

Office of the General Counsel
Walter J. Harvey, General Counsel

SUBJECT: APPROVAL OF SETTLEMENT AGREEMENT (STIPULATED FINAL JUDGMENT) IN THE CASE OF: STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION v. THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, MIAMI-DADE COUNTY, and THE TOWN OF MEDLEY, Circuit Court Case No. 2024-000882 CA-01 (25) [EMINENT DOMAIN ACTION AT MEDLEY TRANSPORTATION CENTER]

The Florida Department of Transportation (“FDOT”) initiated this lawsuit on January 17, 2024 by filing a Petition in Eminent Domain to acquire a 14,882 square-foot portion (“subject parcel”) of the School Board’s bus depot property at 9900 South River Drive in Medley (“Transportation Center”). The subject parcel runs along NW 87th Avenue and provides the primary means of bus ingress to and egress from the Transportation Center at NW 100 Street, which is a signalized intersection for which the School Board negotiated construction through various agreements (an interlocal agreement, a right of way deed with reverter, a traffic signal easement, and a lease-back agreement) executed in 2016. Another portion of School Board property (10,546 square-feet in area; Parcel P) was deeded by the School Board to the Town of Medley as part of the same conveyance and transaction for the implementation and continued operation of the signalized intersection. The School Board continues to hold a reversionary interest in Parcel P, which is the subject of a Counterclaim filed by the School Board in June 2025.

In its Petition, FDOT asserted that it needs the subject parcel for the purpose of upgrading nearby Okeechobee Road to provide additional vehicular capacity, promote improved traffic flow, and enhance safety, and that it will require construction of roadway improvements and a flyover ramp directly upon the subject parcel and eliminate the signalized intersection upon the subject parcel currently utilized by the School Board for the proper functioning of its Transportation Center.

Pursuant to FDOT’s Petition, on January 13, 2026, FDOT secured an Order of Taking, through which the subject parcel was divested from the School Board. However, the Order of Taking includes several safeguards to protect bus ingress and egress until a replacement signalized intersection is made operational at the nearby intersection of NW 87th Avenue and NW 99th Terrace. Upon the entry of the Order of Taking, this lawsuit entered the compensation phase litigation.

While this lawsuit has been vigorously litigated for well over two (2) years, with trial scheduled for an August 31, 2026 docket, the parties participated in a court ordered meditation on August 5 and consequently have now reached a tentative settlement agreement on the matter, which is expected to result in a Stipulated Final Judgment (attached hereto). Under the terms of the proposed settlement agreement the School Board would be paid \$6,757,079 inclusive of all attorneys’ fees, experts’ fees, litigation consultants’ fees, and litigation costs taxable under Sections 73.091 and 73.092, Florida Statutes. The School Board will recover (or net) at least \$5,700,000, which amount is exclusive of all attorney’s fees, litigation consultants’ fees, and litigation costs being taxed against

Good Cause
G-5

FDOT. All attorney's fees, litigation consultants' fees, and litigation costs will be paid by FDOT from the settlement amount. The net settlement amount is far above any purchase offer or offer of judgment previously transmitted by FDOT to the School Board throughout the course of this litigation. Accordingly, this item is being presented for the Board's consideration and seeks authorization for the General Counsel to seek the Court's approval for the Stipulated Final judgement.

This item does not appear on the published Agenda. There exists good cause to vary from the published Agenda since the proposed settlement was not reached until after publication of the Agenda and consideration of the proposed settlement at this Board meeting is necessary in order to comply with the Court's deadlines. The proposed settlement is also in the best interests of the Board and will obviate the need for further litigation of this matter.

RECOMMENDED:

That The School Board of Miami-Dade County, Florida authorize the General Counsel to seek Court approval of the "Stipulated Final Judgment" in the matter of State of Florida Department of Transportation v. The School Board of Miami-Dade County, Florida, Miami-Dade County, and The Town of Medley, Circuit Court Case No. 2024-000882 CA-01 (25), approving settlement of the Eminent Domain action at the Medley Transportation Center, and ratifying terms of the Order of Taking so that vehicular access to the Transportation Center is maintained at all times throughout construction of NW 87th Avenue via a signalized intersection and at all times thereafter.

IN THE CIRCUIT COURT OF THE 11th
JUDICIAL CIRCUIT, IN AND FOR
MIAMI-DADE COUNTY, FLORIDA

GENERAL JURISDICTION DIVISION

CASE NO.: 2024-000882 CA-01 (25)

FM No.: 423251-4 | Parcel No.: 124

“DRAFT”

STATE OF FLORIDA DEPARTMENT OF
TRANSPORTATION,

Petitioner,

vs.

