

MEMORANDUM

Agenda Item No. 11(A)(8)

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

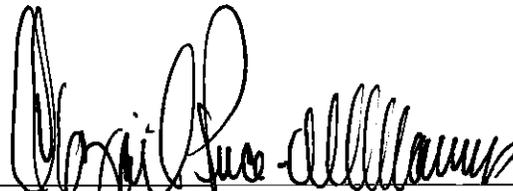
DATE: October 20, 2015

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution directing the County Mayor to confer with the National Park Service, Federal Lands to Parks Division, regarding the federal deed restrictions for West Kendall District Park, including conditions under which the National Park Service would be willing to release such deed restrictions and to report back to this Board within 90 days on the results thereof

This item was amended at the 10-13-15 Unincorporated Municipal Service Area Committee to add a directive to the County Mayor to consult with the National Park Service regarding the possibility of acquiring additional park land upon which to transfer federal deed restrictions.

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



Abigail Price-Williams
County Attorney

APW/smm



MEMORANDUM

(Revised)

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

DATE: October 20, 2015

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County Attorney

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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)(8)
10-20-15

RESOLUTION NO. _____

RESOLUTION DIRECTING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO CONFER WITH THE NATIONAL PARK SERVICE, FEDERAL LANDS TO PARKS DIVISION, REGARDING THE FEDERAL DEED RESTRICTIONS FOR WEST KENDALL DISTRICT PARK, INCLUDING CONDITIONS UNDER WHICH THE NATIONAL PARK SERVICE WOULD BE WILLING TO RELEASE SUCH DEED RESTRICTIONS AND TO REPORT BACK TO THIS BOARD WITHIN 90 DAYS ON THE RESULTS THEREOF

WHEREAS, West Kendall District Park ("WKD Park") was acquired by the County through the Miami-Dade Park, Recreation and Open Spaces Department ("PROS") in 2000 pursuant to Resolution No. R-429-00 ("Acquisition Resolution"); and

WHEREAS, the Acquisition Resolution provided that the intent was to develop lighted football, soccer and baseball fields, as well as a family aquatic center with a pool and a sports court complex for basketball, roller hockey and tennis at WKD Park; and

WHEREAS, prior to its acquisition, the County identified WKD Park as the property of choice upon which to transfer the federal deed restrictions on the Zoo Miami lands which required that the lands be used for public park and recreation purposes; and

WHEREAS, indeed, while the County sought to allow private, commercial development on the Zoo Miami lands, the National Park Service would release the deed restrictions on the Zoo Miami lands only if they were transferred to another park that was similar in size and close in proximity to the Zoo Miami lands in question; and

WHEREAS, since the County deemed the federal deed restrictions no more limiting on the County's use and development of WKD Park than those already imposed by Article 7 of the County Charter, the County agreed to transfer the public park purposes only deed restrictions from Zoo Miami to WKD Park pursuant to Resolution No. R-819-06; and

WHEREAS, in furtherance of the plans for development of WKD Park set forth in the Acquisition Resolution, County voters and the Board approved the allocation of \$9 million in Safe Neighborhood Bond funds to be used for land acquisition and park development at WKD Park and, in 2004, \$23 million in Building Better Communities General Obligation Bond funds to be used for area-wide park improvements at WKD Park; and

WHEREAS, to date, PROS has developed a walking trail, a dog park and is in the process of excavating and building a lake in WKD Park; and

WHEREAS, however, to date the County has been unable to identify sufficient funds to complete the balance of the improvements to WKD Park, including the athletic fields and pool; and

WHEREAS, currently, PROS is in the process of seeking private parties to invest in the development and operation of WKD Park but is unsure as to what type of development, use, operations and agreements would be permitted by the National Park Service pursuant to the federal deed restrictions recorded on WKD Park; and

WHEREAS, as the federal deed restrictions prohibit the leasing of any portion of WKD Park to non-governmental entities and require that the Secretary of the Interior approve all concession agreements in advance, this Board desires to have the County Mayor or Mayor's designee consult with the National Park Service, Federal Lands to Parks Division, regarding the federal deed restrictions, including the conditions and parameters by which concession agreements would be approved and the conditions under which the National Park Service would be willing to release the deed restrictions on all or a portion of WKD Park,

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

Section 1. The foregoing recitals are incorporated herein by reference and adopted.

Section 2. This Board directs the County Mayor or Mayor's designee to consult with the National Park Service, Federal Lands to Parks Division, regarding the federal deed restrictions, including >>(a)<<¹ the conditions and parameters by which concession agreements would be approved >>, (b) the possibility of acquiring additional park land upon which to transfer the deed restrictions,<< and >>(c)<< the conditions under which the National Park Service would be willing to release the deed restrictions on all or a portion of WKD Park and to report back to this Board within 90 days of the effective date of this resolution on the results of such discussions. Pursuant to Ordinance No. 14-65, the County Mayor or Mayor's designee shall place the completed report on an agenda of the full Board.

¹ Committee amendments are indicated as follows: Words stricken through and/or [[double bracketed]] are deleted, words underscored and/or >>double arrowed<< are added.

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:

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	

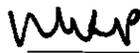
The Chairperson thereupon declared the resolution duly passed and adopted this 20th day of October, 2015. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override 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.



Monica Rizo Perez