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

MEMORANDUM

Agenda Item No. 13(A)(1)

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

DATE: May 7, 2013

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

SUBJECT: Resolution authorizing certain settlement in the amount of $1,423,000.00 in the County eminent domain proceedings by County Attorney in connection with the acquisition land for the right-of-way needed for the improvements to the intersections of NW 67th Avenue at Perimeter Road and NW 36 Street
Resolution No. R-382-13

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

R. A. Cuevas, Jr.
County Attorney

RAC/jls

MEMORANDUM
(Revised)

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

DATE: May 7, 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
Veto _____
Override _____

Agenda Item No. 13(A)(1)
5-7-13

RESOLUTION NO. R-382-13

RESOLUTION AUTHORIZING CERTAIN SETTLEMENT IN THE AMOUNT OF $1,423,000.00 IN COUNTY EMINENT DOMAIN PROCEEDINGS BY COUNTY ATTORNEY IN CONNECTION WITH THE ACQUISITION OF LAND FOR THE RIGHT-OF-WAY NEEDED FOR THE IMPROVEMENTS TO THE INTERSECTIONS OF NW 67TH AVENUE AT PERIMETER ROAD AND NW 36TH STREET

WHEREAS, this Board by Resolution No. R-1003-08 dated October 7, 2008 previously declared the acquisition of land for the right-of-way needed for the widening and reconstruction of the intersections of NW 67th Avenue at Miami International Airport Perimeter Road and NW 36th Street, to be a public necessity and authorized the acquisition of land therefor by eminent domain proceedings; and

WHEREAS, the owner of Parcel 103, as set forth in the attached land acquisition summary sheet, has offered to settle for the figure specified therein; 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 claims against the County in eminent domain proceedings for Parcel 103 on the terms and in the amount specified in the attached land acquisition summary sheet.

The foregoing resolution was offered by Commissioner **Lynda Bell**, 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:

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	**aye**
Jean Monestime	**absent**	Dennis C. Moss	**aye**
Sen. Javier D. Souto	**absent**	Xavier L. Suarez	**aye**
Juan C. Zapata	**absent**		

The Chairperson thereupon declared the resolution duly passed and adopted this 7th day of May, 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

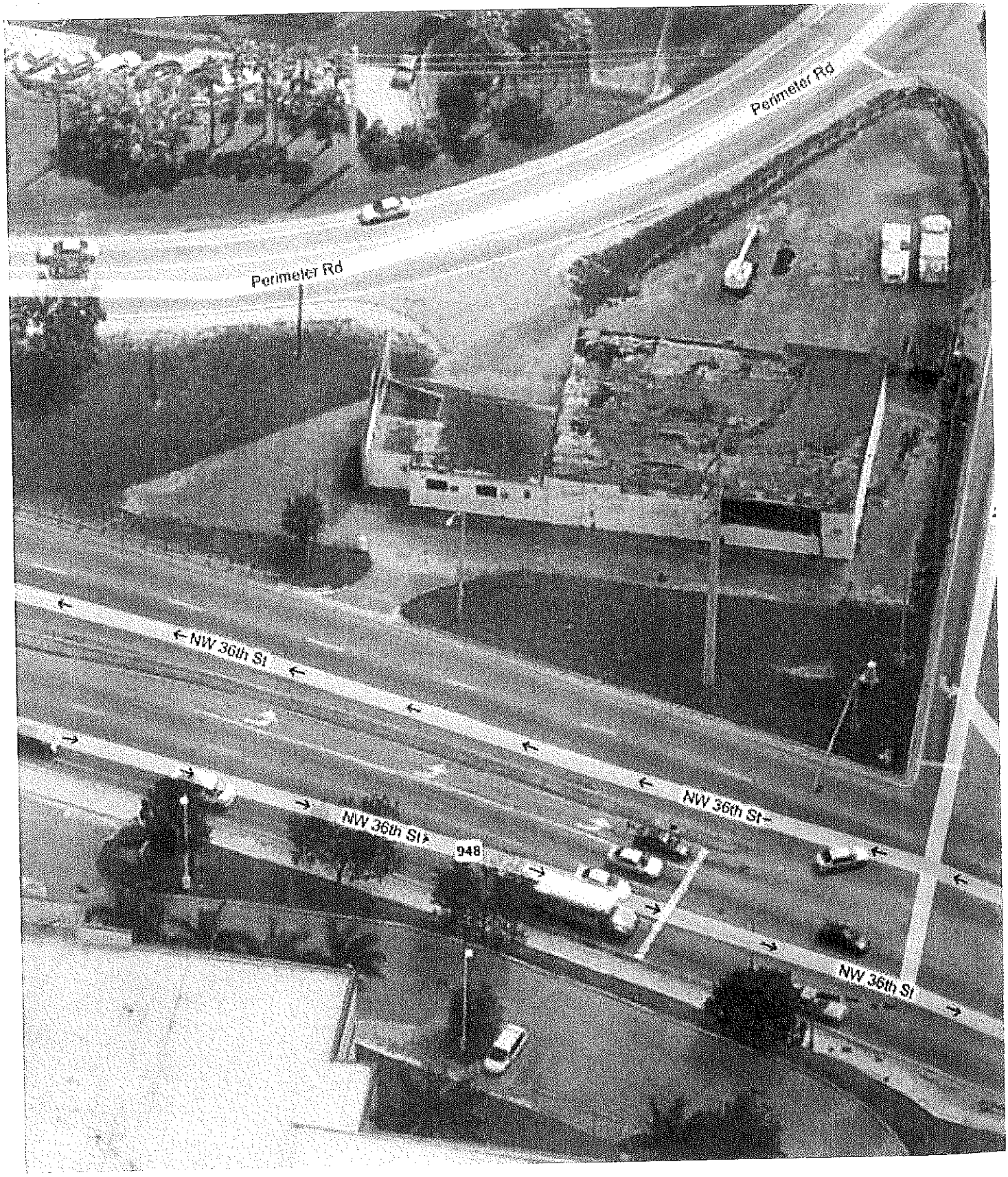
By: ***Christopher Agrippa***
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Debra Herman

LAND ACQUISITION SUMMARY SHEET

PROJECT LOCATION:	Widening and reconstruction of the intersections of NW 67th Avenue at Miami International Airport Perimeter Road and NW 35th Street in Virginia Gardens, Florida
PARCEL NUMBER AND PROPERTY ACQUIRED:	Parcel No. 103 (land plus improvements – See attached sketch)
OWNERSHIP INTEREST:	Jesse Quiroga and Maria Ofelia Quiroga
COUNTY'S APPRAISAL AND DAMAGES:	$1,055,000.00 Mark Quinlivan, MAI
OWNER'S APPRAISAL AND DAMAGES:	1,980,000.00 David Randall, MAI
ATTORNEYS' FEES AND COSTS	See Comments
SETTLEMENT AMOUNT:	The total settlement amount is $1,423,000.00. (See Comments below – this amount includes the owner's experts' fees for Parcel 103, and excludes attorneys' fees which will be determined by Court order at a later date).
EXPOSURE TO COUNTY:	$925,000.00 (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 $1,423,000.00 represents full compensation for this parcel, and includes $1,375,000.00 for the property acquired, and $48,000.00 for the owner's statutory experts' fees. The landowner is represented by Brad Gould, Esq. of the law firm of GrayRobinson, P.A.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NW 36th St
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6