MEMORANDUM

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D. and Members, Board of County Commissioners

DATE: February 3, 2004

FROM: George M. Burgess
County Manager

SUBJECT: Resolution Authorizing the Acquisition of Land for Construction of Facilities Required by a Consent Order Between Miami-Dade County and the State of Florida

This item was amended at the January 13, 2004 Governmental Operations and Environment Committee Meeting to add language to the resolution.

RECOMMENDATION

It is recommended that the Board of County Commissioners (Board) adopt the attached resolution authorizing the acquisition of land for the construction of facilities required by a Consent Order between Miami-Dade County and the State of Florida, and declaring said acquisition to be a public necessity. It is further recommended that the Board authorize the County Manager and the County Attorney to acquire the property by eminent domain proceedings.

BACKGROUND

The Miami-Dade Water and Sewer Department (Department), pursuant to Board Resolution No. R-408-02, was authorized to appraise and negotiate with the property owners to acquire property around the South District Wastewater Treatment Plant (Plant) for the purpose of providing space to expand the treatment at the Plant. In September 2002 the Board approved Resolution No. R-1048-02 which authorized the Department to increase the size of one parcel by 10-acres. The land would be used to construct facilities required by the Consent Order between Miami-Dade County and the State of Florida Department of Environmental Protection approved by the Board on July 23, 2003; that Consent Order requires that any future expansion at the plant be consistent with the re-use facility specified in the Comprehensive Everglades Restoration Program (CERP).

Resolution R-408-02 authorized the County Manager to appraise and negotiate with the property owners for the purchase of four separate parcels. However, the South Florida Water Management District is purchasing three of the four parcels leaving only one parcel available for county use. The single available parcel is only 17.3-acres and would not accommodate the contemplated facilities. The Board approved Resolution No. R-1048-02 which authorized acquisition of an additional 10-acres adjacent to the 17.3-acre parcel for a total of 27.3-acres. The total appraised value of the 27.3 acre parcel is $361,500. Negotiations with the property owner, Manuel Dorta-Duque, have proved unsuccessful. Mr. Dorta-Duque is asking $1,010,100 for the 27.3-acres, making the asking price nearly three times the appraised value. Acquisition of this property is a matter of public necessity.

Upon approval of the attached resolution, the County Attorneys office will be directed to acquire the property through eminent domain proceedings against the property, including a declaration of taking as necessary.

Therefore, it is respectfully requested that the Board of County Commissioners approve the attached resolution.

Assistant County Manager

MEMORANDUM

(Revised)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D. and Members, Board of County Commissioners

DATE: February 3, 2004

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 7(R)(1)(B)

Please note any items checked.

_____ **"4-Day Rule" ("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**

_____ **Bid waiver requiring County Manager's written recommendation**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **Housekeeping item (no policy decision required)**

_____ **No committee review**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(R)(1)(B)
2-3-04

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE ACQUISITION OF LAND FOR THE CONSTRUCTION OF FACILITIES REQUIRED BY A CONSENT DECREE BETWEEN MIAMI-DADE COUNTY AND THE STATE OF FLORIDA, AND DECLARING SAID ACQUISITION TO BE A PUBLIC NECESSITY; AND AUTHORIZING THE COUNTY MANAGER AND THE COUNTY ATTORNEY TO BEGIN EMINENT DOMAIN PROCEEDINGS, INCLUDING DECLARATION OF TAKING AS NECESSARY

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board hereby declares the acquisition in fee simple of Parcel 5 as shown on Exhibit A attached hereto to be a public necessity, such parcel being necessary for the construction of facilities, required by a Consent Order between Miami-Dade County and the State of Florida Department of Environmental Protection, attached hereto as Exhibit B, said construction being a public necessity and in the best interest of Miami-Dade County; and authorizes and directs the County Manager and the County Attorney to take any and all appropriate action to acquire said property by eminent domain proceedings, including a declaration of taking as necessary, for and on behalf of Miami-Dade County.

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

Dr. Barbara Carey-Shuler, Chairperson
Katy Sorenson, Vice-Chairperson

Bruno A. Barreiro	Jose "Pepe" Diaz
Betty T. Ferguson	Sally A. Heyman
Joe A. Martinez	Jimmy L. Morales
Dennis C. Moss	Dorrin D. Rolle
Natacha Seijas	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 3rd day of February, 2004. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

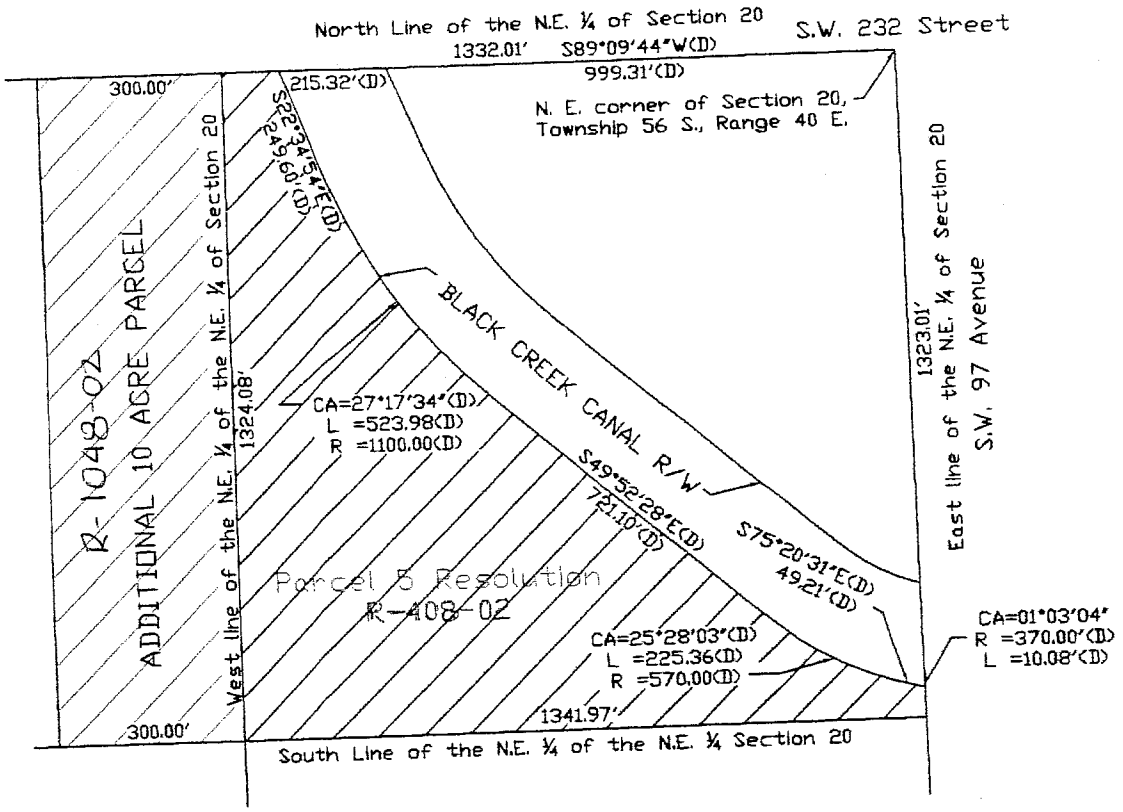
HARVEY RUVIN, CLERK

By:_____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency. DM

David M. Murray

EXHIBIT"A"



LEGAL DESCRIPTION

All that land lying in the Northeast one-quarter of the Northeast one-quarter of Section 20, Township 56 South, Range 40 East, Miami-Dade County Florida lying Southwesterly of the Southwesterly Right of Way line of Black Creek Canal as described in Official Record Book 1988, Page 443 of the Public Records of Miami-Dade County, Florida and the East 300.00 feet of the Northwest one-quarter of the Northeast one-quarter of Section 20, Township 56 South, Range 40 East, Miami-Dade County Florida.

Said land containing 27.3 acres more or less.

