

MEMORANDUM

Agenda Item No. 11(A)(2)

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

DATE: December 1, 2015

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution directing the County Mayor to include certain contractual provisions in any agreement for the development of the northwest area of the grounds of the Stephen P. Clark Center providing for concurrence of the FTA/FDOT conditions precedent and requiring the development of a park at an existing bus depot; designating the existing bus depot as a public park if development occurs on the Stephen P. Clark Center Green Space or, alternatively, designating the Stephen P. Clark Center Green space as a park if the FTA/FDOT do not concur in the part designation

A substitute was presented and forwarded to the BCC with a favorable recommendation at the 11-12-15 Metropolitan Services Committee. This substitute differs from the original item as follows: Rather than providing for the automatic designation of the Stephen P. Clark Green Space as a public County park, the item provides that as a condition precedent to the effectiveness of any agreement for the development of the Stephen P. Clark Center Green Space as a bus depot/parking structure, the County must be able to obtain the approval of the Federal Transit Administration and Florida Department of Transportation for the conversion of an alternate, nearby property (identified as the Existing Bus Depot in the item) to public park use. If FTA/FDOT approval is given for the conversion of the Existing Bus Depot into a public County park, the lease/development agreement would require the lessee/developer to undertake that development in accordance with plans developed by the County's Parks Department staff. If FTA/FDOT approval is not given for the conversion of the Existing Bus Depot into a public County park, the Stephen P. Clark Center Green Space would be designated a public County park.

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Bruno A. Barreiro.



Abigail Price-Williams
County Attorney 

APW/lmp



MEMORANDUM
(Revised)

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

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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
- Statement of social equity 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

Agenda Item No. 11(A)(2)

Veto _____

12-1-15

Override _____

RESOLUTION NO. _____

RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO INCLUDE CERTAIN CONTRACTUAL PROVISIONS IN ANY LEASE OR DEVELOPMENT AGREEMENT FOR THE DEVELOPMENT OF THE NORTHWEST AREA OF THE GROUNDS OF THE STEPHEN P. CLARK CENTER, AS IDENTIFIED IN ATTACHED EXHIBIT (STEPHEN P. CLARK CENTER GREEN SPACE), PROVIDING FOR CONCURRENCE OF THE FEDERAL TRANSIT ADMINISTRATION AND FLORIDA DEPARTMENT OF TRANSPORTATION AS CONDITIONS PRECEDENT TO THE EFFECTIVENESS OF THE LEASE/DEVELOPMENT AGREEMENT AND REQUIRING THE DEVELOPMENT OF A PARK AT AN EXISTING BUS DEPOT; DESIGNATING THE EXISTING BUS DEPOT AS A PUBLIC PARK IF DEVELOPMENT OCCURS ON THE STEPHEN P. CLARK CENTER GREEN SPACE OR, ALTERNATIVELY, DESIGNATING THE STEPHEN P. CLARK CENTER GREEN SPACE AS A PARK IF THE FEDERAL TRANSIT ADMINISTRATION AND FLORIDA DEPARTMENT OF TRANSPORTATION DO NOT CONCUR IN THE DESIGNATION OF THE EXISTING BUS DEPOT AS A PARK

WHEREAS, Miami-Dade County owns and manages the Stephen P. Clark Center and its surrounding grounds, located at 111 Northwest 1st Street, Miami, Florida; and

WHEREAS, the Stephen P. Clark Center serves as the nerve center of County government and, as a result, attracts residents from all corners of the County and visitors from all parts of the world; and

WHEREAS, in addition to serving as the nerve center of County government, the Stephen P. Clark center is surrounded by facilities that attract diverse constituencies, including the new Judge Seymour Gelber and Judge William E. Gladstone Miami-Dade County Children's Courthouse; schools; and federal, state, and local government offices; and

WHEREAS, on the western side of the Stephen P. Clark Center are public grounds consisting of a public art installation, an elegant fountain, paved walkways, and open space with recreational amenities including a paved jogging track and exercise equipment; and

>>WHEREAS, in connection with the development of the lands surrounding the Stephen P. Clark Center as a transportation hub, the development of a portion of the western side of the Stephen P. Clark Center (the area north of the fountain and immediately adjacent to the existing childcare facility) into a bus depot with parking has been considered; and<<¹

