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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:**	December 16, 2014
FROM:	R. A. Cuevas, Jr. County Attorney	**SUBJECT:**	Resolution authorizing certain settlement in the amount of $80,000.00 in County eminent domain proceedings by County Attorney in connection with the acquisition of land referred to as Parcel 1 in the vicinity of NE 2nd Avenue and the West Little River Canal Resolution No. R-1133-14

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: December 16, 2014

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)
12-16-14

RESOLUTION NO. R-1133-14

RESOLUTION AUTHORIZING CERTAIN SETTLEMENT IN THE AMOUNT OF $80,000.00 IN COUNTY EMINENT DOMAIN PROCEEDINGS BY COUNTY ATTORNEY IN CONNECTION WITH THE ACQUISITION OF LAND REFERRED TO AS PARCEL 1 FOR THE RELOCATION OF A WATER MAIN IN CONNECTION WITH ROADWAY IMPROVEMENTS ALONG NE 2ND AVENUE FROM WEST LITTLE RIVER CANAL TO NE 91ST STREET

WHEREAS, on October 7, 2008, this Board adopted Resolution No. R-1035-08, which declared the acquisition of land for the right-of-way needed for the relocation of a water main in connection with the roadway improvements along NE 2nd Avenue from West Little River Canal to NE 91st Street 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 1, as set forth in the attached land acquisition summary sheet, has offered to settle for the figures 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 all claims against the County in eminent domain proceedings for Parcel 1 on the terms and in the amount specified in the attached land acquisition summary sheet.

The foregoing resolution was offered by Commissioner **Esteban L. Bovo, Jr.** , who moved its adoption. The motion was seconded by Commissioner **Xavier L. Suarez** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 16th day of December, 2014. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

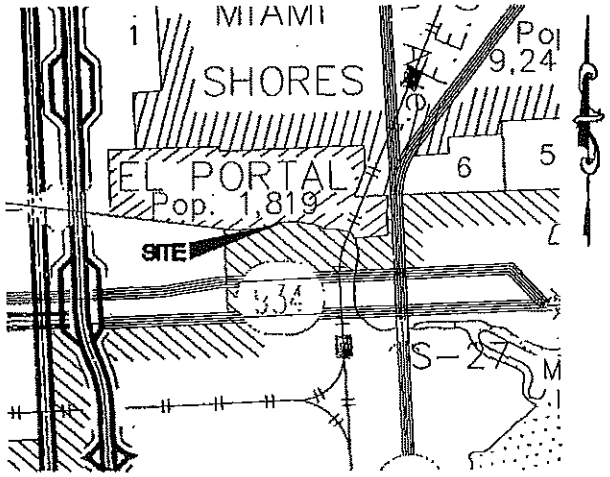
By: ***Christopher Agrippa***
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Debra Herman