NOTES:
1. This is not a survey.
2. Distances and area are based on Miami-Dade County Public Works Department Township Map dated June 1969 unless otherwise indicated.
3. CA denotes central angle.
4. (D) denotes information obtained from record deeds.
5. L denotes length.
6. R denotes radius.
7. R/W denotes right of way.
8. Folio #30-6020-000-0020

5

SKETCH & LEGAL DESCRIPTION	
MIAMI – DADE WATER AND SEWER DEPARTMENT	
DATE: 6/6/02	SCALE: Not To Scale
E.R. 47497	WASD Parcel 5

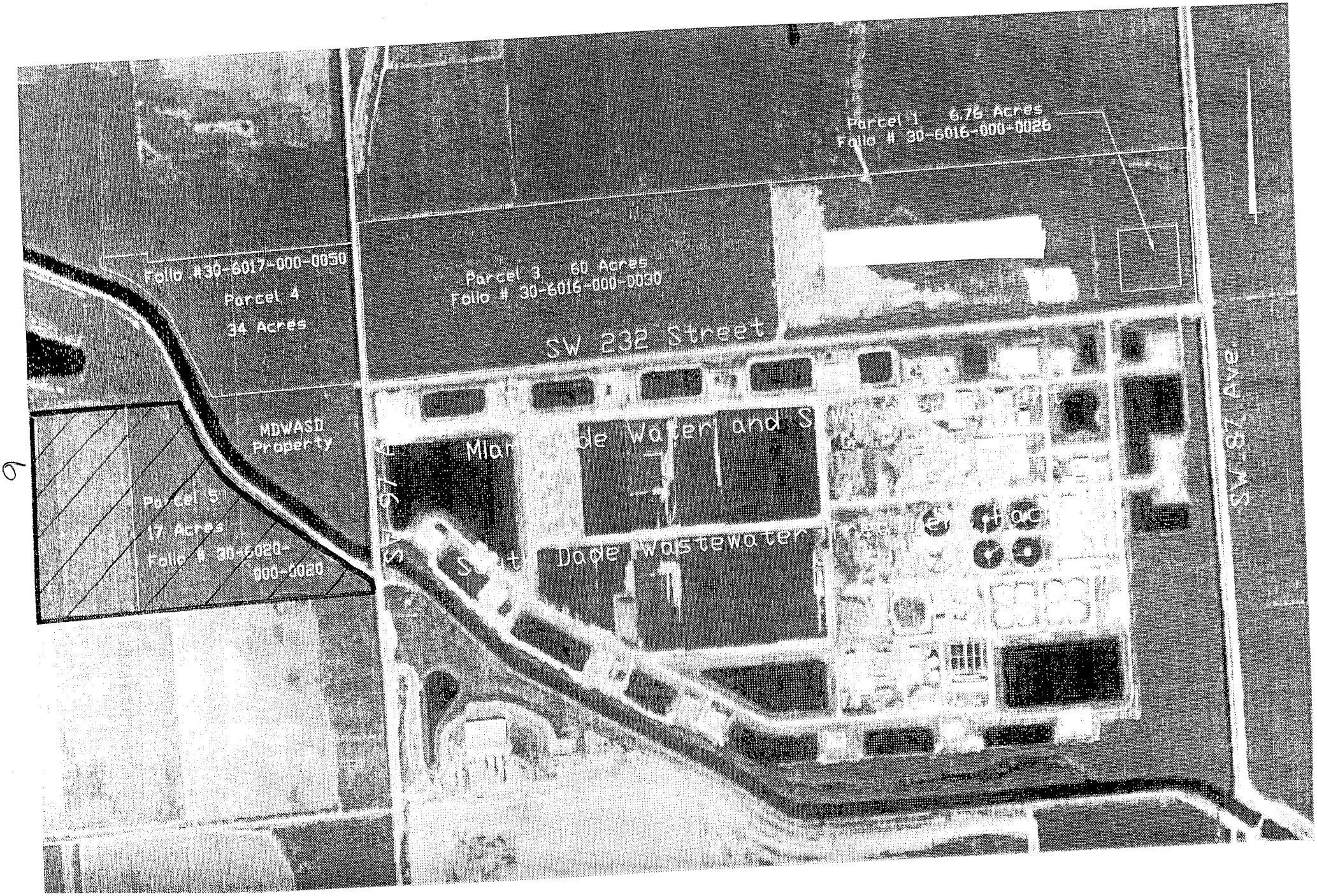

Parcel 1 6.76 Acres
Folio # 30-6016-000-0026
Folio #30-6017-000-0050
Parcel 4
34 Acres
Parcel 3 60 Acres
Folio # 30-6016-000-0030
SW 232 Street
MDWASD
Property
Parcel 5
17 Acres
Folio # 30-6020-
000-0020
South Dade Wastewater
87 Ave

EXHIBIT B

BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Complainant,

vs.

MIAMI-DADE COUNTY,

Respondent.
_____/

IN THE OFFICE OF THE
SOUTHEAST DISTRICT

OGC FILE NO. 03-1376

CONSENT ORDER

This Consent Order is entered into between the State of Florida Department of Environmental Protection ("Department") and Miami-Dade County ("Respondent" or "County") to reach settlement of certain matters at issue between the Department and the County.

The Department alleges, and the County neither admits nor denies, the following:

1. The Department is the administrative agency of the State of Florida having the authority and duty to control and prohibit pollution of air and water in accordance with Chapter 403, Florida Statutes, and rules promulgated thereunder. The Department has jurisdiction over the matters addressed in this Consent Order.

2. The County is a political subdivision of the State of Florida and is a person within the meaning of Section 403.031(5), Florida Statutes.

3. The County, through the Miami-Dade Water and Sewer Department ("MDWASD"), is responsible for the operation and maintenance of the South District Wastewater Treatment Facility ("WWTF" or "Facility") which is located at 8950 Southwest 232nd Street, at Miami-Dade County, Florida.

4. The Facility is a pure oxygen activated sludge municipal sewage treatment plant, including associated wastewater collection systems with disposal via a system of multiple Class I underground injection wells, referred to in this Consent Order as injection well(s), IW or IWs and the applicable well number(s).

5. The Facility currently operates under Department Operating Permit number FLA-042137 which rates the Facility at 97 million gallons per day Annual Average Daily Flow ("MGD AADF") permitted capacity.

6. On November 26, 1997, the County and the United States Environmental Protection Agency (EPA) entered into Administrative Order on Consent 4-UICC-006-95 ("AOC"). The AOC required the County to conduct hydrogeologic studies to determine the cause of any movement of fluid containing contaminants at the County's Facility into the upper Floridan aquifer system.

7. On March 1, 1999, the County and the Department entered Consent Order OGC # 94-3659. The Consent Order was entered into by the parties in response to monitoring data indicating to the Department that wastewater that had been injected into the County's Class I wells was migrating from the point of injection in the boulder zone up into an aquifer that is

designated as an Underground Source of Drinking Water (USDW). The monitoring data detected ammonia and Total Kjeldahl Nitrogen (TKN) in a number of the monitoring wells in the USDW. The Consent Order required the County to pay civil penalties for the alleged fluid migration violations and to conduct certain corrective actions in coordination with the AOC entered into between the County and EPA. The Consent Order further required the parties to attempt to negotiate an additional Consent Order if the studies required by the EPA AOC did not provide assurances of no fluid movement into the USDW. This Consent Order supercedes and replaces Consent Order OGC # 94-3659.

8. Pursuant to the AOC, the County completed, revised, and timely submitted: the Purging Report; the Geochemical Study and Potentiometric Surface Maps; the Chemical Tracer Feasibility Study; and the Virus Tracer Feasibility Study. The Department and EPA reviewed the studies and determined that there was fluid migration from the County's Class I injection wells into the USDW, and that the migration was not the result of the mechanical integrity of the injection wells.

9. On April 16, 2002, EPA notified the County that it would terminate the AOC on August 1, 2002.

10. On April 4, 2002, the County and the Department agreed to enter good faith negotiations for a new Consent Order to address various issues, including the allegation of fluid movement associated with the Class I injection wells at the County's Facility.

11. The Department, County and South Florida Water Management District ("District") are committed toward developing a 20-year integrated water management plan for the County. The District will seriously entertain a request for a 20-year water use permit for all of the County; however, the District will require that the County commit to projects to meet water resource objectives before such a permit can be issued. Projects will involve reuse or any other types of water resource projects acceptable to the District and the County; it is explicitly contemplated that any projects undertaken pursuant to this Consent Order may be considered towards fulfilling any such District requirements. The District and the County have agreed to undertake serious discussions regarding the projects that would be required by the District for a 20-year permit for *all* of the County and attempt to come to a conceptual agreement within 2 months of this Consent Order.

12. Pursuant to Section 403.088(2)(e) and (f), F.S., the issuance or reissuance of any operation permits for the Facility and injection wells require that such permits shall be accompanied by an order establishing a schedule for achieving compliance with all permit conditions and that the permits require compliance with the order. This Consent Order establishes a schedule for achieving compliance with all permit conditions included in the injection well permits issued by the Department for the County's South District Plant, Permit numbers 61787-001-UO through 61787-013-UO and 61787-014-UC through 61787-017-UC as required by Section 403.088(2)(f), Florida Statutes. Having

reached resolution of the matter, the Department and the County mutually agree and it is,

ORDERED:

13. The County shall not inject effluent down any injection well or combination of injection wells at the Facility at a rate or volume which exceeds the permitted capacity of any injection well or combination of injection wells. Any such injection may result in the imposition of civil penalties against the County, unless the County affirmatively demonstrates that the Bypass provisions in Rule 62-620.610(22) or the Upset provisions in Rule 62-620.610(23) have been met.

