



MEMORANDUM

Agenda Item No. 11(A) (15)

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: July 21, 2009

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution directing that any resolution authorizing the execution of instruments creating a County interest in real property shall require such instruments to be recorded in the public records of Miami-Dade County

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Rebeca Sosa.



R. A. Cuevas, Jr.
County Attorney

RAC/cp



MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: July 21, 2009

FROM: 
R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 11(A) (15)

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 Mayor'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. 11(A)(15)
7-21-09

RESOLUTION NO. _____

RESOLUTION DIRECTING THAT ANY RESOLUTION AUTHORIZING THE EXECUTION OF INSTRUMENTS CREATING A COUNTY INTEREST IN REAL PROPERTY SHALL REQUIRE SUCH INSTRUMENTS TO BE RECORDED IN THE PUBLIC RECORDS OF MIAMI-DADE COUNTY AND ATTACHED BY THE CLERK OF THE BOARD TO THE AUTHORIZING RESOLUTION

WHEREAS, this Board wishes to ensure that property interests and liens possessed by the County are properly recorded and preserved for future reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. This Board directs that any resolution authorizing the acceptance or execution of a deed, easement, covenant, reverter, or mortgage creating or reserving a real property interest in favor of the County contain language requiring such instrument, after proper execution, to be recorded in the public records of the county within which the real property is located.

Section 2. This Board further directs that any such resolution also: (a) direct the County Mayor or his designee to provide a recorded copy of any instrument prepared in accordance herewith to the Clerk of the Board within thirty days of execution and final acceptance; and, (b) direct the Clerk of the Board to attach and permanently store a recorded copy of any instrument provided in accordance herewith together with the authorizing resolution.

Section 3. This resolution is intended to provide for proper recordation and preservation of instruments evidencing the County's real property interests, and the failure to

comply with any of its terms shall not affect the validity of any resolution or instrument creating or reserving such real property interest.

The Prime Sponsor of the foregoing resolution is Commissioner Rebeca Sosa. It 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:

- | | |
|---------------------------------|--------------------|
| Dennis C. Moss, Chairman | |
| Jose "Pepe" Diaz, Vice-Chairman | |
| Bruno A. Barreiro | Audrey M. Edmonson |
| Carlos A. Gimenez | Sally A. Heyman |
| Barbara J. Jordan | Joe A. Martinez |
| Dorrin D. Rolle | Natacha Seijas |
| Katy Sorenson | Rebeca Sosa |
| Sen. Javier D. Souto | |

The Chairman thereupon declared the resolution duly passed and adopted this 21st day of July, 2009. 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.

Jorge Martinez-Estevé

