

Department

**Submitted For: COUNTY ATTORNEY**

**Motion and Title:** Staff recommends motion to approve a settlement in the amount of \$566,170, which includes attorney's fees, expert fees and costs, in the eminent domain action styled Palm Beach County v. Maria Mink, et al., Case No. 502006CA010149AG, for the taking of parcel 4, owned by Rolando Ruben Ramos and Ana Maria Valdivia.

**Background and Justification:** The County's initial good faith offer was \$501,000. The proposed settlement in the amount of \$550,000, as full and final compensation for the property taken and all damages of any kind whatsoever, is 9.78% **(continued on page 3)**

1. Stipulated Final Judgment Closing Case.
2. Budget Availability Statement.

Date \_\_\_\_\_

**Date**

## II. FISCAL IMPACT ANALYSIS

### A. Five Year Summary of Fiscal Impact:

Fiscal Years	2010	2011	2012	2013	2014
Capital Expenditures	\$65,170	-0-	-0-	-0-	-0-
Operating Costs	-0-	-0-	-0-	-0-	-0-
External Revenues	-0-	-0-	-0-	-0-	-0-
Program Income (County)	-0-	-0-	-0-	-0-	-0-
In-Kind Match (County)	-0-	-0-	-0-	-0-	-0-
NET FISCAL IMPACT	\$65,170	-0-	-0-	-0-	-0-

# ADDITIONAL FTE

POSITIONS (Cumulative)

Is Item Included in Current Budget? Yes X No     
Budget Acct No.: Fund 3503 Dept. 361 Unit 0725 Object 6120  
Program

### B. Recommended Sources of Funds/Summary of Fiscal Impact:

Road Impact Fee Fund - Zone 3

Seminole Pratt/SR 80 to S of Okeechobee Blvd

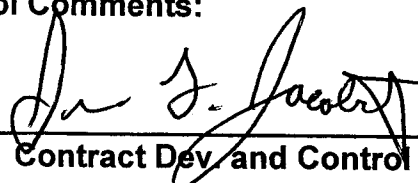
Land & Improvements-Parcel 4	\$550,000.00
Attorneys Fees	\$ 16,170.00
Settlement Amount	\$566,170.00
Less Previous Deposits-Court Registry	<\$501,000.00>
Fiscal Impact	\$ 65,170.00

### C. Departmental Fiscal Review:

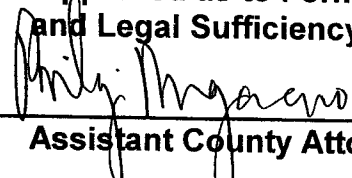
## III. REVIEW COMMENTS

### A. OFMB Fiscal and/or Contract Dev. and Control Comments:

  
OFMB 9/11/10  
SP MFC 9/11/10  
SP 9/11/10

  
Contract Dev. and Control 9/12/10

### B. Approved as to Form and Legal Sufficiency:

  
Assistant County Attorney

### C. Other Department Review:

  
Department Director

This summary is not to be used as a basis for payment.

**Background and Justification (continued)**

above the County's appraised value. Because this proposed settlement is less than 10% above the County's appraised value, it is exempt from the County's Amended Real Property Acquisition, Disposition and Leasing Ordinance, No. 2009-52, as amended, and does not need to go before the Property Review Committee.

The Owner's Appraiser opined that the value of the subject property, parcel 4, was \$650,000. This settlement is fair and equitable, and eliminates the risk and exposure of an adverse jury verdict, additional interest, attorney's fees, expert fees and costs that would exceed the additional cost of settlement.

PALM BEACH COUNTY, a political  
subdivision of the State of Florida,

Petitioner,

v.

MARIA MINK, as Trustee of the Maria  
Mink Living Trust Agreement Dated  
July 27, 1998, et al.

Respondents.

IN THE CIRCUIT COURT OF THE 15<sup>TH</sup>  
JUDICIAL CIRCUIT IN AND FOR PALM  
BEACH COUNTY, FLORIDA

CASE NO: 502006CA010149XXXMB  
DIVISION: AG

PARCEL 4

**STIPULATED FINAL JUDGMENT CLOSING CASE AS TO PARCEL 4 OWNED BY  
ROLANDO RUBEN RAMOS AND ANA MARIA VALDIVIA**

THIS CAUSE having come before the Court on the mediated settlement, by Petitioner, Palm Beach County, by and through its undersigned Assistant County Attorney, and Bradley S. Gould, Esquire, Attorney for the Respondents, Rolando Ruben Ramos and Ana Maria Valdivia, and the Court being fully advised in the premises, hereby finds and decides as follows:

1. The Court has jurisdiction over the subject matter of, and the parties to this cause.

2. Respondents, Rolando Ruben Ramos and Ana Maria Valdivia, shall have and recover the sum of **FIVE HUNDRED FIFTY THOUSAND DOLLARS AND 00/100 CENTS (\$550,000.00)**, as full, just and final compensation for the taking of Parcel 4, which includes all damages of any type whatsoever, excluding attorney's fees, expert fees and costs. There are no taxes due on Parcel 4.

3. The sum of FIVE HUNDRED ONE THOUSAND DOLLARS AND 00/100 (\$501,000) having been previously deposited by Petitioner into the Registry of the Court pursuant to the Order of Taking entered on January 12, 2007, and having been previously withdrawn by the Respondent, Petitioner shall receive a credit in the sum of \$501,000.00 toward the full and final compensation set forth in paragraph 2 above.

