MEMORANDUM

Agenda Item No. 11(A)(7)

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 employ appraiser to appraise Parcel B of the FEC property, which parcel is located behind the American Airlines Arena, to assess its fair market rental value

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Juan C. Zapata.

R. A. Cuevas, Jr.
County Attorney

RAC/smm

MEMORANDUM
(Revised)

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

DATE: July 15, 2014

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

SUBJECT: Agenda Item No. 11(A)(7)

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)(7)
7-15-14

RESOLUTION NO. _____

RESOLUTION DIRECTING COUNTY MAYOR OR MAYOR'S DESIGNEE TO EMPLOY APPRAISER TO APPRAISE PARCEL B OF THE FEC PROPERTY, WHICH PARCEL IS LOCATED BEHIND THE AMERICAN AIRLINES ARENA, TO ASSESS ITS FAIR MARKET RENTAL VALUE AND TO PREPARE AND SUBMIT TO THE BOARD FOR ITS APPROVAL A RECOMMENDED FEE SCHEDULE FOR USE OF PARCEL B BASED ON THE RESULTS OF SUCH APPRAISAL; AND ESTABLISHING BOARD POLICY TO FUND CAPITAL IMPROVEMENTS AT COUNTY PARKS WITH FEE REVENUES REMAINING AFTER PAYMENT OF COSTS ASSOCIATED WITH THE OPERATION AND MAINTENANCE OF PARCEL B

WHEREAS, in the late 1990s the County purchased property from the City of Miami for the purpose of developing the American Airlines Arena (the "Arena"), parking, retail development, specialty entertainment, dining, cinema, public cultural facilities, museums, visitor attraction space, and ancillary office space (the "FEC Property"); and

WHEREAS, the undeveloped portion of the FEC Property between Biscayne Bay and the Arena is commonly referred to as "Parcel B"; 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, pursuant to Composite Amendments Seven and Eight to the Arena Agreements, the Arena Manager's rights and obligations to develop Parcel B were terminated in order for the County to utilize Parcel B for public open space purposes until such time Parcel B was developed; and

WHEREAS, this Board seeks to determine the fair market rental rate for the use of Parcel B on a daily basis; and

WHEREAS, this Board wishes to direct the County Mayor or the Mayor's designee to employ an appraiser with an MAI designation to appraise the fair market rental value of Parcel B; and

WHEREAS, this Board wishes to direct the County Mayor or the Mayor's designee to prepare and submit for this Board's consideration and approval a proposed fee schedule for use of Parcel B based upon the results of such appraisal, which fee schedule shall include a requirement that all fee waivers and fee reductions require Board approval; and

WHEREAS, from 2004 through March 2014, operating expenses (excluding staff time) equaled approximately $6.66 million, of which approximately $6.5 million were for repairs to the seawall with the balance expended for fencing, landscaping, utilities and other maintenance related expenditures; and

WHEREAS, this Board wishes to establish as its policy that any fee revenues remaining after payment of costs associated with the operation and maintenance of Parcel B be allocated to fund capital improvements at County parks,

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. The County Mayor or the Mayor's designee shall: (a) employ an appraiser with an MAI designation to appraise the fair market rental value of Parcel B; and (b) prepare and submit for this Board's consideration and approval a proposed fee schedule for use of Parcel B based upon the results of such appraisal within ninety days from the effective date of this

resolution. The fee schedule shall provide that all requests for fee reductions and fee waivers for the use of Parcel B must be submitted to the Board for approval.

Section 3. It shall be the policy of this Board that any fee revenues remaining after payment of costs associated with the operation and maintenance of Parcel B be allocated to fund capital improvements at County parks, subject to annual appropriation by this Board.

The Prime Sponsor of the foregoing resolution is Commissioner Juan C. Zapata. 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	Esteban L. Bovo, Jr.
Jose "Pepe" Diaz	Audrey M. Edmonson
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Sen. Javier D. Souto	Xavier L. Suarez
Juan C. Zapata	

The Chairperson thereupon declared the resolution duly passed and adopted this 15th 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. GBK

Geri Bonzon-Keenan