>>WHEREAS, once completed, the new bus depot would serve, at a minimum, the same function as an existing County bus depot located west of the Claude Pepper Federal Building (51 Southwest 1st Avenue, Miami, Florida 33130) (the “Existing Bus Depot”); and<<

>>WHEREAS, although this Board welcomes any development in the vicinity of the Stephen P. Clark Center that would provide further stimulus to the economy—both by creating jobs and by attracting visitors to the area—while at the same time improving transportation options for locals and visitors, the Board also desires to ensure that green space in the same area is preserved; and<<

WHEREAS, this Board desires that ~~[[those]]~~ >>certain<< public grounds—>>either<< the area~~[[s]]~~ depicted in the attached exhibit (which for the purpose of identification in this resolution only is the “Stephen P. Clark Center ~~[[Park]]~~ >>Green Space<<”) >>or the Existing Bus Depot<< ~~[[remain as such and that they]]~~ be programmed, maintained, and improved as public park space; and

¹ The differences between the substitute and the original item are indicated as follows: Words stricken through and/or ~~[[double bracketed]]~~ shall be deleted, words underscored and/or >>double arrowed<< are added.

WHEREAS, by designating ~~>>either<<~~ the Stephen P. Clark Center ~~[[Park]]~~ ~~>>Green Space or the Existing Bus Depot<<~~ as a public park, this Board desires to protect ~~[[that area]]~~ ~~>>land in the vicinity of the Stephen P. Clark Center<<~~ from ~~[[any]]~~ development ~~[[of that land for non-public park uses, including, but not limited to, transit or transportation uses, without this Board's prior approval]]~~ ~~>>and thereby ensure that green space in the vicinity of the Stephen P. Clark Center remains available for public park uses<<~~;

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

Section 1. ~~>>The County Mayor or County Mayor's designee is directed to include in any lease or development agreement (or any other agreement purporting to transfer an interest from the County in the Stephen P. Clark Center Green Space to another entity) entered into between the County and any third party intending to build on the Stephen P. Clark Center Green Space a contractual provision providing that, as a condition precedent to the effectiveness of the agreement, the County shall have obtained the concurrence of the Federal Transit Administration and Florida Department of Transportation for the conversion of the Existing Bus Depot into a public County park.<<~~ ~~[[The area depicted in the attached exhibit and described in this Resolution as the Stephen P. Clark Center Park is hereby designated as a public Miami-Dade County park, and the County Mayor or designee is directed to take all further steps necessary to effectuate the designation of this area as a public Miami-Dade County park.]]~~

Section 2. ~~>>The County Mayor or the County Mayor's designee is further directed to include a provision in any such agreement providing that, within ninety (90) days of the completion of the development of the Stephen P. Clark Center Green Space (as evidenced by the attainment of a temporary or permanent certificate of occupancy) into a bus depot and/or parking~~

structure, the lessee or developer shall commence the conversion of the Existing Bus Depot into a public park, in accordance with plans developed by the County's Parks, Recreation and Open Spaces Department, and that the lessee/developer's failure to convert the Existing Bus Depot into a public park within the timeframes provided in the agreement shall be a material default of the agreement, entitling the County to terminate the agreement and seek damages from the lessee/developer in at least the amount necessary to convert the Existing Bus Depot into a public park in accordance with the plans developed by the County's Parks, Recreation and Open Spaces Department.<< ~~[[The County Mayor and/or the County administration shall not, without this Board's prior approval, consider any proposals for the use of the Stephen P. Clark Center Park for non-public park purposes, including, but not limited to, for transit or transportation purposes.]]~~

>>Section 3. If the Federal Transit Administration and Florida Department of Transportation fail to grant the approval required under Section 1 (and after all reviews or appeals of that decision have been exhausted), then the Stephen P. Clark Center Green Space shall be, without further action of this Board, deemed a public County park, a mini-park. If the Federal Transit Administration and Florida Department of Transportation concur in the designation requested in Section 1, then the Existing Bus Depot shall be, without further action of this Board, deemed a public County park, a mini-park, effective upon the attainment of the temporary or permanent certificate of occupancy for the structure developed on the Stephen P. Clark Center Green Space.<<

The Prime Sponsor of the foregoing resolution is Commissioner Bruno A. Barreiro. 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 1st day of December, 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