4. Petitioner, Palm Beach County, shall within thirty days (30) days from the date of the entry of this Stipulated Final Judgment, issue a check in the amount of **FORTY-NINE THOUSAND DOLLARS AND 00/100 (\$49,000.00)**, made payable to **Holland & Knight, LLP, Trust Account**, and mail same c/o Bradley S. Gould, Esquire, 701 Brickell Avenue, Suite 3000, Miami, Florida, 33131, representing the difference between the agreed upon compensation referenced in paragraph two and the amount previously deposited into the Registry of the Court for Parcel 4. Respondent's counsel, Bradley S. Gould, Esq., shall be solely responsible to make the appropriate disbursements.

5. Additionally, Petitioner, Palm Beach County shall within thirty days (30) days from the date of the entry of this Stipulated Final Judgment, issue a check in the amount of **SIXTEEN THOUSAND ONE HUNDRED SEVENTY DOLLARS AND 00/100 (\$16,170.00)**, made payable to **Holland & Knight, LLP, Trust Account**, and mail same c/o Bradley S. Gould, Esquire, 701 Brickell Avenue, Suite 3000, Miami, Florida, 33131, which sum represents full attorneys fees, expert fees and costs paid on behalf of the Respondents.

6. Title to Parcel 4, as further described in **Exhibit "A"** attached hereto, which vested in the Petitioner pursuant to the Order of Taking and deposits previously made is hereby approved, ratified and confirmed.

7. The sums paid to the Respondents, Rolando Ruben Ramos and Ana Maria Valdivia, represents full and final compensation for the taking of Parcel 4, and the Respondents will not seek any further monies from the Petitioner in this cause, except as specifically set forth herein.

8. The Court reserves jurisdiction to enforce the terms of this judgment, over supplemental proceedings, if any, pursuant to Florida law.

**DONE AND ORDERED** in chambers this \_\_\_\_ day of September, 2010 in West Palm Beach, Palm Beach County, Florida.

\_\_\_\_\_  
Honorable David F. Crow  
Circuit Judge

Copies furnished to the parties listed below

**JOINT MOTION**

Petitioner, Palm Beach County, and Bradley S. Gould, Esquire, Attorney for the Respondents, Rolando Ruben Ramos and Ana Maria Valdivia, hereby stipulate that they have resolved this case as described above, and move this Court for entry of the foregoing Stipulated Final Judgment.

**PHILIP MUGAVERO, ESQ.**  
Assistant County Attorney  
301 N. Olive Avenue, Suite 601  
West Palm Beach, FL 33401-4791

**BRADLEY S. GOULD, ESQ.**  
Holland & Knight, LLP  
701 Brickell Avenue, Suite 3000  
Miami, Florida 33131

\_\_\_\_\_  
By: Philip Mugavero  
Fla. Bar No. 931179

\_\_\_\_\_  
By: Bradley S. Gould  
Fla. Bar No. 966150

Parcel 4  
00-40-43-36-00-000-2160

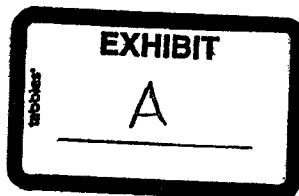
*LEGAL DESCRIPTION*

TRACT 16, ACCORDING TO THE PLAT OF ENTRADA ACRES, AN UNRECORDED SUBDIVISION OF A PORTION OF SECTION 36, TOWNSHIP 43 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, AS SAID LOT IS SHOWN IN SAID SUBDIVISION RECORDED IN OFFICIAL RECORD BOOK 2831, AT PAGES 239 AND 240, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY.

SUBJECT TO EASEMENTS AND RESERVATIONS AS SHOWN ON SAID PLAT.

TOGETHER WITH A RIGHT OF INGRESS AND EGRESS OVER VELAZQUEZ ROAD (60 FEET WIDE).

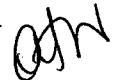
5.01 ± Acres



**INTEROFFICE COMMUNICATION  
PALM BEACH COUNTY  
BUDGET AVAILABILITY STATEMENT**

**DATE:** August 31, 2010

**TO:** Phillip Mugavero-Assistant County Attorney  
County Attorney's Office

**FROM:** Alexis T. Willhite, Director   
Administrative Services

**RE:** Seminole Pratt/SR 80 to S of Okeechobee Blvd  
Project # 1997511A  
PBC v Maria Mink, et al  
Case No: 502006CA010149AG  
Parcel 4  
Eminent Domain Settlement \$550,000.00

**BOARD MEETING DATE:** September 14, 2010

**FISCAL IMPACT LOCATION:** F:\COMMON\WP\AgendaPage2\ 00269,

**FUNDING STATUS:** FULLY FUNDED

Is Item Included in Current Budget? Yes ☒ No

**Budget Account No:**

Fund 3503 Dept 361 Unit 0725 Object 6120

**Recommended Sources of Funds/Summary of Fiscal Impact:**

Road Impact Fee Fund - Zone 3

Seminole Pratt/SR 80 to S of Okeechobee Blvd

Land & Improvements-Parcel 4	\$550,000.00
Attorneys Fees	\$ 16,170.00
Settlement Amount	\$566,170.00
Less Previous Deposits-Court Registry	<\$501,000.00>
Fiscal Impact	\$ 65,170.00

This BAS is valid for up to ninety days from its date of issuance.  
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