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OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

Memorandum

MIAMI-DADE COUNTY

Agenda Item No. 8(D)(1)(C)

Resolution No. R-469-08

Date: May 6, 2008

To: Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Resolution Adding Cutler Wetlands North Addition Hammock to the Environmentally Endangered Lands (EEL) Program Priority B Acquisition List

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Recommendation
It is recommended that the Board adopt the attached resolution adding Cutler Wetlands North Addition Hammock to the EEL Priority B List. This resolution is based on the unanimous recommendations of the Land Acquisition Selection Committee (LASC) following their December 10, 2007 public hearing.

Scope
The EEL Program is countywide in nature.

Fiscal Impact/Funding Source
Cutler Wetlands North Addition Hammock will be placed on the EEL Priority B Acquisition List for which EEL funds can pay no more than 50% of the purchase price of the property. The County's 50% share could be paid from the current or future EEL allocation of Building Better Communities General Obligation Bond (GOB) funds or, if GOB funds are unavailable, the EEL Acquisition Trust Fund. The remaining 50% match can be in the form of a donation, grant, funding partner or other source. The matching funds will be determined at a later date and the value of the parcels will be determined by appraisal during the acquisition process.

Track Record/Monitor
Not Applicable

Background
The Cutler Wetlands North Addition Hammock proposed for addition to the EEL Priority B List consists of 37 acres within two non-contiguous natural areas located west and south of the privately owned Palmetto Bay Village Center/former Burger King Headquarters complex (see Attachment A). The natural areas consist of mixed upland forest (transitional pineland and hammock), transverse glade (exotics-dominated freshwater wetlands), exotics-dominated coastal wetlands, herbaceous flats, white mangroves and a small band of dense and sparse scrub mangroves. The diversity of the natural habitats on the property and their high degree of biological continuity with adjacent and nearby natural areas, such as the coastal areas of Biscayne National Park, are clearly beneficial to high wildlife usage and biological diversity. The area is considered a high conservation priority by Biscayne National Park.

A zoning covenant that contained provisions for a vegetation buffer was executed in 1985 when the land was originally developed. Since then, the land has been incorporated into

the Village of Palmetto Bay and Miami-Dade County has relinquished zoning authority to the Village. The County Attorney's Office has reviewed the covenant and determined that the zoning covenant runs with the land and the Village now has jurisdiction over the covenant. A release or modification of the zoning covenant could be exercised by the Village. The County retains no authority to enforce the terms of the zoning covenant. Furthermore, the native vegetation buffer provisions of the zoning covenant apply only to an area along Old Cutler Road, not to the entirety of the lands that the EEL program is hoping to acquire at this site.

Assistant County Manager

MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners

DATE: May 6, 2008

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

SUBJECT: Agenda Item No. 8(D)(1)(C)

Please note any items checked.

_____ "4-Day Rule" ("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

_____ Bid waiver requiring County Manager's written recommendation

_____ Ordinance creating a new board requires detailed County Manager's report for public hearing

_____ Housekeeping item (no policy decision required)

_____ No committee review

Approved _____ Mayor

Veto _____

Override _____

Agenda Item No. 8(D)(1)(C)

5-6-08

RESOLUTION NO. **R-469-08**

RESOLUTION ADDING CUTLER WETLANDS NORTH ADDITION HAMMOCK TO THE ENVIRONMENTALLY ENDANGERED LANDS (EEL) PROGRAM PRIORITY B ACQUISITION LIST

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference; and

WHEREAS, this Board desires to accomplish the purposes of Section 24-50 of the Code of Miami-Dade County,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board hereby approves the addition of 37 acres of the Cutler Wetlands North Addition Hammock, as shown in Attachment A, to the EEL Priority B Acquisition List.

The foregoing resolution was offered by Commissioner **Carlos A. Gimenez**, who moved its adoption. The motion was seconded by Commissioner **Jose "Pepe" Diaz** and upon being put to a vote, the vote was as follows:

Bruno A. Barreiro, Chairman **aye**
Barbara J. Jordan, Vice-Chairwoman **aye**

Jose "Pepe" Diaz	**aye**	Audrey M. Edmonson	**aye**
Carlos A. Gimenez	**aye**	Sally A. Heyman	**aye**
Joe A. Martinez	**aye**	Dennis C. Moss	**aye**
Dorrin D. Rolle	**aye**	Natacha Seijas	**aye**
Katy Sorenson	**aye**	Rebeca Sosa	**aye**
Sen. Javier D. Souto	**absent**		

