

MEMORANDUM

Agenda Item No. 13(A)(1)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: April 20, 2021

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution authorizing
settlement in the amount of
\$100,000.00 in County eminent
domain proceedings by County
Attorney in connection with the
acquisition of land referred to as
Parcel 154 for the right-of-way
needed for improvements to SW
137 Avenue from US 1 (SR 5) to
SW 200 Street and authorizing
the use of Charter County
Transportation Surtax Funds

Resolution No. R-382-21

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



Geri Bonzon-Keenan
County Attorney

GBK/smm



MEMORANDUM

(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: April 20, 2021

FROM: 
Gen Bonzon-Keenan
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 present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____ 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)
4-20-21

RESOLUTION NO. _____ R-382-21

RESOLUTION AUTHORIZING SETTLEMENT IN THE AMOUNT OF \$100,000.00 IN COUNTY EMINENT DOMAIN PROCEEDINGS BY COUNTY ATTORNEY IN CONNECTION WITH THE ACQUISITION OF LAND REFERRED TO AS PARCEL 154 FOR THE RIGHT-OF-WAY NEEDED FOR IMPROVEMENTS TO SW 137 AVENUE FROM US 1 (SR 5) TO SW 200 STREET AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS

WHEREAS, this Board by Resolution No. R-1013-16, dated November 1, 2016, previously declared the acquisition of land for the right-of-way needed for the road widening, beautification, and right-of-way improvements to SW 137 Avenue from Florida's Turnpike to SW 200 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 154, as set forth in the attached land acquisition summary sheet attached as Exhibit A, 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 (CITT); and

WHEREAS, on Thursday, March 25, 2021 the CITT voted to forward a favorable recommendation approving the settlement to the Board of County Commissioners, as reflected in the memorandum from the CITT Executive Director attached hereto as Exhibit B; and

WHEREAS, the County Attorney hereby recommends the settlement amounts and terms 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.

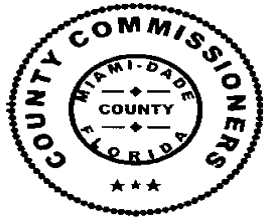
Section 2. This Board authorizes the County Attorney to compromise and settle on behalf of the County all claims against the County in eminent domain proceedings for Parcel 154 on the terms and in the amount specified in the attached land acquisition summary sheet and authorizes the use of Charter County Transportation Surtax Funds.

The foregoing resolution was offered by Commissioner **Rebeca Sosa** , who moved its adoption. The motion was seconded by Commissioner **Eileen Higgins** and upon being put to a vote, the vote was as follows:

Jose “Pepe” Diaz, Chairman	aye		
Oliver G. Gilbert, III, Vice-Chairman	aye		
Sen. René García	aye	Keon Hardemon	aye
Sally A. Heyman	aye	Danielle Cohen Higgins	aye
Eileen Higgins	aye	Joe A. Martinez	aye
Kionne L. McGhee	aye	Jean Monestime	aye
Raquel A. Regalado	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	aye		

=

The Chairperson thereupon declared the resolution duly passed and adopted this 20th day of April, 2021. 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: **Melissa Adames**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

A handwritten signature in dark ink, appearing to be "LEM", written over a horizontal line.

Lauren E. Morse

LAND ACQUISITION SUMMARY SHEET

PROJECT LOCATION:	Roadway expansion, beautification, and right-of way improvements to SW 137 Avenue from the Florida Turnpike to SW 200 Street in Miami-Dade County, Florida
PARCEL NUMBER AND PROPERTY ACQUIRED:	Parcel No. 154 – see attached sketch (land plus improvements)
OWNERSHIP INTEREST:	Patrick J. Read and Ronald C. Read
COUNTY’S APPRAISAL AND DAMAGES:	\$49,000.00 Edward N. Parker, MAI
OWNER’S APPRAISAL	\$119,300.00 Richard C. Dreggors, GAA
ATTORNEYS’ FEES AND COSTS	See Comments
SETTLEMENT AMOUNT:	The total settlement amount is \$100,000.00. (See Comments below – this amount also includes the owner’s attorneys’ fees and expert fees for Parcel 154).
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 \$100,000.00 represents full compensation for this parcel, and includes \$68,000.00 for the property acquired, and \$32,000.00 for the owner’s statutory attorneys’ fees, expert fees and costs. Staff has confirmed that this project is listed in Exhibit 1 of the PTP Ordinance under Major Roadway and Neighborhood Improvement Projects. The landowner is represented by the law firm of Buchanan Ingersoll & Rooney.



Memorandum



To: Honorable Chairman Jose “Pepe” Diaz
and Members, Board of County Commissioners

From: Javier A. Betancourt, Executive Director 

Date: March 26, 2021

Re: **CITT AGENDA ITEM 7E:**
RESOLUTION BY THE CITIZENS’ INDEPENDENT TRANSPORTATION TRUST
RECOMMENDING THE BOARD OF COUNTY COMMISSIONERS (BCC) AUTHORIZE
A SETTLEMENT IN THE AMOUNT OF **\$100,000.00** IN COUNTY EMINENT DOMAIN
PROCEEDINGS BY COUNTY ATTORNEY IN CONNECTION WITH THE ACQUISITION
OF LAND REFERRED TO AS PARCEL 154 FOR THE RIGHT-OF-WAY NEEDED FOR
IMPROVEMENTS TO SW 137 AVENUE FROM US 1 (SR 5) TO SW 200 STREET AND
AUTHORIZE THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS
(CAO) SURTAX FUNDS ARE REQUESTED

On March 25, 2021, 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. 21-019. The vote was as follows:

Joseph Curbelo, Chairperson – Aye
Oscar J. Braynon, 1st Vice-Chairperson – Aye
Alfred J. Holzman, 2nd Vice-Chairperson – Aye

Peggy Bell – Aye
Glenn J. Downing, CFP® – Aye
Jonathan Martinez – Absent
Marilyn Smith – Aye
Robert Wolfarth – Aye

Meg Daly – Aye
Ashley V. Gantt, Esq. – Absent
Paul Schwiep, Esq. – Aye
L. Elijah Stiers, Esq. – Absent

c: Jimmy Morales, Chief Operations Officer
Bruce Libhaber, Assistant County Attorney