDITIONAL CONTIGUOUS PARCEL OF LAND AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS **(CAO)**

On September 19, 2012, the CITT voted (9-0) to forward a favorable recommendation to the Board of County Commissioners (BCC) for the approval of the above referenced item, CITT Resolution No. 12-080. The vote was as follows:

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

Christopher Benjamin, Esq. – Absent
Glenn J. Downing, CFP® – Aye
Alfred J. Holzman – Absent
Miles E. Moss, P.E. – Aye
Marilyn Smith – Aye
Joseph Curbelo – Aye
Peter L. Forrest – Aye
Prakash Kumar – Aye
Hon. James A. Reeder – Aye

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

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