

## MEMORANDUM

Agenda Item No. 13(A)(1)

**TO:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

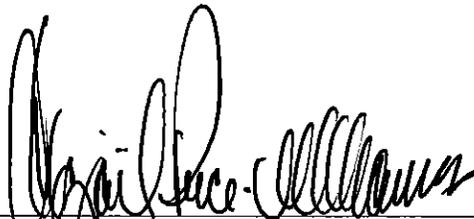
**DATE:** June 7, 2016

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Resolution authorizing certain  
settlement in the amount of  
\$336,130.00 in County eminent  
domain proceedings in  
connection with the acquisition  
of land referred to as Parcel 103-  
PH2 for the Norris Cut Project  
sewer force main replacement  
from Virginia Key to Fisher  
Island

Resolution No. R-524-16

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



Abigail Price-Williams  
County Attorney

APW/smm



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**DATE:** June 7, 2016

**FROM:** Abigail Price-Williams  
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
- Statement of social equity 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)  
6-7-16

RESOLUTION NO. R-524-16

RESOLUTION AUTHORIZING CERTAIN SETTLEMENT IN THE AMOUNT OF \$336,130.00 IN COUNTY EMINENT DOMAIN PROCEEDINGS BY COUNTY ATTORNEY IN CONNECTION WITH THE ACQUISITION OF LAND REFERRED TO AS PARCEL 103-PH2 FOR THE NORRIS CUT PROJECT SEWER FORCE MAIN REPLACEMENT FROM VIRGINIA KEY TO FISHER ISLAND IN MIAMI-DADE COUNTY, FLORIDA

**WHEREAS**, this Board by Resolution No. R-245-13, dated April 2, 2013 previously declared the acquisition of land for the Norris Cut Project sewer force main replacement from Virginia Key to Fisher Island in Miami-Dade County, Florida, to be a public purpose and a public necessity and authorized the acquisition of land therefor by eminent domain proceedings; and

**WHEREAS**, the owner of Parcel 103-PH2, 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 claims against the County in eminent domain proceedings for Parcel 103-PH2 on the terms and in the amount specified in the attached land acquisition summary sheet.

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

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

The Chairperson thereupon declared the resolution duly passed and adopted this 7<sup>th</sup> day of June, 2016. 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 DESCRIPTION:** Norris Cut Project Proposed Sewer Force Main Replacement from Virginia Key to Fisher Island in Miami-Dade County, Florida

