

MEMORANDUM

Agenda Item No. 5(S)

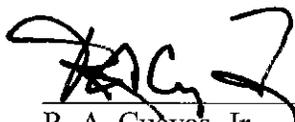
TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: June 30, 2015

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

SUBJECT: Resolution approving a
release of covenant for
Environmentally Endangered
Lands owned by Jacqueline Ann
Rose with Folio Numbers 30-
4918-001-0275 and 30-4918-
001-0280 in Miami-Dade
County, Florida and authorizing
Mayor to execute same

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



R. A. Cuevas, Jr.
County Attorney

RAC/cp

Date: June 30, 2015

To: Honorable Chair Jean Monestime
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor 

Subject: Resolution Authorizing Execution of a Release of Covenant for Environmentally Endangered Land Owned by Jacqueline Ann Rose

Recommendation

It is recommended that the Board of County Commissioners (Board) approve the attached resolution authorizing the execution of a Release of Covenant running with the land of Jacqueline Ann Rose in favor of Miami-Dade County for the preservation and maintenance of environmentally endangered land.

Scope

The subject properties are located in the vicinity of theoretical SW 34 Street and Krome Avenue in Commission District 11, which is represented by Commissioner Juan C. Zapata.

Fiscal Impact/Funding Source

Prior to release of the covenant, the property owner must pay to the County an amount equivalent to the tax reduction since the 2014 land conservation covenant was established. The amount to be paid to the County will be calculated by the Miami-Dade County Tax Collector and will include interest in accordance with the Code of Miami-Dade County (Code).

Track Record/Monitor

The Manager of the Natural Resources Planning Section in the Department of Regulatory and Economic Resources, Division of Environmental Resources Management (RER-DERM), Craig Grossenbacher, will monitor the release of this covenant.

Background

Chapter 25B (Article II) of the Code was approved by the Board under Ordinance No. 79-105 on December 4, 1979. This ordinance allows qualifying owners in Miami-Dade County to voluntarily enter into, and be released from, a 10-year environmentally endangered lands (EEL) covenant with the Board, stipulating that their property will be preserved and maintained in its natural state subject to one or more conservation restrictions. The purpose of the ordinance is to provide an economic incentive for owners of environmentally endangered lands, such as hammocks and pinelands, to manage and maintain their land in a natural state.

Section 25B-17 provides for the release of such EEL covenants and requires that such releases shall only be made to the owner upon payment of the deferred tax liability for the years in which the current covenant and conveyance was in effect.

The subject properties are located in Tracts 25 and 26 of Section 18, Township 54, Range 39, Miami-Dade County, as folio numbers 30-4918-001-0275 and 30-4918-001-0280. An EEL covenant was initially approved for these properties on December 15, 1992 and was recorded in Official Record Book 15770 Pages 2608-2622. The second EEL covenant was approved by the Board on May 11, 2004 and recorded in Official Record Book 22383 Pages 1255-1272. In late 2013, the owner requested renewal

for another 10-year covenant and RER-DERM inspected the subject endangered lands area in response to this request. Invasive exotic plants had continued to increase within the covenanted area and the owner was notified that removal of exotic vegetation would be required under a new covenant. The new covenant established a reduced endangered lands area with conditions requiring restoration of the area under the covenant. These changes were explained to the property owner and the owner agreed to comply. The new covenant was approved by the Board on June 17, 2014 and recorded in Official Record Book 29212 Pages 1007-1023.

In October of 2014, the property owner requested that this covenant be released because she said she could not afford to comply with the land management requirements under the covenant. Since this type of covenant is voluntary, staff has no objection to the release of the covenant. Once the covenant is released, the endangered lands will have no further monitoring requirements or protections other than those regulations affecting work in wetlands, such as wetland filling permits.

Based on the above, it is recommended that the Board authorize the attached Release of Covenant and that any and all back taxes due as a result of this release be paid to the County prior to the issuance of the attached Release of Covenant for the properties listed below.