14. Failure to comply with the requirements of this order shall constitute a violation of this order and may subject the County to civil penalties as provided in Section 403.161, Florida Statutes.

INTERIM REQUIREMENTS

15. The Department has reviewed the ground water monitoring data collected since 1994 related to the Facility. Data reviewed are from the monitoring well system in the Floridan aquifer system and the Biscayne aquifer system, and data collected by the US EPA. Moreover, the Department has reviewed additional information that reasonably demonstrates that there is no conduit that would allow for the direct communication of waters from the Floridan aquifer system through the Hawthorn group to the Biscayne aquifer system.

Consistent with the Department's and County's duty to protect the public health and water supplies of the State of Florida, the parties agree that the injection well permits issued contemporaneously with this Order shall include a requirement to conduct a ground water study of the Floridan aquifer.

16. Within 60 days of entry of this Consent Order, the County shall complete the effluent characterization of the South District facility for those parameters not included with the information submitted to the Department on January 10, 2003.

17. Based on the effluent information submitted to the Department on January 10, 2003, there have been two marginal violations over the past five years of the primary drinking water standard for nitrite. Within 60 days of entry of this Consent Order, the County shall submit to the Department a plan for operational changes at the South District facility to be implemented in order to control nitrogen species (nitrogen, nitrate, nitrite) in the effluent such that primary drinking water standards for these species are not violated. Such plan approved by the Department shall be implemented immediately.

18. Beginning 30 days from the entry of this Consent Order, the County shall sample nitrogen species (nitrogen, nitrate, nitrite), coliform, and turbidity as follows:

Parameter	Sample Type	Sample Frequency	Sample Location
Nitrogen, total	24-hour flow proportioned composite	Monthly	Effluent pump station
Nitrate, total as N	24-hour flow proportioned composite	Monthly	Effluent pump station
Nitrite, total as N	24-hour flow proportioned composite	Monthly	Effluent pump station
Nitrate plus nitrite, total as N	24-hour flow proportioned composite	Monthly	Effluent pump station

Fecal coliform	Grab	Monthly	Effluent pump station
Turbidity	Meter	Continuous	Effluent pump station

Beginning within 90 days from entry of this Consent Order, the County shall sample for the parameters that exceed primary drinking water standards based on the final effluent characterization submitted to the Department pursuant to paragraph 16, as follows:

Parameter	Sample Type	Sample Frequency	Sample Location
Each additional parameter	24-hour flow proportioned composite	Quarterly	Effluent pumping station

These additional parameters shall be sampled on a quarterly basis for a period of not less than four quarters. At the end of four quarters, the County may reduce the list of parameters by removing any parameters that have been demonstrated to not exceed or be detected at concentrations greater than the primary drinking water standards during the first four quarters of sampling.

The County shall report the results under this paragraph to the Department on a quarterly basis beginning with the first full three calendar months following entry of this Order and for each subsequent quarterly period thereafter during the pendancy of this order. Each written quarterly report shall include the results for samples collected during the quarter and shall be submitted to the Department within 28 days from the last day of the corresponding quarterly reporting period.

19. Based on the effluent characterization submitted under paragraph 16, the County shall submit to the Department, within 120 days from entry of this Consent Order, a plan of action to address compliance of any contaminants that

exceed primary drinking water standards, except nitrogen species, which are addressed in paragraph 17 and pathogens, which are addressed in paragraphs 26-31. The plan of action shall include a timetable for implementing the plan of action and achieving compliance with primary drinking water standards, including but not limited to changes to the County's pretreatment program.

20. The County shall, within 60 days after the effective date of this order, and at semiannual intervals thereafter, submit to the Department concise progress reports on the County's actions and efforts to comply with the requirements of this Order until fulfillment of all the requirements of this Order. The progress reports shall be submitted to the Water Facilities Administrator, Florida Department of Environmental Protection, Southeast District Office, 400 North Congress Avenue, Suite 200, West Palm Beach, Florida 33401.

OPERATION

21. This Consent Order authorizes the operation of the Facility in accordance with Section 403.088, Florida Statutes, and Florida Administrative Code Chapter 62-528. The County shall operate this Facility in accordance with terms and conditions of its permits and this Consent Order. The annual average daily flow for this facility shall be 112.5 million gallons per day (MGD), consistent with the modification of the existing Domestic Wastewater Facility Operation Permit No. FL0042137-002 authorizing operation of the Facility at a rated capacity of 112.5 MGD AADF.

22. Contemporaneous with this Consent Order, the Department shall extend the expiration date of the construction permits for IWs 14-17 to May 2006 to allow for operational testing. At least 60 days prior to the expiration date of the construction permits, the County shall apply for Class V operation permits for IWs 14-17. Upon submittal by the County of complete operation permit applications, the Department shall issue five-year operation permits for IWs 14-17, to allow operation consistent with the compliance actions of this Consent Order.

23. Upon completion of the Department approved high velocity injection test, the Department shall review the results of the test and authorize re-rating of injection wells IWs 1-17 to a maximum peak hourly flow of 10 feet per second (fps), if the Department determines that the test satisfies the requirements of Rule 62-528.415(1)(b)(c) and (f), F.A.C. During planned testing, maintenance, or emergency conditions the peak hourly flow shall not exceed 12 fps, provided the County demonstrates to the Department that there is reasonable assurance that the higher velocities will not compromise the integrity or operation of the wells.

24. The County shall submit an application for operation permits for the existing permits referenced in paragraph 12, at least 60 days prior to the expiration of the permits. The alleged violations in this Consent Order shall not be a basis for denial of the Class V operation permit applications if the County is in compliance with this Consent Order at the time the Department is reviewing the operation permit applications.

25. The County shall publish notices regarding the Department's intent to issue permits in accordance with this Consent Order and proposed agency action by entering this Consent Order. The notices shall be published in the legal section of a newspaper of general circulation. Any challenge must be brought pursuant to paragraph 46 of this Order. The Department shall defend the reasonableness of this Consent Order and the validity of the permits against any challenge.

FULL COMPLIANCE PLAN

Approach 1 to Compliance:

26. The County shall conduct a pilot project to demonstrate the equivalency of High Rate Disinfection (HRD) as compared to the Department's High Level Disinfection (HLD) requirements as they pertain to pathogen reduction. ("Pathogen" shall mean fecal coliforms, *Giardia, Cryptosporidium* and enteroviruses.) For purposes of this Consent Order, the demonstration of equivalency requires compliance with Rule 62-600.440(5), F.A.C.

The existing 1 MGD Reuse Facility, operated in compliance with the Department's HLD requirements contained in Rule 62-600.440(5), F.A.C., in their entirety, will be used in the pilot for performance comparison. The parties will agree to a protocol for the pilot project within 2 months of the effective date of this Consent Order. If the parties cannot agree on a protocol for the pilot project within the 2-month period, the County shall use the protocol required by

the Department. The pilot test shall be completed and the performance results reported to the Department within 1 year of the effective date of this Consent Order. Provided however, the County shall have the right to challenge the Department's protocol by timely filing a Chapter 120, F.S., petition. If the County files a petition challenging the Department's protocol, the completion of the pilot test shall be tolled pending issuance of the final order.

27. The County shall conduct a pilot project to evaluate the equivalency of Ultraviolet Disinfection (UV) as compared to the Department's High Level Disinfection (HLD) requirements as they pertain to pathogen reduction. ("Pathogen" shall mean fecal coliforms, *Giardia, Cryptosporidium* and enteroviruses.) For purposes of this Consent Order, the demonstration of equivalency requires compliance with Rule 62-600.440(5), F.A.C.

The existing 1 MGD Reuse Facility, operated in compliance with the Department's HLD requirements contained in Rule 62-600.440(5), F.A.C., in their entirety, will be used in the pilot for performance comparison. The parties will agree to a protocol for the pilot project within 2 months of the effective date of this Consent Order. If the parties cannot agree on a protocol for the pilot project within the 2-month period, the County shall use the protocol required by the Department. The pilot test shall be completed and the performance results reported to the Department within 1 year of the effective date of this Consent Order. Provided however, the County shall have the right to challenge the Department's protocol by timely filing a Chapter 120, F.S., petition. If the County

files a petition challenging the Department's protocol, the completion of the pilot test shall be tolled pending issuance of the final order.

