

November 17, 2003

Business Operations
J.E. Surash, P.E., Chief Business Officer

SUBJECT: STATE SCHOOL "NN1" PROPOSED SETTLEMENT – EMINENT DOMAIN CASE OF THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA v. SOUTHWEST FLORIDA LAND DEVELOPERS AND INVESTMENT, INC., CASE NO. 03-19725-CA-03

COMMITTEE: FACILITIES MANAGEMENT

On March 12, 2003, the School Board authorized the filing of a Petition in Eminent Domain to acquire approximately 11.4 acres of land located on N.W. 75th Place and theoretical N.W. 185th Street, Miami, Florida. Condemnation proceedings are pending in the Circuit Court, in and for Miami-Dade County, for this acquisition of land to build State School "NN1". Tom Bolf, Esquire, of the Law Firm of Ruden McClosky is representing the Board in the condemnation action. The Board is required by Florida law in Eminent Domain proceedings to pay the owner's reasonable costs and attorney's fees.

The last of three (3) mediation meetings regarding this matter was held on October 23, 2003, and the parties have tentatively agreed to a settlement in the amount of \$9,614,000, inclusive of all related damages, costs, attorney and expert witness fees. Additionally, as a collateral concession, the property owners have agreed to pursue the transfer of title to the School Board of an additional approximate one (1) acre of property which is currently a lake, subject to approval by Miami-Dade County. The property owners will employ a consultant at their cost to obtain permits necessary to fill the lake; the actual filling of the lake would be done at the School Board's expense. It is important to note that the proposed settlement is not contingent upon the donation of the lake. The proposed settlement reached at mediation is subject to Board approval.

This settlement is recommended as advantageous to the Board, considering the evaluation of evidence available, the risk of trial, and the cost for attorneys for the School Board and the Defendant, should the case be tried. In addition, the District would receive title to the property before the end of this calendar year.

The School Board Attorney will submit to the Board Members and the Superintendent a memorandum from Eminent Domain Counsel explaining the reasons as to why the \$9,614,000 settlement is advisable and recommending that it be accepted.

**REVISED
E-13**

RECOMMENDED:

That The School Board of Miami-Dade County, Florida:

- a. approve and authorize settlement in the Eminent Domain proceedings of the School Board of Miami-Dade County, Florida v. Southwest Florida Land Developers and Investment, Inc., Case No. 03-19725-CA-03 for the acquisition of approximately 11.4 acres for State School "NN1", by payment of \$9,614,000 as compensation, inclusive of all attorney's fees and costs; and
- b. authorize the Superintendent to amend the capital budget in the amount of \$894,000 from Sites Various.

REVISED

JB:lh