THE SCHOOL BOARD OF MIAMI-DADE
COUNTY, FLORIDA, MIAMI-DADE
COUNTY, and THE TOWN OF MEDLEY,

Defendants.

_____ /

STIPULATED FINAL JUDGMENT

This matter came before the Court upon Joint Motion for Entry of a Stipulated Final Judgment Pursuant to Settlement Agreement (“Joint Motion”) filed by Petitioner, STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION (“FDOT”), and Defendant, THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA (“School Board”) (FDOT and School Board collectively will be referred to as “the Parties”). Having reviewed the Joint Motion and being fully advised in the premises, it is:

ORDERED AND ADJUDGED that:

1. The Court has jurisdiction over the subject matter and the Parties to this cause, along with all other persons and entities claiming any equity, lien, title, or other interest in or to Parcel No. 124, which is described in (i) FDOT’s Petition in Eminent Domain filed with the Clerk

“DRAFT

of Court on January 17, 2024; and (ii) the Order of Taking entered by this Court on January 13, 2026 and recorded the next day in Official Records Book 35118 at Pages 3356-3367 of the Public Records of Miami-Dade County, Florida (“Order of Taking”).

2. FDOT has complied with Sections 73.015, 73.031, and 74.041, Florida Statutes, and has properly served all defendants named in the above-styled case, and all other persons and entities claiming any equity, lien, title, or other interest in or to Parcel No. 124, with Summons, a Petition in Eminent Domain, a Notice of Lis Pendens, and several Declarations of Taking and Estimates of Value, the originals of which have been filed by FDOT with the Clerk of Court. The pleadings in this cause are sufficient, and FDOT has properly exercised its delegated authority for a proper purpose.

3. The Order of Taking was entered after delivery of proper notice to all persons and entities claiming any equity, lien, title, or other interest in or to Parcel No. 124, and subsequent to an evidentiary hearing that provided all persons and entities claiming any equity, lien, title, or other interest in or to Parcel No. 124 with a sufficient opportunity to be heard. Accordingly, FDOT’s title in Parcel No. 124 under the terms of the Order of Taking is ratified and confirmed.

4. On August 6, 2026, the Parties reached a conditional mediated settlement agreement under the terms described below, subject to final approval of their governing bodies prior to this Stipulated Final Judgment being presented to the Court. By virtue of counsel for the Parties having signed the Joint Motion, the Court accepts their representation that the Parties have approved all terms described below.

5. In full settlement of (i) any and all claims for compensation and damages asserted by the School Board in its response to the Petition in Eminent Domain, and (ii) any and all claims

“DRAFT

for compensation, damages, declaratory relief, and injunctive relief asserted by the School Board in its Counterclaim filed on June 5, 2025, FDOT shall pay SIX MILLION SEVEN HUNDRED FIFTY-SEVEN THOUSAND SEVENTY-NINE DOLLARS AND NO CENTS (\$6,757,079.00) (“Settlement Amount”) for the acquisition of Parcel No. 124 under the terms of the Order of Taking and the School Board’s dismissal, with prejudice, of its Counterclaim.

6. FDOT timely deposited on February 2, 2026, SIX MILLION EIGHT HUNDRED FIFTY-SEVEN THOUSAND SEVENTY-NINE DOLLARS AND NO CENTS (\$6,857,079.00) (“Deposit Amount”) into the Registry of the Clerk of Court. By Order Directing Clerk of Court to Distribute Funds from Court Registry entered on March 11, 2026, the Deposit Amount has been distributed to the School Board.

7. Accordingly, without further order of this Court and within twenty (20) days from the date that this Stipulated Final Judgment is entered:

(a) The School Board shall deliver ONE HUNDRED THOUSAND DOLLARS AND NO CENTS (\$100,000.00) by check or wired funds, which amount represents the difference between the Settlement Amount and the Deposit Amount, payable to the State of Florida Department of Transportation, c/o Kenia Bravo, 1000 NW 111th Avenue, Miami, Florida 33172.

(b) The School Board shall file a full dismissal of its Counterclaim, with prejudice, with the Clerk of Court.