28. If either HRD or UV is equivalent to HLD for pathogen reduction, then the County will construct treatment facilities employing either HRD or UV for 112.5 MGD and a peak factor of 2.0. If HRD is equivalent, the County shall select HRD and complete construction and initiate operation within 5 years of the effective date of this Consent Order. If HRD is not equivalent, and UV disinfection is equivalent, the County shall construct 112.5 MGD AADF treatment facilities with a peak factor of 2.0 using UV and begin operation within 7 years of the effective date of this Consent Order. The County shall implement a modified and *expedited* competitive process for consultant procurement that shall not exceed four months. If either HRD or UV is approved by the Department, no later than sixty days after such approval the County shall submit to the Department permit, design, and construction completion dates for the chosen treatment alternative.

29. On the effective date of this Consent Order, the County shall commence the process of procurement, permitting, design, funding, and construction of a 112.5 MGD facility with a peaking factor of 2.0, meeting Florida's HLD requirements, in accordance with Approach 2 in paragraph 30. Approach 2 will be implemented as set forth below if neither HRD nor UV, described above, is equivalent to HLD for pathogen reduction. The County shall implement a modified and *expedited* competitive process for consultant procurement that shall not exceed four months. The County shall submit a

permit application to the Department for construction of the HLD facility no later than 13 months from the effective date of this Consent Order. Design shall be completed no later than 28 months from the effective date. Construction shall commence no later than 37 months from the effective date.

Approach 2 to Full Compliance:

30. If neither HRD nor UV is equivalent to HLD for pathogen reduction the County shall complete construction and initiate operation of a 112.5 MGD AADF facility with a peaking factor of 2.0, meeting the Department's HLD requirements contained in Rule 62-600.440(5), F.A.C., in their entirety within 5 years of the effective date of this Consent Order. The filters required to meet Florida's HLD requirements shall be placed in service within the manufacturer's tolerances; however, the County shall select the exact flow rate within this tolerance. The County shall test the performance of the system for one year after construction.

31. If the flow rate selected within the manufacturer's specifications does not achieve the anticipated performance (adequately treating 112.5 MGD AADF with a peaking factor of 2.0), the County shall install additional filters to meet the treatment requirements for the existing 112.5 MGD AADF Facility with a peaking factor of 2.0. If additional filters are required, the County shall construct and begin operation of such additional filters within 2 years after completion of the 1-year test of filter performance described above in paragraph 30. The County may submit a request to extend the 2 years based upon

submittal of information that it is unable to meet the requirement. If the Department does not approve the request, the County shall have the right to challenge the Department's decision by timely filing a Chapter 120, F.S., petition. If the County files a petition challenging the Department's decision, the time for construction and operation of such additional filters shall be tolled pending issuance of the final order.

Reuse:

32. The County shall conduct a reuse alternatives analysis to consider the options for reuse of wastewater for any expansion of the existing 112.5 MGD AADF Facility. The County shall implement reuse for any additional wastewater disposal associated with any authorized expansion of the Facility over the existing 112.5 MGD AADF.

33. The County agrees to be the local sponsor for the South Miami-Dade Wastewater Reuse Project as described in the July 1999 Comprehensive Everglades Restoration Plan (CERP); under this CERP project 131 MGD of wastewater is currently slated for reuse.

34. The commitments made in this agreement as to water reuse, are the entire water reuse commitments required by the Department for the Miami-Dade South District facility during the term of this Consent Order for matters covered by this Consent Order.

Peak Flows:

35. The County shall share information with the Department in the development of the peak flow study required by EPA under Paragraph 17 of the Second and Final Partial Consent Decree entered in United States of America v. Metropolitan Dade County, Miami-Dade Water and Sewer Authority Department, and the State of Florida, United States District Court, Southern District of Florida, Case No. 93-1109-CIV-Moreno. The County shall consider the Department's comments and insights in connection with the preparation of this required study.

36. The County shall provide to the Department a proposal regarding various options for treatment of flows exceeding 2 times the peak flows. Such treatment may include side stream physical-chemical treatment. The County's proposal shall address the capability of treatment options to meet applicable requirements. In its compliance analysis, the County may consider physical-chemical treatment and blending with wastewater passing through the treatment plant adopted under either Approach 1 or Approach 2. The County shall provide a proposal to the Department within 6 months from entry of this Consent Order. The Department agrees to provide its comments to the proposal within 3 months of submittal. If the County demonstrates that one of the options results in an effluent that, alone or through blending, meets all applicable requirements, the Department, upon submittal by the County of a complete permit application, shall approve the delivery of the subject water to the County's approved injection wells. Prior to implementation of the EPA approved plan to address peak flows in excess of 2.0, the Department agrees that, if the facility experiences peak flows in excess of 2.0, disposal of such flows using the injection wells shall not

result in any further enforcement actions by the Department provided the County is in compliance with this Consent Order.

37. Under peak flow conditions that existed during the years 1997-2003, the County used on certain days the capacity of all 17 wells and discharged "excess" to onsite ponds. The ponds may drain into the Biscayne aquifer. There were 7 events (20 days) during the period 1997-March 2003 when effluent without the benefit of HLD was placed in the onsite ponds. The County and the Department agree in concept that the addition of wells (beyond 17) is appropriate to accommodate peak flows that still occur after all practical infiltration and inflow controls have been explored by the County. The County and the Department agree that the County will apply for permits to construct new wells to eliminate overflows to ponds. Provided the County meets applicable permitting requirements, the new injection wells will be constructed to begin operation no earlier than the upgraded treatment selected under either Approach 1 or Approach 2 is implemented. Before such treatment and wells are in place, the County will manage the system to maximize storage capacity of the collection system. The County and the Department agree that no more than 9 wells would be required to accommodate peak flows. Moreover, the County agrees to seriously explore, in full accordance with applicable requirements, alternatives that could reduce the need for additional wells to accommodate peak flows.

Master Plan Update:

38. The County shall provide to the Department the updated Wastewater Facilities Master Plan (201 Plan) within 6 months of the entry of this Consent Order. The 201 Plan will include an analysis of capacity for treatment and disposal (or reuse) to handle anticipated flows up to the year 2020. It will also include an analysis of various treatment, storage, disposal, and reuse options. Options to be considered will include, but are not limited to: expansion of north and central facilities and shifting flows from the south facility; constructing sub-district processing facilities in various configurations, including shifting flows from existing facilities as appropriate; peak flow management options; and in-line storage. The 201 Plan also will evaluate reuse alternatives including, but not limited to, on site reuse, public access reuse, aquifer recharge, and saltwater barriers. The 201 Plan may incorporate other documents, by reference. The County reserves the right to alter and amend said 201 Plan at its discretion, at any time, within the limits of the law.

Permitting and Other Studies:

39. Any permit applications for the expansion of the South District facility shall be in accordance with the 201 Plan.

40. The County and the Department commit to respond to requests for information ("RFI") and submittals, respectively, as may be required by any paragraph of this consent order or applicable law, within 30 days of receipt. The periods of review by the Department will not count against any compliance

period required in this Consent Order. The County's response to a RFI (up to the maximum 30-day period for each RFI) will not count against any compliance period required in this Consent Order.

OTHER COMMITMENTS

41. In the event that there occur any changes in the statutory or regulatory requirements pertaining to any matters covered by this Consent Order that provide alternative compliance options or interpretations that are different from the terms of this Consent Order, including but not limited to, any changes resulting from any judicial decision or administrative Final Order, the parties shall meet to negotiate any request by the County to modify or terminate this Consent Order. If an agreement to modify or terminate this Consent Order is not agreed to by the parties within 60 days of such request, the Department shall issue an order denying the request for modification or termination of this Consent Order. The County shall have the right to challenge such denial by timely filing a Chapter 120, F.S., petition. This Consent Order shall remain in effect until and unless the Consent Order is modified or terminated.

42. The Department agrees to work with the County to obtain funding for the projects required by this Consent Order pursuant to the provisions of Sections 403.1835 and 403.1837, Florida Statutes, subject to the County's compliance with those provisions and subject to funding limitations.

43. The County shall continue to fund an OPS Contract Engineer at the rate of Thirty Five Thousand Dollars per year ($35,000/year) for the duration of this Order for the purpose of monitoring the County's compliance with the terms of this Order. This condition is a continuation of the requirement in Paragraph 63 of the Settlement Agreement Systemwide, OGC case # 93-0760.

