

MEMORANDUM

TTC
Agenda Item No. 2B

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

DATE: August 27, 2015

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

SUBJECT: Resolution directing the County Mayor to initiate and conduct negotiations with the City of Miami and the State of Florida to remove or to modify any potential restrictions, conditions, and/or reversionary clauses regarding County-owned property used by the County for the construction and operation of Port of Miami

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Jose "Pepe" Diaz.



R. A. Cuevas, Jr.
County Attorney

RAC/smm



MEMORANDUM

(Revised)

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

DATE: October 6, 2015

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

SUBJECT: Agenda Item No.

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.
10-6-15

RESOLUTION NO. _____

RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO INITIATE AND CONDUCT NEGOTIATIONS WITH THE CITY OF MIAMI AND THE STATE OF FLORIDA TO REMOVE OR TO MODIFY ANY POTENTIAL RESTRICTIONS, CONDITIONS, AND/OR REVERSIONARY CLAUSES REGARDING COUNTY-OWNED PROPERTY USED BY THE COUNTY FOR THE CONSTRUCTION AND OPERATION OF PORT OF MIAMI AND TO PROVIDE A WRITTEN STATUS REPORT AND/OR PROPOSED AGREEMENT TO THIS BOARD WITHIN 90 DAYS

WHEREAS, the State of Florida (the "State") conveyed certain lands to the City of Miami (the "City") in three separate conveyances (the "State Conveyances") located in and along Biscayne Bay in an area east of downtown Miami (the "City Properties"); and

WHEREAS, in 1960, the City subsequently conveyed certain portions of the City Properties to the County (the "City Conveyance") for the purpose of constructing, operating, and/or supporting seaport facilities (the "Port Property"); and

WHEREAS, the County has constructed the seaport facilities now known as the Dante B. Fascell Port of Miami on the Port Property, which is owned and operated by the County through the County's Seaport Department; and

WHEREAS, the State and City conveyance documents purport to contain certain restrictions, conditions, and reversionary interests; and

WHEREAS, the County submits that the restrictions, conditions, and reversionary interests in the State and City conveyance documents may no longer be enforceable, and, if enforceable, the scope of such provisions may lack sufficient precision to avoid uncertainty as to their remaining effect, if any; and

WHEREAS, the County seeks to collaboratively resolve any uncertainty regarding the enforceability and scope of such purported conditions, restrictions, and reversionary interests in order to confirm concurrence among the City, the County, and the State regarding the scope of uses of the Port Property,

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 County Mayor's designee is directed to initiate and conduct negotiations with the State of Florida and the City of Miami, and any other third party, to remove or to modify any applicable restrictions, conditions, or reversionary interests arising from the State Conveyances, the City Conveyance, and/or any other restriction or condition discovered in the course of such negotiation, to the extent that such restrictions, conditions, or reversionary interests may affect the Port Property, in order to collaboratively resolve any uncertainty regarding the remaining effect of such restrictions, conditions, or reversionary interests, if any.

Section 3. The County Mayor or County Mayor's designee shall provide a status report to this Board regarding such negotiations, and/or proposed agreement(s) for consideration and approval by this Board, within 90 days of the effective date of this resolution and shall place the completed report and/or proposed agreement on an agenda of the Board pursuant to Ordinance No. 14-65.

The Prime Sponsor of the foregoing resolution is Commissioner Jose "Pepe" Diaz. 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:

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 6th day of October, 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.



Richard Seavey
Debra Herman