(c) The School Board shall execute and record, in the Official Records of Miami-Dade County, Florida, a standalone, recordable instrument titled “Disclaimer and Release of Reversionary Interest / Possibility of Reverter concerning the interest, if any,

“DRAFT

described in the Right-Of-Way-Deed recorded in Official Records Book 30107 at Pages 4378–4384 of the Public Records of Miami-Dade County, Florida, solely with respect to the property commonly referred to as Parcel P and legally described in Exhibit B attached hereto (the “Disclaimer and Release”). The Disclaimer and Release shall be in a recordable Miami-Dade format approved by FDOT, executed by the School Board, acknowledged, and suitable for recording without further deed or conveyance. The School Board shall deliver the executed original to FDOT and cause it to be recorded, or permit FDOT to record it, within the same 20-day period. A conformed copy of the recorded Disclaimer and Release (with recording information) shall be filed in this action upon recording, and a true and correct copy of the fully executed instrument is attached hereto as Exhibit B.

(d) The School Board shall assume full responsibility (and FDOT shall have no responsibility) to completely satisfy all claims for attorneys’ fees, consultants’ fees, testifying experts’ fees, and litigation costs taxable under Sections 73.091 and 73.092, Florida Statutes, through payments by the School Board from the Settlement Amount.

8. The School Board’s recovery of the Settlement Amount (i) represents full compensation for the taking of Parcel No. 124 and is made in full and final settlement of any and all claims for compensation and damages of any nature related to the taking of Parcel No. 124, including, but not limited to, all claims for compensation for property acquired, the cost to cure the impacts of the taking, cost of the improvements upon Parcel No. 124, severance damages, special damages, and prejudgment interest; and (ii) is inclusive of any and all potential claims for attorneys’ fees, consultants’ fees, testifying experts’ fees, and litigation costs that have been or

“DRAFT

could be asserted by the School Board as taxable against FDOT under Sections 73.091 and 73.092, Florida Statutes.

9. The Parties stipulate to entry of final judgment in consideration of and in reliance upon (i) the latest design plans for the project for which Parcel No. 124 is being acquired, the relevant portions of which are attached to this Stipulated Final Judgment as Exhibit A. The School Board shall have the same remedies under both statutory and common law as would have been afforded to them had this lawsuit been resolved by jury verdict with the plans attached as Exhibit A having been made a part of the record at trial. *Central and Southern Florida Flood Control District v. Wye River Farms, Inc.*, 297 So.2d 323 (Fla. 4th DCA 1974), *cert. denied* 310 So.2d 745 (Fla. 1975).

10. The Clerk of Court is ordered to forthwith record this Stipulated Final Judgment in the Official Records of Miami-Dade County, Florida.

11. The Court retains jurisdiction of this case and the Parties in order to (i) enforce the terms of the Order of Taking, and (ii) enforce the terms of this Stipulated Final Judgment.

DONE AND ORDERED this _____ day of _____, 2026, at Miami, Miami-Dade County, Florida.

HON. VALERIE R. MANNO SCHURR
CIRCUIT COURT JUDGE

Copies furnished to:
All counsel on attached Service List

“DRAFT

SERVICE LIST

FDOT v. School Board of Miami-Dade County, et al.

Kenia Bravo Lillian Valdespino State of Florida Department of Transportation Office of the General Counsel 1000 N.W. 111 Avenue Room 6136 Miami, FL 33172 Telephone: (305) 470-5435 Facsimile: (305) 470-5104 Email: Kenia.bravo@dot.state.fl.us Janise.Hassanos@dot.state.fl.us D6Eservice@dot.state.fl.us Lillian.Valdespino@dot.state.fl.us Janise.Hassanos@dot.state.fl.us D6Eservice@dot.state.fl.us <i>Counsel for Petitioner, State of Florida Department of Transportation</i> By Electronic Mail via State E-Portal	Mitchell J. Burnstein Alicia Gonzalez Weiss Serota Helfman Cole & Bierman, P.L. 200 East Broward Boulevard Suite 1900 Fort Lauderdale, FL 33301 Telephone: 954-763-4242 Facsimile: 954-764-7770 Email: mburnstein@wsh-law.com lbrewley@wsh-law.com agonzalez@wsh-law.com tjames@wsh-law.com <i>Counsel for Defendant, The School Board of Miami-Dade County, Florida</i> By Electronic Mail via State E-Portal
Andrea Gonzalez, Asst. County Attorney Miami-Dade County 111 N.W. 1st St., Suite 2810 Miami, FL 33128 Telephone: 305-375-5151 Email: Andrea.Gonzalez@miamidade.gov Manuela.Hernandez@miamidade.gov <i>Counsel for Defendant Miami-Dade County</i> By Electronic Mail via State E-Portal	Town of Medley c/o Roberto Martell, as Mayor 7777 NW 72nd Avenue Medley, FL 33166 By U.S. Mail