STANDARD CLAUSES

44. If any event, including administrative or judicial challenges by third parties unrelated to the County, occurs which causes delay or the reasonable likelihood of delay, in complying with the requirements of this Consent Order, County shall have the burden of proving the delay was or will be caused by circumstances beyond the reasonable control of the County and could not have been or cannot be overcome by County's due diligence. Economic circumstances shall not be considered circumstances beyond the control of County. Upon occurrence of an event causing delay, or upon becoming aware of such event, County shall, within seven calendar days, notify the Department's Southeast District Underground Injection Control Program orally and shall, within thirty calendar days of oral notification to the Department, notify the Department in writing of the anticipated length and cause of the delay, the measures taken or to be taken to prevent or minimize the delay and the timetable by which County intends to implement these measures. If the parties can agree that the delay or anticipated delay has been or will be caused by circumstances beyond the reasonable control of County, the time for performance hereunder shall be extended for a period equal to the agreed delay resulting from such circumstances. Such agreement shall adopt all reasonable measures necessary

to avoid or minimize delay. Failure of County to comply with the notice requirements of this paragraph in a timely manner shall constitute a waiver of County's right to request an extension of time for compliance with the requirements of this Consent Order.

45. With regard to any determination made by the Department regarding implementation of the requirements of this Consent Order, the County may file a Petition for Formal or Informal Administrative Hearing. If the County objects to the Department's determination, pursuant to Section 120.57, Florida Statutes, the County shall have the burden to establish the inappropriateness of the Department's determination. The petition must contain the information set forth in paragraph 46, below, and must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Blvd. MS-35, Tallahassee, Florida, 32399-3000, within 21 days after receipt of notice of the Department's determination the County intends to challenge and must conform with the requirements of Rule 28-106.201, Florida Administrative Code. Failure to file a petition within this time period shall constitute a waiver by the County of its right to request an administrative proceeding under Section 120.57, Florida Statutes. The Department's determination, upon expiration of the 21 day time period if no petition is filed, or the Department's Final Order as a result of the filing of a petition, shall be incorporated by reference into this Consent Order and made a part of it. All other aspects of this Consent Order shall remain in full force and effect at all times. If the County seeks an administrative proceeding pursuant to this paragraph, the Department may file suit against the County in lieu of or in addition to holding the administrative proceeding to obtain judicial resolution of all the issues unresolved at the time of the request for administrative proceeding. In any action initiated by the Department to enforce the terms of this Consent Order, or any requirement of any statute or rule, the Department shall bear the

burden of proof. The petition shall contain the following information set forth in paragraph 46, below.

46. Persons who are not parties to this Consent Order but whose substantial interests are affected by this Consent Order have a right, pursuant to Sections 120.569 and 120.57, Florida Statutes, to petition for an administrative hearing on it. The Petition must contain the information set forth below and must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS-35, Tallahassee, Florida 32399-3000, within 21 days of this notice. A copy of the Petition must also be mailed at the time of filing to the District Office named above at the address indicated. Failure to file a petition within the 21 days constitutes a waiver of any right such person has to an administrative hearing pursuant to Sections 120.569 and 120.57, Florida Statutes. The petition shall contain the following information:

a) The name, address, and telephone number of each petitioner; the Department's Consent Order identification number and the county in which the subject matter or activity is located; (b) A statement of how and when each petitioner received notice of the Consent Order; (c) A statement of how each petitioner's substantial interests are affected by the Consent Order; (d) A statement of the material facts disputed by petitioner, if any; (e) A statement of facts which petitioner contends warrant reversal or modification of the Consent Order; (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Consent Order; (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Consent Order.

47. If a petition is filed, the administrative hearing process is designed to formulate State agency action. Accordingly, the Department's final action may be different from the position taken by it in the Notice. Persons whose substantial interests will be affected by any decision of the Department with regard to the subject Consent Order have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 21 days of notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Sections 120.569 and 120.57, Florida Statutes, and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-106.205, Florida Administrative Code.

48. A person whose substantial interests are affected by the Consent Order may file a timely petition for an administrative hearing under Sections 120.569 and 120.57, Florida Statutes before the deadline for filing a petition.

49. Mediation under Section 120.573, Florida Statutes, is not available in this proceeding.

50. Entry of this Consent Order does not relieve County of the need to comply with applicable federal, state or local laws, regulations or ordinances, except to the extent compliance is governed by this Consent Order.

51. The terms and conditions set forth in this Consent Order may be enforced in a court of competent jurisdiction pursuant to Sections 120.69 and

403.121, Florida Statutes. Failure to comply with the terms of this Consent Order shall constitute a violation of Section 403.859, Florida Statutes.

52. County is fully aware that a violation of the terms of this Consent Order may subject County to judicial imposition of damages, civil penalties up to $10,000.00 per day per violation, and criminal penalties.

53. County shall allow all authorized representatives of the Department access to the County's property and facility at reasonable times for the purpose of determining compliance with the terms of this Consent Order and the rules and statutes of the Department.

54. The Department hereby expressly reserves the right to initiate appropriate legal action to prevent or prohibit any violations of applicable statutes, or the rules promulgated there under that are not specifically addressed by the terms of this Consent Order.

55. The Department, for and in consideration of the complete and timely performance by County of the obligations agreed to in this Consent Order, hereby waives its right to seek judicial imposition of damages or civil penalties for alleged violations addressed in this Consent Order.

56. This Consent Order constitutes full and final settlement of any and all allegations of violations, including but not limited to, water quality standards, relating to the County's use of the Facility's injection wells prior to and during this Consent Order. This Consent Order provides a complete and full remedy for all such alleged violations that occur prior to and during this Consent Order. Notwithstanding the foregoing, the Department reserves the right to take

appropriate enforcement action against the County in the event that the ground water study required in paragraph 15 demonstrates a threat to public health.

57. County acknowledges and waives its right to an administrative hearing pursuant to Sections 120.569 and 120.57, Florida Statutes, on the terms of this Consent Order. County acknowledges its right to appeal the terms of this Consent Order pursuant to Section 120.68, Florida Statutes, and waives that right upon signing this Consent Order. The County does not waive its rights to appeal the enforcement of this order, or to appeal any alleged violation of this order, or to appeal any final agency action taken by the Department pursuant to this Order.

58. No modifications of the terms of this Consent Order shall be effective until reduced to writing and executed by both County and the Department.

59. In the event of a sale or conveyance of the facility or of the property upon which the facility is located, if all of the requirements of this Consent Order have not been fully satisfied, County shall, at least 30 days prior to the sale or conveyance of the property or facility, (1) notify the Department of such sale or conveyance, (2) provide the name and address of the purchaser, or operator, or person(s) in control of the facility, and (3) provide a copy of this Consent Order with all attachments to the new owner. The sale or conveyance of the facility, or the property upon which the facility is located shall not relieve the County of the obligations imposed in this Consent Order.

60. This Consent Order is a settlement of the Department's civil and administrative authority arising under Florida law to resolve the matters addressed herein. This Consent Order is not a settlement of any criminal liabilities that may arise under Florida law.

61. This Consent Order is a final order of the Department pursuant to Section 120.52(7), Florida Statutes, and it is final and effective on the date filed with the Clerk of the Department unless a Petition for Administrative Hearing is filed in accordance with Chapter 120, Florida Statutes. Upon the timely filing of a petition this Consent Order will not be effective until further order of the Department.

62. Where required by Chapter 471 (P.E.) and Chapter 492 (P.G.) Florida Statutes, documents which are submitted to the Department for public record shall be signed and sealed by the professional(s) who prepared or approved them.

63. The County will provide a notice by letter to the Department for all tasks commenced and completed in accordance with this Consent Order.

64. All payments, reports, plans, permit applications and data required by this Consent Order to be submitted to the Department should be sent to the Department of Environmental Protection, Underground Injection Control Program, 400 North Congress Avenue, Suite 200, West Palm Beach, Florida 33401. Copies of all injection well permit applications and supporting documentation shall be sent to each TAC member listed in Exhibit "A" of this Consent Order.

65. The terms of this Consent Order shall not be construed as and are not intended by the County to be an admission of any violation of Florida or federal law or regulations or policies or of any liability in connection therewith.

66. There are no intended third party beneficiaries to this Consent Order.

67. The provisions of this Consent Order shall apply to and be binding upon the parties, their officers, directors, agents, employees, successors, and assigns and all persons, firms and corporations acting under, through or for them and upon those persons, firms and corporations in active concert or participation with them.

68. The Department agrees to expeditiously process any permit application(s) submitted by the County, relating to this Consent Order.

69. Notwithstanding anything to the contrary in this Order, the County does not admit to, waive any rights in connection with, and expressly reserves the right to challenge the following in any additional action or proceeding, either legal or administrative, brought by the Department or the State of Florida: a conclusion by the Department that there is movement of fluid containing contaminants from the "Boulder Zone" into the upper Floridan aquifer system in violation of state law or rules; a determination that the County's use of the facility causes any violation of Rule 62-520.400, F.A.C., the jurisdiction and authority of the Department over this matter; the constitutionality, legality, and applicability of Chapters 403 and 376, FS, Title 62, FAC, and the Safe Drinking Water Act, 42 U.S.C. § 300h, et. seq. and all state regulations which may be enforced against

or applied to County in relation to the ponds and injection wells at County's South District Wastewater Treatment Plant; any other state law and any federal law or federal regulation which may be enforced against or applied to County in relation to the ponds and injection wells at County's South District Wastewater Treatment Plant.