The Chairperson thereupon declared the resolution duly passed and adopted this 6th day of May, 2008. 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: **Kay Sullivan**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Robert A. Duvall

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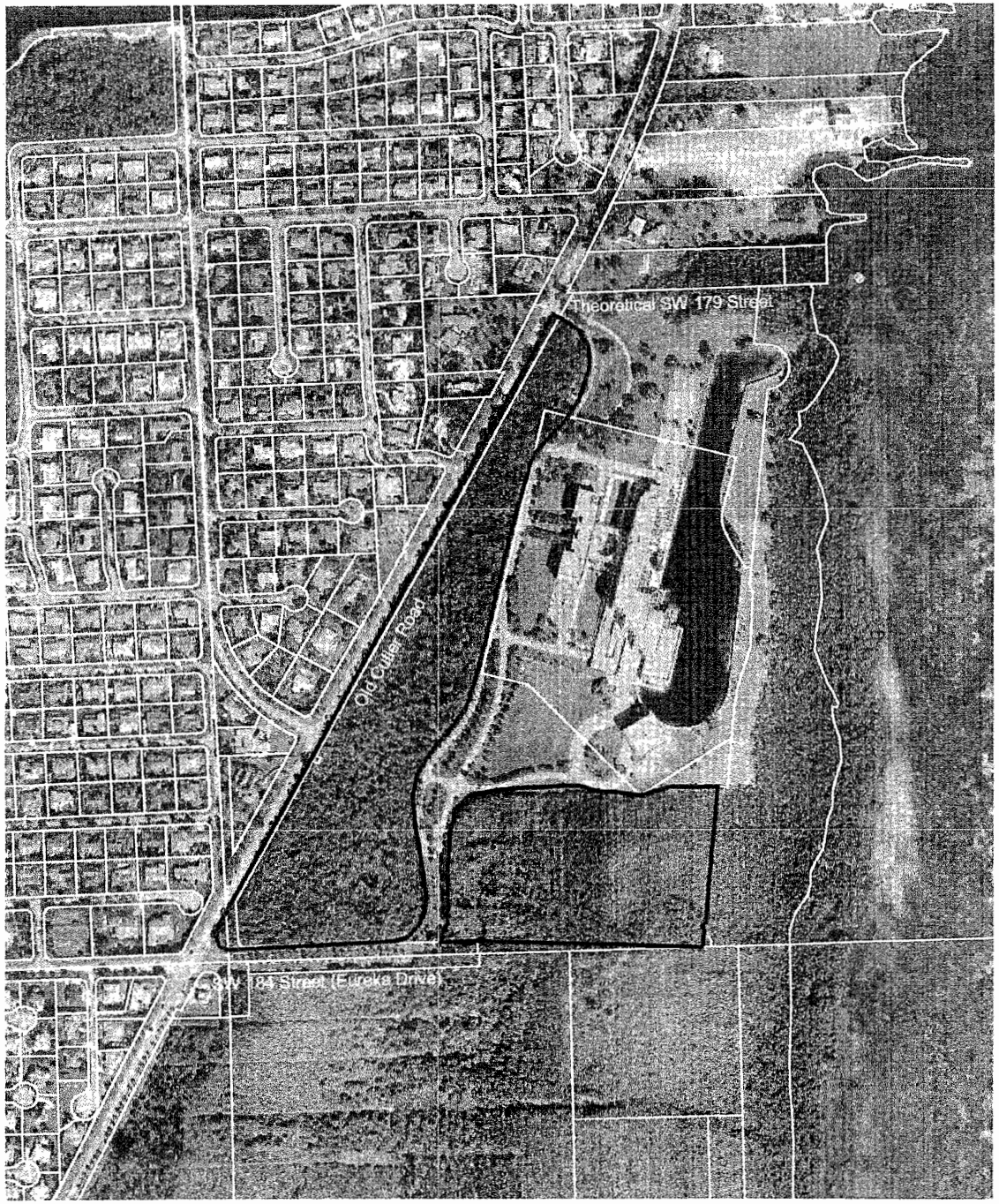

Cutler Wetlands North Addition
Palmetto Bay Village Center
Proposed EEL Project
2007 Update
Figure 1

Boundary for Cutler Wetlands North Addition
Parcel Boundaries

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ATTACHMENT A

cwna_2007.apr - October 22, 2007 - GMB

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