

## MEMORANDUM

Agenda Item No. 11(A)(3)

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**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

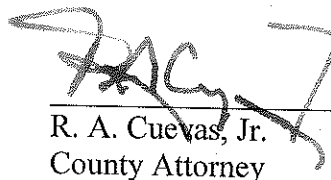
**DATE:** July 15, 2014

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

**SUBJECT:** Resolution directing County Mayor to conduct feasibility study analyzing development of Parcel B of Florida East Coast Property for public open space purposes; to prepare a report related to such proposed development after receipt of public input through a charrette process and consultation with the operator of the American Airlines Arena

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The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Audrey M. Edmonson.

  
\_\_\_\_\_  
R. A. Cuevas, Jr.  
County Attorney

RAC/lmp



**MEMORANDUM**  
(Revised)

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and Members, Board of County Commissioners

**DATE:** July 15, 2014

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Please note any items checked.

- "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
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_ ) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 11(A)(3)  
7-15-14

RESOLUTION NO. \_\_\_\_\_

RESOLUTION DIRECTING COUNTY MAYOR OR MAYOR'S DESIGNEE TO CONDUCT FEASIBILITY STUDY ANALYZING DEVELOPMENT OF PARCEL B OF FLORIDA EAST COAST PROPERTY FOR PUBLIC OPEN SPACE PURPOSES; TO PREPARE A REPORT RELATED TO SUCH PROPOSED DEVELOPMENT AFTER RECEIPT OF PUBLIC INPUT THROUGH A CHARRETTE PROCESS AND CONSULTATION WITH THE OPERATOR OF THE AMERICAN AIRLINES ARENA; AND DIRECTING COUNTY MAYOR OR MAYOR'S DESIGNEE TO ORGANIZE A CHARRETTE FOR SUCH PROPOSED DEVELOPMENT AND INCLUDE RECOMMENDATIONS IN REPORT TO THE BOARD

**WHEREAS**, in 1998, the County purchased the Florida East Coast (the "FEC") Property from the City of Miami for the purpose of developing the property to include, among other things, the American Airlines Arena (the "Arena"), parking, retail development and specialty entertainment; and

**WHEREAS**, in accordance with a series of agreements by and among the County and Basketball Properties, Ltd. (the "Arena Manager") and the Miami Heat Limited Partnership (the "Arena Agreements"), the County granted the Arena Manager the rights to develop the Arena and Parcel B of the FEC Property; and

**WHEREAS**, the undeveloped portion of the FEC Property between Biscayne Bay and the Arena, commonly referred to as "Parcel B", is approximately 2.76 acres in size; and

**WHEREAS**, pursuant to Resolution Nos. R-1118-03 and R-1446-03, the Board authorized amendments to the Arena Agreements to, among other things, terminate the Arena Manager's rights and obligations to develop Parcel B in order for the County to utilize Parcel B for public open space purposes until such time Parcel B was developed; and

**WHEREAS**, Parcel B still remains undeveloped; and

**WHEREAS**, this Board wishes to maintain Parcel B available for use as public open space rather than develop Parcel B for permanent retail and specialty entertainment uses; and

**WHEREAS**, this Board wishes to direct the County Mayor or the Mayor's designee to conduct a feasibility study analyzing development of Parcel B for public open space purposes and to prepare a report related to such proposed development; and

**WHEREAS**, because Parcel B is immediately adjacent to the Arena, any development of Parcel B may materially impact the operation of the Arena; and

**WHEREAS**, accordingly this Board desires that the County Mayor or the Mayor's designee consult with the Arena Manager, to determine if the recommended proposed development of Parcel B for public open space purposes may materially impact the operation of the Arena and if so, how any negative impact may be reduced and/or mitigated, as well as solicit public input through a charrette process, when preparing the report; and

**WHEREAS**, holding a charrette will afford members of the public an opportunity to share their recommendations for development of Parcel B,

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

**Section 1.** The foregoing recitals are incorporated in this resolution and are approved.

**Section 2.** This Board directs the County Mayor or the Mayor's designee to organize a charrette for development of Parcel B.

**Section 3.** This Board directs the County Mayor or the Mayor's designee to conduct a feasibility study analyzing development of Parcel B for public open space purposes, and to prepare a report related to such proposed development. Prior to completion of the report, the

County Mayor or the Mayor's designee shall: (a) consult with Arena Manager to determine whether the development of Parcel B for public open space purposes may materially impact the operation of the Arena and if so, how any negative impact may be reduced and/or mitigated, and (b) solicit public input through the charrette process. The report shall include a summary of the public's recommendations for development received through the charrette process, an analysis of the public's proposals, a summary of the Arena Manager's comments pertaining to any proposed development, any legal and practical concerns that would need to be addressed, and a recommended plan for development of Parcel B for public open space purposes, including, but not limited to, green space open to the public. The County Mayor shall submit and present the report to this Board within ninety (90) days from the effective date of this resolution.

The Prime Sponsor of the foregoing resolution is Commissioner Audrey M. Edmonson.

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:

Rebeca Sosa, Chairwoman

Lynda Bell, Vice Chair

Bruno A. Barreiro  
Jose "Pepe" Diaz  
Sally A. Heyman  
Jean Monestime  
Sen. Javier D. Souto  
Juan C. Zapata

Esteban L. Bovo, Jr.  
Audrey M. Edmonson  
Barbara J. Jordan  
Dennis C. Moss  
Xavier L. Suarez

The Chairperson thereupon declared the resolution duly passed and adopted this 15<sup>th</sup> day of July, 2014. 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.

GBL

Geri Bonzon-Keenan