

MEMORANDUM

Agenda Item No. 13(A) (3)

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
\$173,370.00 in County eminent
domain proceedings in
connection with the acquisition
of land for the construction of a
new Park and Ride Facility

Resolution No. R-830-12

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



R. A. Cuevas, Jr.
County Attorney

RAC/smm



MEMORANDUM

(Revised)

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

DATE: October 2, 2012

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

A handwritten signature in dark ink, appearing to read "RACJ", is written over the printed name of the County Attorney.

SUBJECT: Agenda Item No.13(A)(3)

Resolution No. R-830-12

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

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 13(A) (3)
10-2-12

RESOLUTION NO. R-830-12

RESOLUTION AUTHORIZING CERTAIN SETTLEMENT IN THE AMOUNT OF \$173,370.00 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 SOUTHWEST 344TH STREET BETWEEN NORTHWEST 2ND AVENUE AND NORTHWEST 3RD AVENUE IN FLORIDA CITY AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS

WHEREAS, this Board by Resolution No. R-673-10 dated June 15, 2010, previously declared the acquisition of land for the right-of-way needed 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 Southwest 344th Street between Northwest 2nd Avenue and Northwest 3rd Avenue in Florida City 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 102A, as set forth in the attached land acquisition summary sheet, has offered to settle for the figures 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 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:

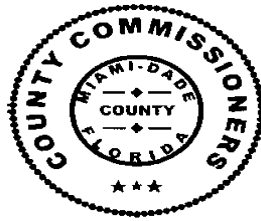
Section 1. This Board ratifies and adopts the matters set forth in the foregoing recitals.

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 102A on the terms and in the amounts specified in the attached land acquisition summary sheet and authorizes the use of Charter County Transportation Surtax Funds for such purposes.

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

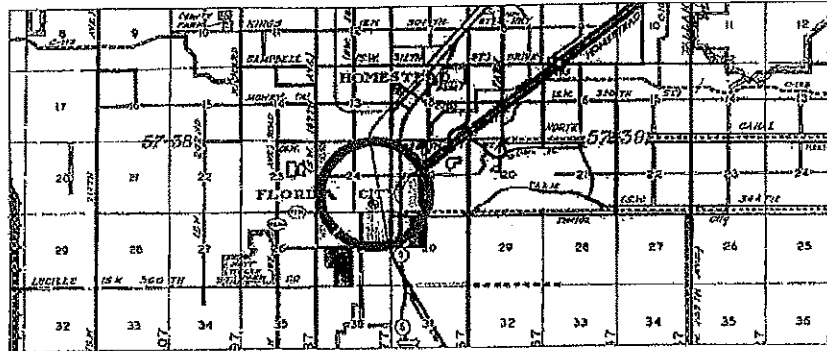
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Debra Herman