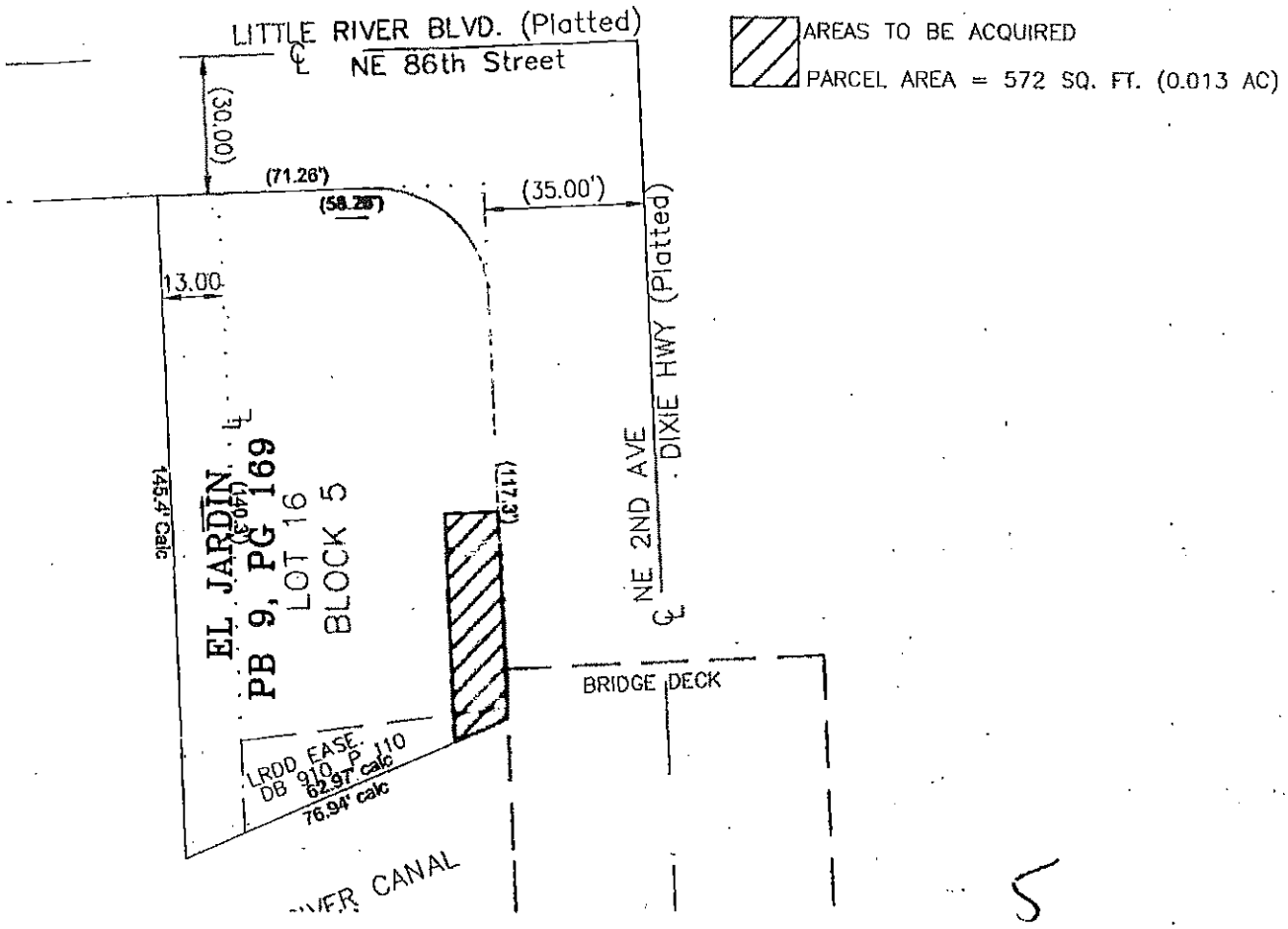
LAND ACQUISITION SUMMARY SHEET

PROJECT LOCATION:	Roadway improvements to NE 2nd Avenue from West Little River Canal to NE 91st Street in Miami-Dade County, Florida
PARCEL NUMBER AND PROPERTY ACQUIRED:	Parcel No. 1 – see attached sketch (land plus improvements)
OWNERSHIP INTEREST:	Frantz Olivier
COUNTY'S APPRAISAL AND DAMAGES:	$42,000.00 (fee simple land and improvements) Bob Gallaher, MAI
OWNER'S APPRAISAL:	$96,000.00 Harry Newstreet, MAI
ATTORNEYS' FEES AND COSTS	See Comments
SETTLEMENT AMOUNT:	The total settlement amount is $80,000.00. (See Comments below – this amount also includes the owner's attorneys' fees and expert fees for Parcel 1).
EXPOSURE TO COUNTY:	$54,000.00 (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 $80,000.00 represents full compensation for this parcel, and includes $55,000.00 for the property acquired, $10,000.00 for the owner's statutory attorney's fees and $15,000.00 for the owner's expert fees (appraisal, engineer, planner). The landowner is represented by The Law Office of Wiley Hicks.



LOCATION MAP

Sec 12
Twp 53 S
Rge 41 E



PORTION OF LOT 16 , BLK 5
EL JARDIN PB 9, PG 169

EXHIBIT "B"

PARCEL 1

0 20 40 80

SCALE: 1" = 40'

THIS IS NOT A SURVEY

MIAMI-DADE COUNTY PUBLIC WORKS DEPT. **RIGHT OF WAY DIVISION** **ENGINEERING SECTION** JOSUE 9/02/2008	**MDC- WASD** **PARCEL NO 1** **8580 NE 2ND AVE**	SCALE: 1" = 40' DATE:09-02-08 DRAWN BY: JOSUE CHECKED BY: W SUTTON PROJECT 2006-0227 SHEET 1 of 1

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