70. The parties hereto agree that this Consent Order sets forth the entire agreement between the parties with regard to the matters covered by this Consent Order and Consent Order OGC # 94-3659, and there are no promises or understandings other than those stated herein.

71. This Consent Order is the result of negotiation between the parties hereto and has been typed by one party for the convenience of both parties. The parties covenant that the language herein shall not be construed for or against any party base upon which party typed this Agreement.

72. Unless otherwise terminated in accordance with paragraph 41, this Consent Order shall automatically terminate 45 days after the County submits a certificate of compliance with all provisions contained in this Consent Order, unless the Department disputes the County's compliance in which event this Consent Order, shall remain in effect pending the resolution of the dispute.

73. This Consent Order is final agency action of the Department pursuant to Chapter 120, F.S. This Consent Order is not final and effective until it is signed by both parties and filed with the Clerk of the Department.

MIAMI-DADE COUNTY

DATE 2-03

George M. Burgess
County Manager

Kay Sullivan
Deputy Clerk

DONE AND ORDERED this 22nd day of July, 2003,

in Miami Dade County, Florida.

STATE OF FLORIDA
DEPARTMENT
OF ENVIRONMENTAL
PROTECTION

Allan Bedwell
Deputy Secretary

FILING AND ACKNOWLEDGEMENT FILED, on this date, pursuant to §120.52 Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

Clerk **Date**

Copies furnished to:
Larry Morgan, Deputy General Counsel
Henry Gillman, Assistant County Attorney

MIAMI-DADE COUNTY, FLORIDA

MIAMI-DADE

STEPHEN P. CLARK CENTER

GENERAL SERVICES ADMINISTRATION
FACILITIES & UTILITIES MANAGEMENT DIVISION
REAL ESTATE SECTION
SUITE 2460
111 N.W. 1st STREET
MIAMI, FLORIDA 33128-1994
(305) 375-1150

85% of APPRAISAL

December 18, 2002

Manuel Dorta-Duque Tr
11999 SW 248 Street
Miami, FL 33032

RE: 30-6020-000-0020
(27.3 acres out of 76.12 acres)

Dear Mr. Dorta-Duque:

In recent months, we have been unsuccessful in our attempts to contact you. Our purpose is to advise you of the current interest of the Miami-Dade Water and Sewer Department to purchase a portion of the above referenced property.

This acquisition will help protect the plant and its neighbors from inappropriate development. A physical border around the plant would protect its neighbors from odors emanating from the plant, noise and traffic associated with operating the plant. The vacant land would be used as a buffer zone. It would also allow for plant expansion if necessary for the treatment of secondary effluent prior to wastewater reuse, which has been proposed as part of the Integrated Water and Wastewater Strategy.

After carefully analyzing the appraisals prepared for Miami-Dade County by independent appraisers, our offer to you for the 27.3 acres is, Three Hundred Sixty One Thousand Two Hundred Fifty Dollars ($361,250.00).

If this offer is acceptable to you, please acknowledge your acceptance by signing below, or by sending a written response. Once accepted, a Contract for Sale and Purchase will be prepared for your review and execution.

I look forward to hearing from you soon. If you have any questions, please do not hesitate to call me at 305-375-4399/fax 305-375-1157.

Sincerely,

Alina Gonzalez
Real Estate Officer

Signed: Mr. Dorta-Duque

2/5/ MANUEL CALLED AND SAID THAT OFFER IS RIDICULOUS AT LEAST 50 ACRE - WOULD CONSIDER ONLY AT CAN USE THEL...

35

Chorlog Jr., John W. (WASD)

From: Rodriguez, Victor M. (WASD)
Sent: Tuesday, December 09, 2003 4:03 PM
To: Chorlog Jr., John W. (WASD)
Cc: Goicouria, Tomas R. (WASD); Ballesteros, Rafael J. (WASD)
Subject: South Dade WWTF - Parcel 5 Acquisition

John,

Alina González from GSA sent the attached letter dated December 18, 2002. On February 5 of this year she received a call from the owner where the owner said that the offer was ridiculous. She said she has not been able to talk to Tom Goldstein, County Attorney, to discuss the issue of condemnation (she had received a condemnation draft from her supervisor). Alina said she was going to send one more letter to the owner after she talks to T. Goldstein. She expects to be able to talk to him tomorrow.

The hand written note at the right hand corner of the letter reads:
2/5/ Manuel called and said that offer is ridiculous. At least 37k per acre - would consider only if they can use the land.

SDWWTF GSA
.etter to owner of ..

Victor M. Rodríguez
Utilities Development Division
Miami-Dade Water and Sewer Department
vmrod01@miamidade.gov
305-669-7804 (office)
305-669-7786 (fax)

Season's Greetings

OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
DADE COUNTY, FLORIDA

Approved _____ Mayor

Veto _____

Override _____

Agenda Item No. 6(Q)
4-23-02

RESOLUTION NO. R-408-02

RESOLUTION AUTHORIZING DUE DILIGENCE ANALYSIS, RELATED STUDIES AND THE EMPLOYMENT OF AN APPRAISER FOR APPROXIMATELY 122 ACRES LOCATED ADJACENT TO THE MIAMI-DADE WATER AND SEWER DEPARTMENT SOUTH DISTRICT WASTEWATER TREATMENT PLANT; AND AUTHORIZING THE COUNTY MANAGER TO ACQUIRE SUCH PROPERTY FOR THE PURPOSE OF PROTECTING THE PLANT AND ITS NEIGHBORS

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board hereby authorizes due diligence analysis, related studies and the employment of an appraiser for four parcels, totaling approximately 122 acres, located in Sections 16, 17, and 20, Township 56 South, Range 40 East, and authorizes the County Manager to enter into negotiations with the property owners to acquire such properties and also to accept title for a portion of one of the parcels, by donation for the purpose of protecting the plant and its neighbors.

The foregoing resolution was offered by Commissioner

, who moved its adoption.

The motion was seconded by Commissioner

and upon being put to a vote, the vote was as follows:

Dr. Miriam Alonso
Dr. Barbara Carey-Shuler
Gwen Margolis
Jimmy L. Morales
Dorrin D. Rolle
Katy Sorenson
Sen. Javier D. Souto
Bruno A. Barreiro
Betty T. Ferguson
Joe A. Martinez
Dennis C. Moss
Natacha Seijas
Rebeca Sosa

The Chairperson thereupon declared the resolution duly passed and adopted this . This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

HARVEY RUVIN, CLERK

Approved by County Attorney as
to form and legal sufficiency.

By: _____
Deputy Clerk

MEMORANDUM

Agenda Item No. 6(Q)(1)(A)

107.07-17A MIAMI-DADE/GSA/MAT. MGT.

TO: Honorable Chairperson and Members
Board of County Commissioners

FROM: Steve Shiver
County Manager

DATE: April 23, 2002

SUBJECT: Authorization to Employ Appraiser and Acquire Property, Adjacent to the Miami-Dade Water and Sewer Department South District Wastewater Treatment Plant

RECOMMENDATION

It is recommended that the Board adopt the attached resolution authorizing staff to secure appraisals, conduct studies and other such services as may be necessary to evaluate four vacant privately owned parcels, totaling approximately 122 acres, adjacent to the Miami-Dade Water and Sewer Department South District Wastewater Treatment Plant. It is further recommended that the Board authorize the County Manager to enter negotiations with the property owners to acquire such properties and also to accept title to a portion of one of the parcels by donation, for the purpose of protecting the Plant and its neighbors.