Property owner: Jacqueline Ann Rose
Folio numbers: 30-4918-001-0275 and 30-4918-001-0280



Jack Osterholt, Deputy Mayor

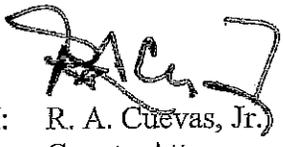


MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: June 30, 2015

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

SUBJECT: Agenda Item No. 5(S)

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. 5(S)
6-30-15

RESOLUTION NO. _____

RESOLUTION APPROVING A RELEASE OF COVENANT FOR ENVIRONMENTALLY ENDANGERED LANDS OWNED BY JACQUELINE ANN ROSE WITH FOLIO NUMBERS 30-4918-001-0275 AND 30-4918-001-0280 IN MIAMI-DADE COUNTY, FLORIDA AND AUTHORIZING MAYOR TO EXECUTE SAME

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:

Section 1. This Board having considered all applicable factors contained within Section 25-B of the Code of Miami-Dade County hereby determines that release of the covenant in substantially the form attached hereto and incorporated herein, would not adversely affect the interest of the public and therefore approves the release of a covenant running with the land of Jacqueline Ann Rose for properties identified as Folio Number 30-4918-001-0275 and Folio Number 30-4918-001-0280, located in the vicinity of Krome Avenue and SW 34 Street in Tracts 25 and 26 of Section 18, Township 54, Range 39 (7.86 acres wetland) and authorizes the Mayor to execute same for and on behalf of Miami-Dade County, Florida.

Section 2. Pursuant to Resolution No. R-974-09, this Board (a) directs the Mayor or Mayor's designee to record said instrument executed herein in the Public Records of Miami-Dade County and to provide a recorded copy of the instrument to the Clerk of the Board within 30 days of execution of said instrument; and (b) directs the Clerk of the Board to attach and permanently store a recorded copy of said instrument together with this resolution.

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:

- | | |
|-------------------------------------|----------------------|
| Jean Monestime, Chairman | |
| Esteban L. Bovo, Jr., Vice Chairman | |
| Bruno A. Barreiro | Daniella Levine Cava |
| Jose "Pepe" Diaz | Audrey M. Edmonson |
| Sally A. Heyman | Barbara J. Jordan |
| Dennis C. Moss | Rebeca Sosa |
| Sen. Javier D. Souto | Xavier L. Suarez |
| Juan C. Zapata | |

The Chairperson thereupon declared the resolution duly passed and adopted this 30th day of June, 2015. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the 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.



Abbie Schwaderer-Raurell

Prepared by: JAMES DUNCAN
Title: BIOLOGIST I
Address: DERM, 701 NW 1 CT, MIAMI, FL 33136

RELEASE OF COVENANT

WHEREAS, on May 16, 2014, a Covenant Running with the Land (the "2014 Covenant") was executed by Ms. Jacqueline Ann Rose for the following described properties:

See Exhibit A and Exhibit B, attached hereto and made part hereof

WHEREAS, the 2014 Covenant was recorded on June 30, 2014 in Official Records Book 29212 at Pages 1007-1023 of the Public Records of Miami-Dade County, Florida; and

WHEREAS, Ms. Jacqueline A. Rose has requested that the 2014 Covenant be released, and the Miami-Dade County Board of County Commissioners has authorized said release after public hearing, pursuant to required procedures,

NOW, THEREFORE, in consideration of the premises and by virtue of the provisions in the above-mentioned Covenant, the 2014 Covenant, which was recorded in Official Records Book 29212 at Pages 1007-1023 of the Public Records of Miami-Dade County, Florida, is hereby released and declared of no further legal effect, and the Clerk of the Circuit Court of Miami-Dade County is hereby directed to note the same upon the records.

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IN WITNESS WHEREOF, the undersigned has caused the Release to be executed this ____ day of _____, 2015.

Witnesses:

By:

Signature: _____

Name: _____

Carlos A. Gimenez
Mayor of Miami-Dade County

Signature: _____

Name: _____

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

BEFORE ME, the undersigned authority, personally appeared, who acknowledged that he examined said document and executed same for the purposes therein expressed.

WITNESS my hand and official seal in the County and State last aforesaid this ____ day of _____, 2015.

NOTARY PUBLIC

MY COMMISSION EXPIRES:

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EXHIBIT A
Legal Description

Folio Number: 30-4918-001-0275

Property Address: Located in Tracts 25 and 26 of Section 18, Township 54, Range 39 of Miami-Dade County, Florida

Legal Description: The south one-half (1/2) of Tracts 25 and 26 In Section 18, Township 54 South, Range 39 East, Miami Everglades Company Limited, according to the plat thereof, recorded in Plat Book 2 at Page 3 of the public records of Dade County, Florida.

EXHIBIT B
Legal Description

Folio Number: 30-4918-001-0280

Property Address: Located in Tracts 25 and 26 of Section 18, Township 54, Range 39 of Miami-Dade County, Florida

Legal Description: The north one-half (1/2) of Tracts 25 and 26 in Section 18, Township 54 South, Range 39 East, Miami Everglades Company Limited, according to the plat thereof, recorded in Plat Book 2 at Page 3 of the public records of Dade County, Florida.