

MEMORANDUM

Agenda Item No. 13(A)(1)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: January 23, 2013

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

SUBJECT: Resolution authorizing certain
settlement in the amount of
\$119,500.00 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-68-13

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 Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: January 23, 2013

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 Mayor'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 _____

1-23-13

Override _____

RESOLUTION NO. R-68-13

RESOLUTION AUTHORIZING CERTAIN SETTLEMENT IN THE AMOUNT OF \$119,500.00 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-682-10 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 109, 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:

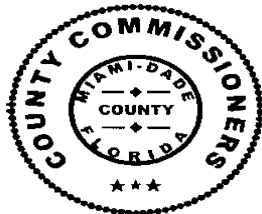
Section 1. This Board ratifies and adopts the matters set forth in the foregoing recitals.

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 109 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 **Audrey Edmonson**, who moved its adoption. The motion was seconded by Commissioner **Lynda Bell** and upon being put to a vote, the vote was as follows:

	Rebeca Sosa, Chairwoman	aye
	Lynda Bell, Vice Chair	aye
Bruno A. Barreiro	aye	Esteban L. Bovo, Jr. aye
Jose "Pepe" Diaz	absent	Audrey M. Edmonson aye
Sally A. Heyman	aye	Barbara J. Jordan absent
Jean Monestime	aye	Dennis C. Moss absent
Sen. Javier D. Souto	aye	Xavier L. Suarez aye
Juan C. Zapata	aye	

The Chairperson thereupon declared the resolution duly passed and adopted this 23rd day of January, 2013. 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.

JEB

Jason E. Bloch

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 INTEREST ACQUIRED: Parcel No. 109
(15,000 square feet of land in fee simple as depicted in the attached sketch)

OWNERSHIP INTEREST: Daniel Loredó

COUNTY'S APPRAISAL AMOUNT: \$75,000.00 (Updated value, July 23, 2012, Edward N. Parker, MAI)

OWNER'S APPRAISAL AMOUNT: \$170,000.00 (owner's estimate of value)

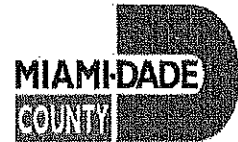
SETTLEMENT AMOUNT: The total settlement amount is \$119,500.00, as a lump sum fee. (This amount is inclusive of any obligation for the owner's attorney's fees, expert's fees and costs -- See Comments below.)

EXPOSURE TO COUNTY: \$95,000.00 (representing the difference between owner's estimate of value and County's appraisal), plus potential additional attorney's fees, expert fees and costs.

COMMENTS: To obtain clear title to this parcel, eminent domain proceedings had to be instituted. The proposed lump sum settlement amount of \$119,500.00, represents full compensation for this parcel, allocated by the County as follows: \$105,000.00, for the property acquired, \$11,550.00, for the owner's statutory fees, and \$2,950.00, for reasonable costs, interests, and expert fees. The Owner is represented by Toby P. Brigham, Esq.



Memorandum



To: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

From: Charles Scurr, Executive Director

Date: December 13, 2012

Re: CITT AGENDA ITEM 5E:
RESOLUTION BY THE CITIZENS' INDEPENDENT TRANSPORTATION TRUST (CITT) RECOMMENDING THAT THE BOARD OF COUNTY COMMISSIONERS (BCC), AUTHORIZE CERTAIN SETTLEMENT IN THE AMOUNT OF \$119,500.00 IN COUNTY EMINENT DOMAIN PROCEEDINGS BY COUNTY ATTORNEY IN CONNECTION WITH THE ACQUISITION OF PARCEL 109 FOR THE CONSTRUCTION OF A NEW PARK AND RIDE FACILITY ADJACENT TO THE NORTH SIDE OF SOUTHWEST 344TH STREET (PALM AVENUE) BETWEEN NORTHWEST 2ND AVENUE AND NW 3RD AVENUE IN FLORIDA CITY AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS (CAO/MDT)

On December 13, 2012, the CITT voted (11-0) to forward a favorable recommendation to the Board of County Commissioners (BCC) for the approval of the above referenced item, CITT Resolution No. 12-105. 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. – Aye
Glenn J. Downing, CFP® – Aye
Alfred J. Holzman – Aye
Miles E. Moss, P.E. – Aye
Marilyn Smith – Aye

Joseph Curbelo – Absent
Peter L. Forrest – Aye
Prakash Kumar – Aye
Hon. James A. Reeder – Aye

cc: Alina Hudak, Deputy Mayor/County Manager
Bruce Libhaber, Assistant County Attorney
Miguel Gonzalez, Assistant County Attorney