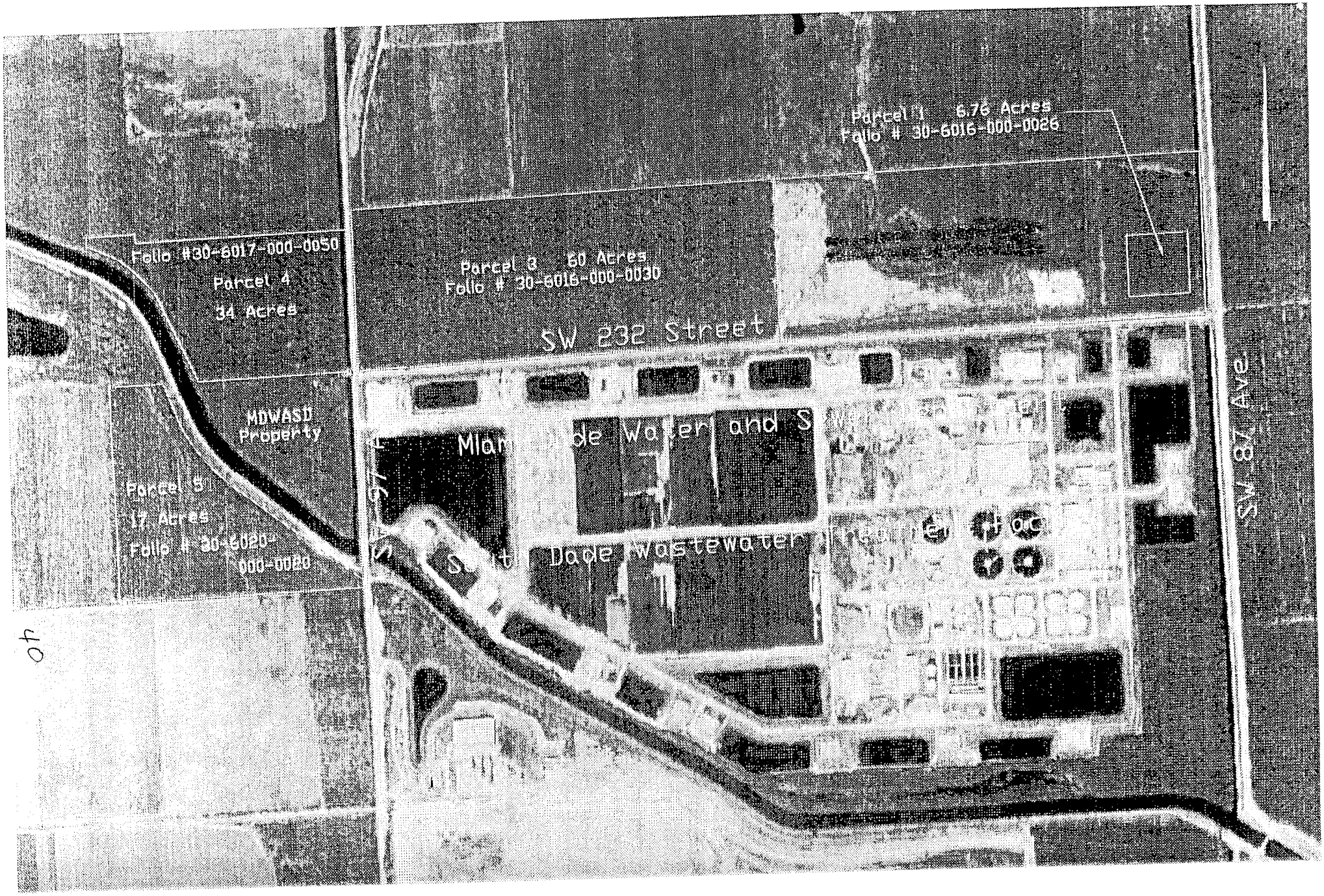
BACKGROUND

The Miami-Dade Water and Sewer Department (MDWASD) operates a wastewater treatment plant in southwest Miami-Dade County and desires to acquire a buffer zone around the plant to protect the plant and its neighbors from inappropriate development. A physical border around the plant would protect its neighbors from odors emanating from the plant, noise and traffic associated with operating the plant. It would also allow for plant expansion if necessary for the treatment of secondary effluent prior to wastewater reuse, which has been proposed as part of the Integrated Water and Wastewater Strategy. The location of the plant and the subject parcels are shown on the attached sketch.

The owner of one of the properties has expressed his intent to donate a portion of one of the parcels to the MDWASD pending an appraisal for tax purposes. The current tax assessment of that parcel is approximately $480,000. The assessed tax value for the remaining parcels is approximately $1.6 million.

Upon approval of the attached resolution, staff will proceed with the hiring of an appraiser as required pursuant to State law. The Appraisal Selection Committee, based on price, proposed time frame for completion and any special performance requirements, selects appraisers. Upon receipt of the appraisal, staff will commence the process of negotiating with the property owners and transferring of ownership of the donated parcel.

Therefore, it is respectfully requested that the Board of County Commissioners approve the attached resolution.


Parcel 1 6.76 Acres
Folio # 30-6016-000-0026
Folio #30-6017-000-0050
Parcel 4
34 Acres
Parcel 3 60 Acres
Folio # 30-6016-000-0030
SW 232 Street
MDWASD
Property
Parcel 5
17 Acres
Folio # 30-6020-
000-0020
South Dade Wastewater
87 Ave

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 6(Q)(1)(A)
9-24-02

OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
DADE COUNTY, FLORIDA

RESOLUTION NO. R-1048-02

RESOLUTION AUTHORIZING DUE DILIGENCE ANALYSIS, RELATED STUDIES AND THE EMPLOYMENT OF AN APPRAISER FOR APPROXIMATELY 10 ACRES LOCATED ADJACENT TO THE RECENTLY APPROVED LAND ACQUISITION PROJECT ADJACENT TO MIAMI-DADE WATER AND SEWER DEPARTMENT SOUTH DISTRICT WASTEWATER TREATMENT PLANT; AND AUTHORIZING THE COUNTY MANAGER TO ACQUIRE SUCH PROPERTY FOR THE PURPOSE OF PROTECTING THE PLANT AND ITS NEIGHBORS

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board hereby authorizes due diligence analysis, related studies and the employment of an appraiser for one 10 acre parcel located in Section 20, Township 56 south, Range 40 East, and authorizes the County Manager to enter into negotiations with the property owner to acquire such property for the purpose of protecting the plant and its neighbors.

The foregoing resolution was offered by Commissioner Dorrin D. Rolle, who moved its adoption. The motion was seconded by Commissioner Gwen Margolis and upon being put to a vote, the vote was as follows:

Bruno A. Barreiro	absent	Jose "Pepe" Cancio, Sr.	aye
Dr. Barbara Carey-Shuler	absent	Betty T. Ferguson	absent
Gwen Margolis	aye	Joe A. Martinez	aye
Jimmy L. Morales	aye	Dennis C. Moss	aye
Dorrin D. Rolle	aye	Natacha Seijas	absent
Katy Sorenson	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	absent		

The Chairperson thereupon declared the resolution duly passed and adopted this 24th day of September, 2002. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

HARVEY RUVIN, CLERK

By: KAY SULLIVAN
Deputy Clerk

Approved by the County Attorney as
to form and legal sufficiency.

David M. Murray

107.07-17A MIAMI-DADE/GSA-MAT. MGT.

MEMORANDUM

Agenda Item No. 6(Q)(1)(A)

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: September 24, 2002

SUBJECT: Authorization to Employ Appraisers And Acquire Additional 10 Acres of Land Adjacent to Miami-Dade Water Sewer Department South District Wastewater Treatment Plant

FROM: Steve Shiver
County Manager

RECOMMENDATION

It is recommended that the Board approve the attached resolution authorizing staff to secure appraisals, conduct studies and other due diligence as necessary to evaluate a 10-acre parcel of privately owned, vacant land contiguous to the properties recently approved for acquisition by Resolution No. R-4080-2. These properties abut the Miami-Dade Water and Sewer Department South District Wastewater Treatment Plant and their acquisition will provide a buffer between the plant and its neighbors. The resolution also authorizes staff to negotiate with the property owner to acquire the property.

BACKGROUND

The Miami-Dade Water and Sewer Department (MDWASD) operates a wastewater treatment plant in Southwest Miami-Dade County. Board Resolution No. R-408-02 authorized the acquisition of a buffer zone of approximately 122-acres around the plant to protect the facility from inappropriate development, and its neighbors from the odors, noise and traffic associated with plant operations. The buffer would also allow for plant expansion if necessary for the treatment of secondary effluent prior to wastewater reuse, which has been proposed as part of the Integrated Water and Wastewater Strategy. The plant and the parcels to be acquired are shown on the attached sketch. The subject additional 10-acre parcel is a portion of the parent tract of Parcel 5 of the land acquisition approved in Resolution R-408-02, and may be required for expansion of the plant. The current assessed value of the additional 10 acres is $100,000.

Upon approval of the attached resolution, staff will proceed with the hiring of an appraiser pursuant to State law. The Appraisal Selection Committee, based on price, proposed time frame for completion and any special performance requirements, will select an appraiser. Upon receipt of the appraisal, staff will commence the process of negotiating with the property owner. The purchase contract for the 10 acres will be presented to the Board for approval along with those for the acquisitions authorized by Resolution No. R-408-02.

Therefore, it is respectfully requested that the Board of County Commissioners approve the attached resolution.