**PARCEL NUMBER AND PROPERTY ACQUIRED:** Parcel No. 103-PH2 – see attached sketch (64,070 square foot easement)

**OWNERSHIP INTEREST:** Fisher Island Club, Inc.

**COUNTY’S APPRAISAL AND DAMAGES:** \$125,000.00  
Andy Maggenheimer, MAI

**OWNER’S APPRAISAL:** \$640,700.00  
Robert Miller, MAI

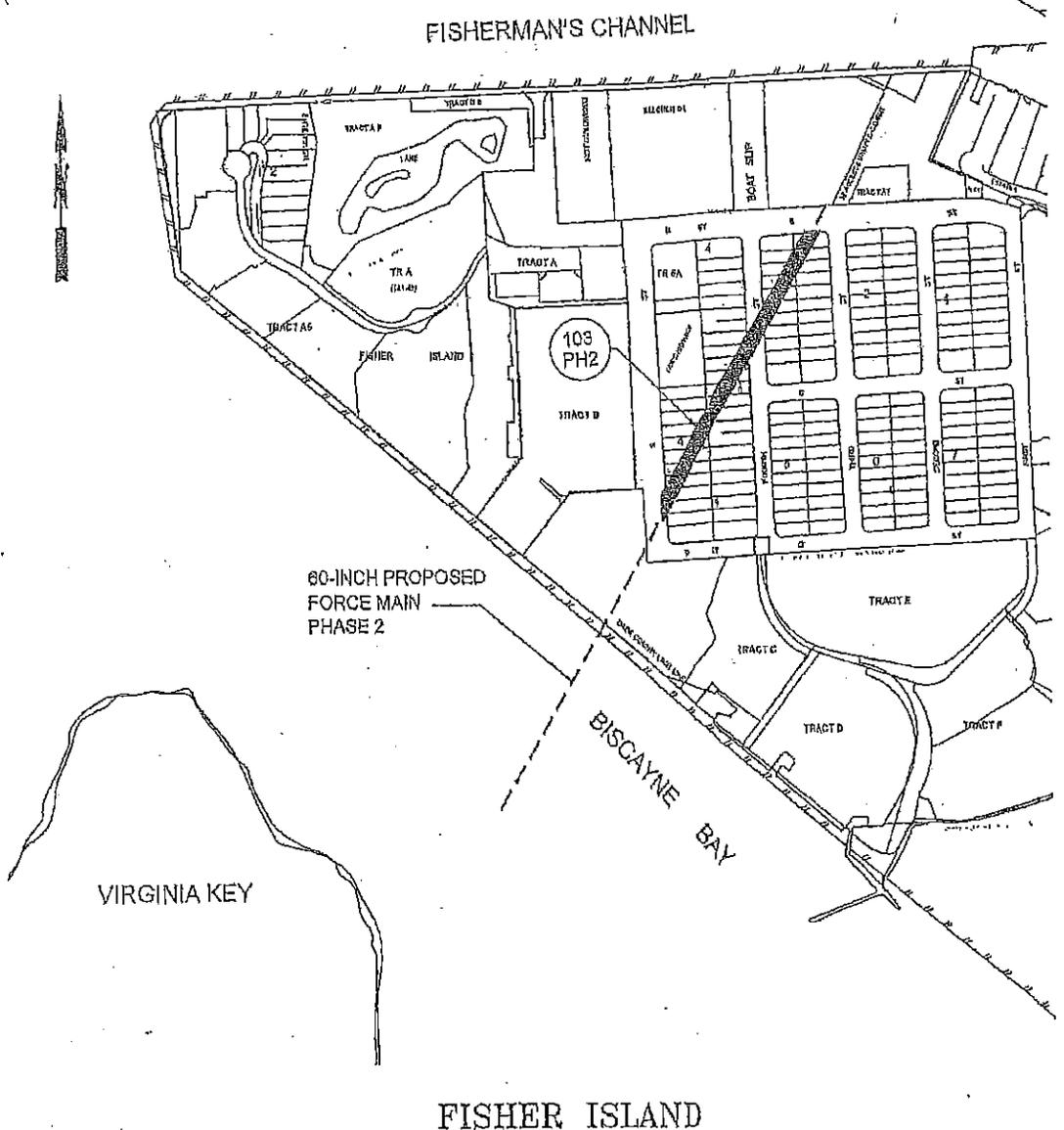
**ATTORNEYS’ FEES, EXPERT FEES, AND COSTS** See Comments

**SETTLEMENT AMOUNT:** The settlement amount is \$336,130.00.  
(See Comments below – includes owner’s statutory attorneys’ fees, expert fees, and costs)

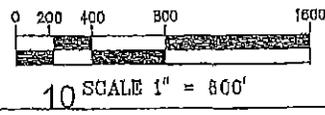
**EXPOSURE TO COUNTY:** \$515,700.00  
(Difference between owner’s appraisal and County’s appraisal)

**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 \$336,130.00 represents full compensation for this parcel, and includes \$260,000.00 for the property acquired, and \$59,110.00 for the owner’s statutory attorneys’ fees and costs, and \$17,020.00 for the owner’s statutory expert fees (appraiser/planning). The landowner is represented by the law firm of Hinshaw & Culbertson, LLP.

SEC 9&10  
TWP 54 S  
RGE 42 E



MIAMI-DADE COUNTY PUBLIC WORKS AND  
WASTE MANAGEMENT DEPT.  
ROAD WAY ENGINEERING AND RIGHT OF WAY DIVISION  
ENGINEERING SECTION



  
SCALE 1" = 800'  
PROJECT: 20080239  
PREPARED BY: L.E.  
DATED: 02-15-13