



MEMORANDUM  
OFFICE OF THE COUNTY MANAGER

Agenda Item No. 11(B)7

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

DATE: January 20, 2004

SUBJECT: Surplus Land at the  
Former Homestead Air  
Force Base

FROM: George M. Burgess  
County Manager

A handwritten signature in black ink, appearing to read "George M. Burgess", written over the printed name.

The purpose of this memorandum is to provide a status report on the transfer of surplus property at the former Homestead Air Force Base. Three separate items are included on today's agenda which recommend the Board (i) approve the 13th Amendment to the Interim Lease, (ii) encourage the Federal government to relocate additional missions to the Homestead Air Reserve Base, and (iii) approve the Water Services Agreement for the Homestead Air Reserve Base.

As we have reported in the past, Miami-Dade County, acting as the Local Redevelopment Agency, is finalizing negotiations with the Air Force Real Property Agency (AFRPA) for the transfer of approximately 595 acres of surplus property located adjacent to the former Homestead Air Force Base. Negotiations also include the transfer of existing infrastructure and the connection of the Homestead Air Reserve Base (HARB) to the public water system. The basis of the negotiations is the Homestead Reuse Plan and Economic Development Conveyance Application that was approved by the Board and submitted to the Air Force in December, 2001. As you may recall, our approved plan contemplates development to occur in two phases. Phase 1 incorporates those parcels (parcels 3, 4, 5 and 7) that have been remediated of any environmental contamination and, due to their location, hold the greatest potential for redevelopment. The plan further provides for a seven-year redevelopment time frame for this phase. Phase 2 provides for the development of Parcel 11 with industrial/institutional uses.

#### STATUS OF HABDI LITIGATION

As was reported in our last update, transfer of title to the surplus property remains complicated by the ongoing HABDI litigation in the U.S. District Court in Washington, D.C. As the County negotiators have advised Air Force officials, the HABDI litigation operates as a cloud on title, and thus an impediment to substantial development of the surplus property. The County has therefore advised the Air Force that, while the County will in

good faith negotiate and execute land transfer agreements, actual transfer of title must await resolution of the HADBI litigation, or at least a triggering date reasonably calculated to coincide with the end of the litigation.

There are encouraging developments on this point. After several months of relative inaction in the case, it appears that disposition of the case could occur in the next several months. Within the past two weeks, the U.S. Department of Justice has filed a motion for summary judgment which, if granted, would dispose of the case in its entirety, subject to HADBI's right to appeal. HADBI's response to the federal government's motion is due in mid-December, after which time the matter will be ready for decision by U. S. District Judge Paul L. Friedman. Throughout the litigation, Judge Friedman has ruled promptly upon all motions before him.

#### NOTICE OF VIOLATION

Completion of the negotiations has also been delayed due to a Notice of Violation that was issued by DERM to the Air Force regarding the private sanitary sewer collection system that runs through parcel 11. According to DERM, the Air Force is in violation of County Code due to the fact that the private sanitary sewer collection system has been in operation without the required permits. AFRPA is negotiating a resolution to the violation that will require the Air Force to perform a Private Sanitary Sewer Evaluation Survey (SSES). The SSES will be used to identify the deficiencies of the system and the method by which those deficiencies will be corrected by the Air Force.

Based on the information contained in this report and the changes that need to be implemented to the survey and other transfer related documents, it is anticipated, under current circumstances, that the transfer documents will be presented to the Board for approval in early Spring 2004. While it may appear that the time required to identify new Federal uses for Parcel 11 is delaying the process of transfer, in fact, for reasons stated in the cross-referenced action item regarding the expansion of the cantonment area, maximizing the Federal presence on Parcel 11 may have a variety of positive impacts on the surplus property and surrounding community by enhancing the mission of HARB. Reducing the amount of land located within Parcel 11 also reduces the amount of environmental and financial liability that the County would have to accept.



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Bill Johnson  
Assistant County Manager