MEMORANDUM

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: September 24, 2002

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 6(Q)(1)(A)

Please note any items checked.

_____ "4-Day Rule" (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 private business sector impact required

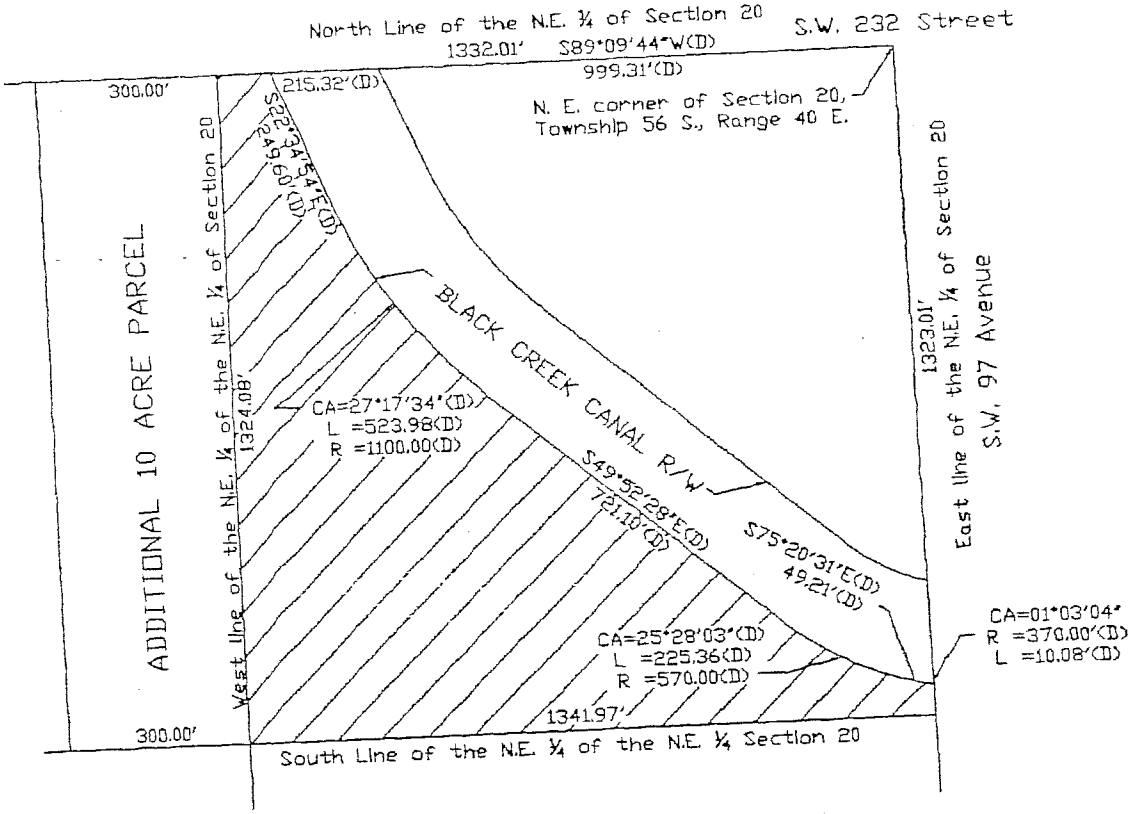
_____ Bid waiver requiring County Manager's written recommendation

_____ Ordinance creating a new board requires detailed County Manager's report for public hearing

_____ "Sunset" provision required

_____ Legislative findings necessary

EXHIBIT"A"



LEGAL DESCRIPTION

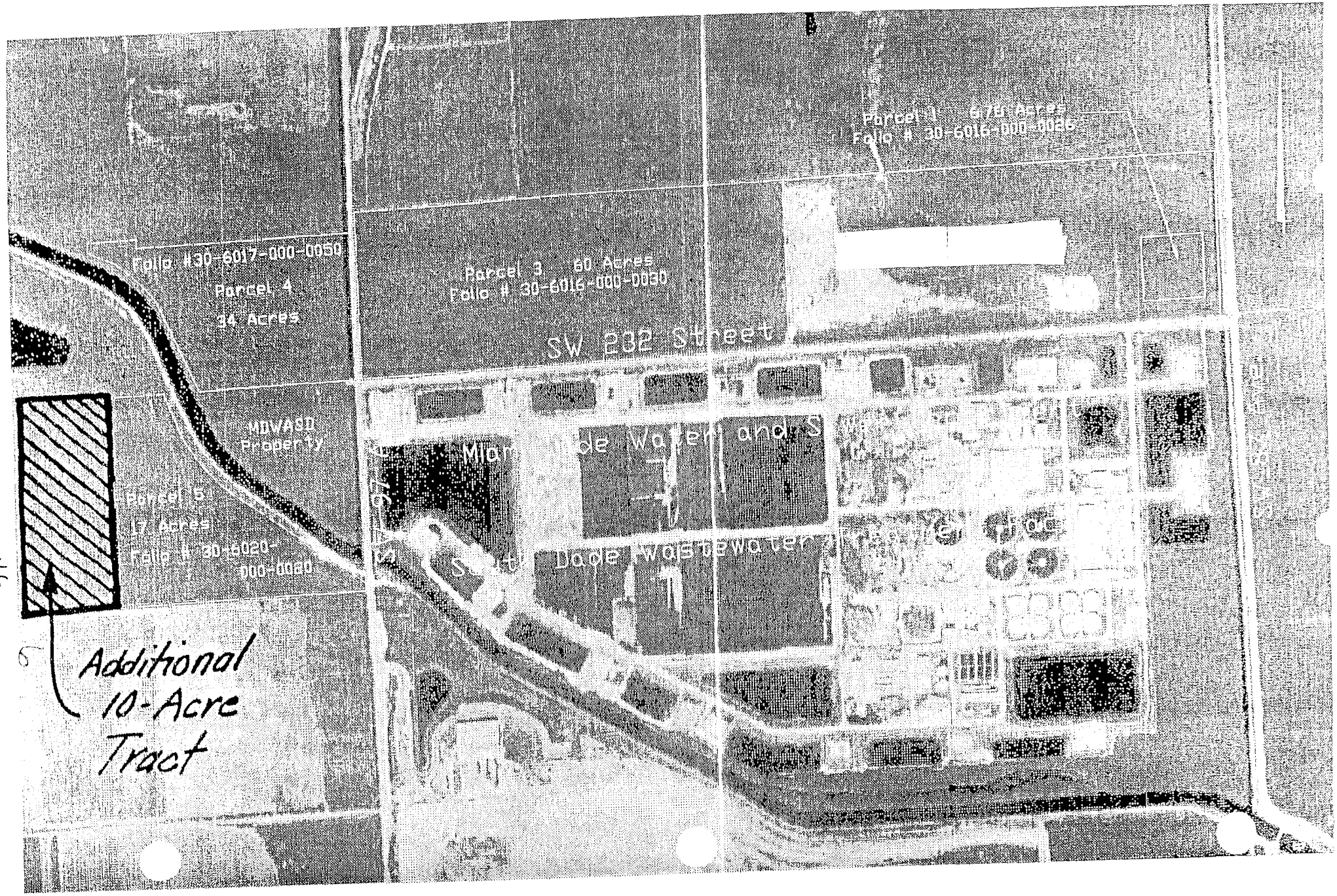
All that land lying in the Northeast one-quarter of the Northeast one-quarter of Section 20, Township 56 South, Range 40 East, Miami-Dade County Florida lying Southwesterly of the Southwesterly Right of Way line of Black Creek Canal as described in Official Record Book 1988, Page 443 of the Public Records of Miami-Dade County, Florida and the East 300.00 feet of the Northwest one-quarter of the Northeast one-quarter of Section 20, Township 56 South, Range 40 East, Miami-Dade County Florida.

Said land containing 27.3 acres more or less.

NOTES:
1. This is not a survey.
2. Distances and area are based on Miami-Dade County Public Works Department Township Map dated June 1969 unless otherwise indicated.
3. CA denotes central angle.
4. (D) denotes information obtained from record deeds.
5. L denotes length.
6. R denotes radius.
7. R/W denotes right of way.

SKETCH & LEGAL DESCRIPTION	
MIAMI - DADE WATER AND SEWER DEPARTMENT	
DATE: 6/6/02	SCALE: Not To Scal

45


Folio # 30-6017-000-0050
Parcel 4
34 Acres
Parcel 3 60 Acres
Folio # 30-6016-000-0030
Parcel 1 6.78 Acres
Folio # 30-6016-000-0026
SW 232 Street
MDWASD
Property
Parcel 5
17 Acres
Folio # 30-6020-
000-0020
Additional
10-Acre
Tract