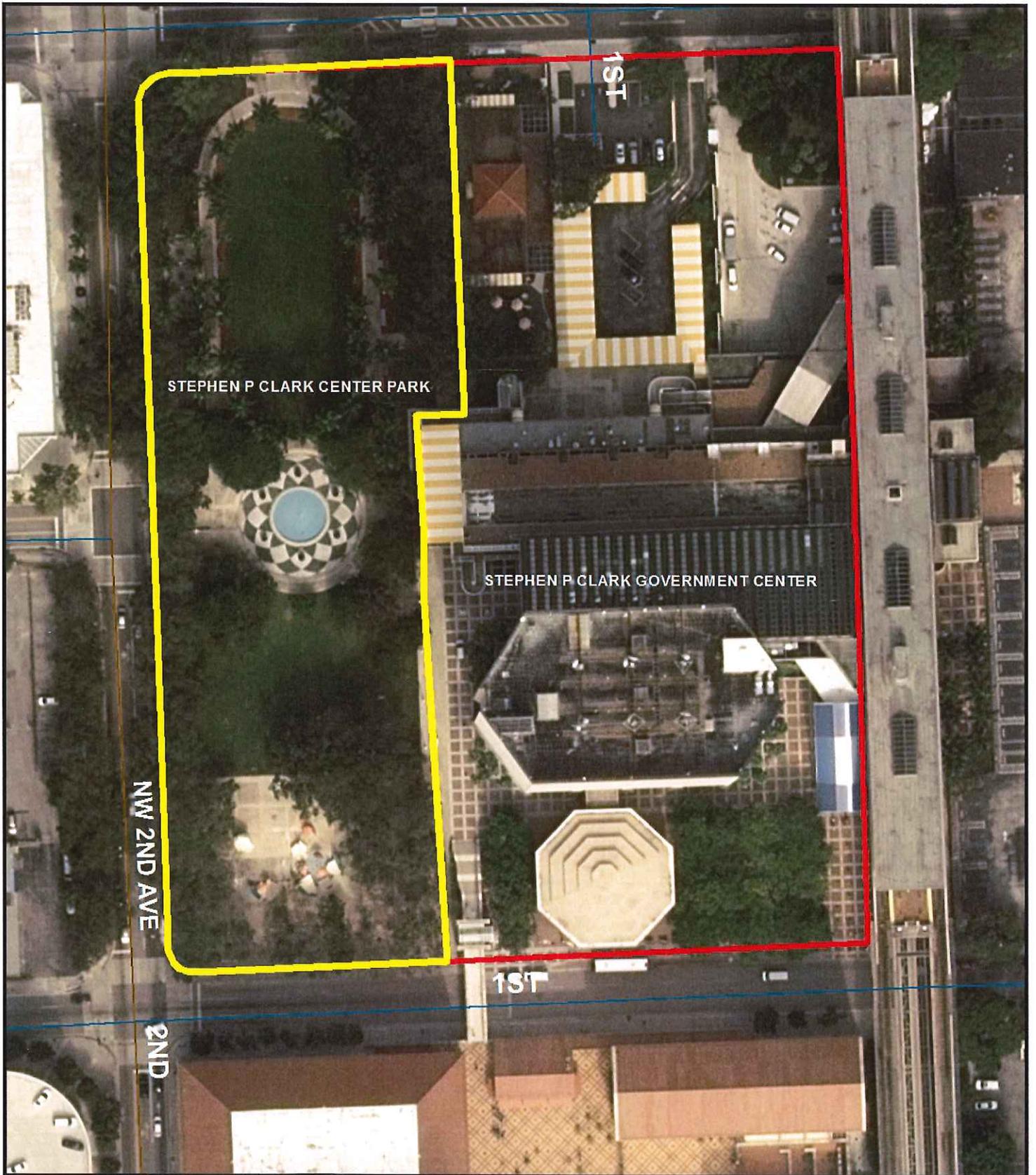
HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

MAG

Miguel A. Gonzalez



STEPHEN P CLARK CENTER PARK

STEPHEN P CLARK GOVERNMENT CENTER

NW 2ND AVE

1ST

1ST

2ND

STEPHEN P. CLARK CENTER PARK
2015 AERIAL PHOTO
111 NW 1st ST

ACRES: 3.07

Legend

-  Stephen_P_Clark_Park
-  Government Center Parcel
-  MajorRoads

MIAMI-DADE
COUNTY



0 0.00250005 0.01 0.015 0.02 Miles

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