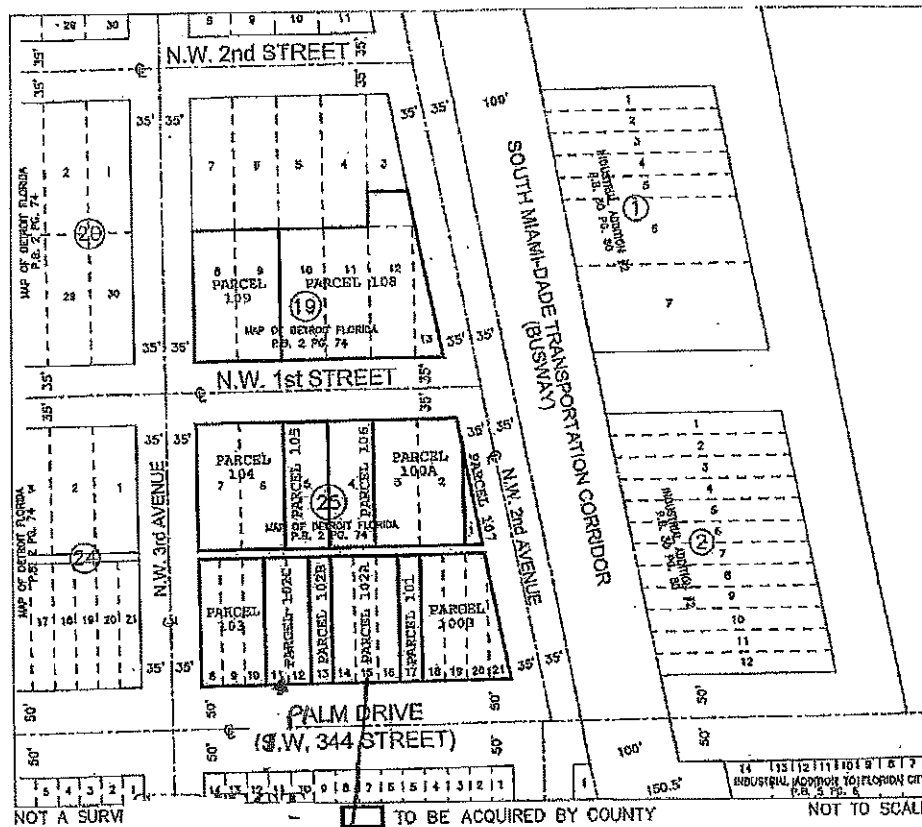
LAND ACQUISITION SUMMARY SHEET

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 th Street) between Northwest 2 nd Avenue and Northwest 3 rd Avenue in Florida City
PARCEL NUMBER AND INTEREST ACQUIRED:	Parcel No. 102A (10,875 square feet of land in fee simple, plus improvements as depicted in attached sketch)
OWNERSHIP INTEREST:	Elaine Zience, David Zience and the Estate of Irwin Zience
COUNTY'S APPRAISAL AMOUNT:	\$130,000.00 (including land and any move costs) (Edward N. Parker, MAI)
OWNER'S APPRAISAL AMOUNT:	\$178,562 (including land and any move costs) (Donald Muncy)
SETTLEMENT AMOUNT:	The total settlement amount is \$173,370.00. (This amount includes the owner's attorney's fees, expert's fees and costs -- See Comments below.)
EXPOSURE TO COUNTY:	\$48,562.00 (representing the difference between owner's appraisal and County's appraisal), plus potential additional attorney's fees, expert fees and costs.
COMMENTS:	In order for the County to obtain clear title to this parcel, eminent domain proceedings had to be instituted. The proposed settlement amount of \$173,370.00, represents full compensation for this parcel, and includes: \$162,250.00, for the property acquired and any move costs; \$10,120.00, for the owner's statutory attorneys' fees; and \$1,000.00, for the owner's expert fees and costs. The landowner is represented by the Law Offices of Jeff Cynamon, P.A.



SEC 24
TWP 57 S
RGE 38 E

LOCATION MAP Not to Scale



PARK & RIDE AT SW 344 ST. & BUSWAY
PROJECT NO. 663008



MIAMI-DADE COUNTY PUBLIC WORKS DEPT.
RIGHT-OF-WAY ENGINEERING DIVISION
111 N.W. 1ST ST. 16TH FL.
MIAMI, FL. 33128

EXHIBIT "A"

Municipality: Florida City
Commission District: Dennis C. Moss, 9
Miami-Dade Mayor: Carlos Alvarez

Prepared by: Steven B. Barton
Professional Land Surveyor
Fla. Reg. No. 4982
Date: 5/07/10

Parcel 102A



Memorandum



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

From: Charles Scurr, Executive Director *Cscurr*

Date: September 19, 2012

Re: CITT AGENDA ITEM 5G:
RESOLUTION BY THE CITIZENS' INDEPENDENT TRANSPORTATION TRUST (CITT) RECOMMENDING THAT THE BOARD OF COUNTY COMMISSIONERS (BCC), AUTHORIZE CERTAIN SETTLEMENT IN THE AMOUNT OF \$173,370.00 IN COUNTY EMINENT DOMAIN PROCEEDINGS BY COUNTY ATTORNEY IN CONNECTION WITH THE ACQUISITION OF PARCEL 102A FOR THE CONSTRUCTION OF A NEW PARK AND RIDE FACILITY ADJACENT TO THE NORTH SIDE OF SOUTHWEST 344TH STREET (PALM AVE) BETWEEN NORTHWEST 2ND AVENUE AND NORTHWEST 3RD AVENUE IN FLORIDA CITY 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. 12-076. 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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