

RESOLUTION NO. 23-1959

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, APPROVING AND RATIFYING A SETTLEMENT AGREEMENT BETWEEN THE TOWN OF MIAMI LAKES AND TSC INVESTMENTS LLC IN THE FOLLOWING CASES, ELEVENTH CIRCUIT IN AND FOR MIAMI DADE COUNTY, FLORIDA CASE NO. 2021-006842-CA-01 AND CASE NO., No. 2021-019220-CA-01, RELATING TO THE EMINENT DOMAIN OF REAL PROPERTY LOCATED AT 5951 N.W. 151ST STREET, MIAMI LAKES, FLORIDA 33014; AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE SETTLEMENT AGREEMENT; AUTHORIZING THE EXPENDITURE OF BUDGETED FUNDS; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in 2018, the Town of Miami Lakes (the “Town”), identified the need to connect the isolated N.E. quadrant of the Town via a roadway at NW 59th Avenue, by connecting the existing avenue through a vacant, aviation owned land, and extending the avenue over a canal (known as the C-8 Canal) south to NW 151st Street via a bridge to be built for that purpose (the “Project”); and

WHEREAS, the Town has been successful in securing government funding through a Florida Department of Transportation Grant, monies the U.S. Federal Government, State of Florida and Peoples Transportation Trust; and

WHEREAS, in order to complete this needed roadway, it was necessary for the Town to initiate eminent domain proceedings via resolution no. 2019-1604, in order to take private property located at 5951 N.W. 151 Street, Miami Lakes, Florida 33014 (the “Property”), owned by TSC Investments (“TSC”); and

WHEREAS, on March 11, 2021, the Town filed a Petition in Eminent Domain under Chapter 74 of the Florida Statutes in the Eleventh Judicial Circuit Court, in and for Miami-Dade County, Case No. 2021-006842-CA-01 to acquire the Property for the Project via the power of eminent domain (the “First Action”). TSC challenged the Town’s compliance with the pre-suit notice requirements of Florida Statute 73.015(2). The Town has opposed the challenge; and

WHEREAS, on August 13, 2021, the Town filed a second Petition in Eminent Domain under Chapter 74 of the Florida Statutes in the Eleventh Judicial Circuit Court, in and for Miami-Dade County, Case No. 2021-019220-CA-01 to acquire the Property for the Project via the power of eminent domain (the “Second Action”). Together, the First Action and Second Action are referred to as the “Eminent Domain Actions”; and

WHEREAS, from August 13, 2021, through October 6, 2023, the Town and TSC engaged in litigation which included various hearings and discovery; and

WHEREAS, based on an independent appraisal performed, the Property’s current value is valued at Four Million Dollars Five Hundred Thousand Dollars (\$4,500,000)¹. A true and correct copy of the Appraisal is attached hereto as Exhibit “A”; and

WHEREAS, on October 6, 2023, the Town and TSC entered into a tentative agreement, subject to Town Council approval (the “Settlement Agreement”). A true and correct copy of the Settlement Agreement is attached hereto as Exhibit “B”; and

WHEREAS, according to the Settlement Agreement, TSC will accept the sum of Four Million Dollars Five Hundred Thousand Dollars (\$4,500,000) for the acquisition by the Town of the Property; and

WHEREAS, pursuant to Florida Law, the Town will pay TSC’s attorneys fees in the amount of Five Hundred Thirty-Four Thousand Dollars (\$534,000), and up to an amount of Fifty Thousand Dollars (\$50,000) for costs; and

WHEREAS, through discussions, the Town has learned that the owners of TSC, Michael Spetko and his family, were original pioneers of the Town that helped in the development of the Town; and

WHEREAS, the Town Council is desirous of completing the acquisition of the Property in order to commence work on the Project; and

¹ This appraisal is the third updated appraisal performed on the Property by the Town.

WHEREAS, the Town Council finds that the price for acquisition of the Property is satisfactory; and

WHEREAS, in addition to the acquisition of the Property and in furtherance of the Settlement Agreement, the Town Council shall at a future date honor the Spetko family for their contributions to the Town; and

WHEREAS, the Town Council finds that the execution of the Settlement Agreement and the acquisition of the Property are in the best interest of the Town.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The foregoing Recitals are true and correct and incorporated herein by this reference.

Section 2. Approval of the Settlement Agreement. The Town Council hereby approves the Settlement Agreement in the matters Town of Miami Lakes v. TSC Investments, Eleventh Circuit Court in and for Miami Dade County, Case No. 2021-006842-CA-01 and Case No. 2021-019220-CA-01, as described in Exhibit "A.", and shall at a future date vote on an appropriate recognition to Michael Spetko and his family.

Section 3. Authorization of Town Officials. The Town Manager, his designee and the Town Attorney are authorized to take all steps necessary to implement the terms and conditions of the Settlement Agreement attached hereto as Exhibit "A," including payment for the acquisition of the Property, payment of attorneys' fees and costs, and the resolution via dismissal or a Stipulated Order of Taking and Final Judgment in Eminent Domain of Town of Miami Lakes v. TSC Investments, Eleventh Circuit Court in and for Miami Dade County, Case

No. 2021-006842-CA-01 and Case No. 2021-019220-CA-01, and to executed any other document necessary to effectuate this Resolution.

Section 4. Expenditure of Budgeted Funds. The Town Manager, or his designee, are authorized to expend budgeted funds in order to effectuate the acquisition of 5951 N.W. 151 Street, Miami Lakes, Florida 33014, and payment of attorneys' fees and costs.

Section 5. Effective Date. This Resolution shall take effect immediately upon adoption.

***** THIS SECTION HAS BEEN LEFT PURPOSEFULLY BLANK *****

Passed and adopted this 24th day of October 2023.


The foregoing resolution was offered by Councilmember Dieguez who moved its adoption. The motion was seconded by Councilmember Garcia and upon being put to a vote, the vote was as follows:

Mayor Manny Cid	Absent
Vice Mayor Carlos O. Alvarez	Absent
Councilmember Luis E. Collazo	Yes
Councilmember Joshua Dieguez	Yes
Councilmember Tony Fernandez	No
Councilmember Ray Garcia	Yes
Councilmember Marilyn Ruano	No



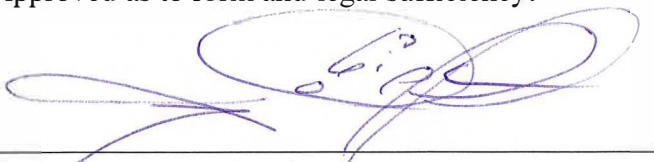
Manny Cid
MAYOR

Attest:



Gina M. Inguanzo
TOWN CLERK

Approved as to form and legal sufficiency:



Raul Gastesi, Jr.
Gastesi, Lopez and Mestre, PLLC
TOWN ATTORNEY

EXHIBIT “A”

Appraisal

EXHIBIT “B”

SETTLEMENT AGREEMENT