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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Agenda Item No. 11(A)(14)

TO: Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

DATE: October 5, 2010

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

SUBJECT: Resolution approving the Florida Legislature's designation of a portion of S.W. 67th Avenue/Ludlam Road as a State Historic Road

Resolution No. R-1025-10

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Carlos A. Gimenez and Co-Sponsor Commissioner Katy Sorenson.

R. A. Cuevas, Jr.
County Attorney

RAC/jls

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MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

DATE: October 5, 2010

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

SUBJECT: Agenda Item No. 11(A)(14)

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 Manager'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)(14)
10-5-10

RESOLUTION NO. R-1025-10

RESOLUTION APPROVING THE FLORIDA LEGISLATURE'S DESIGNATION OF S.W. 67TH AVENUE/LUDLAM ROAD FROM S.W. 40TH STREET/BIRD ROAD TO S.W. 136TH STREET AS A STATE HISTORIC ROAD

WHEREAS, during the 2010 regular session, the Florida Legislature passed HB 5 which designated S.W. 67th Avenue/Ludlam Road from S.W. 40th Street/Bird Road to S.W. 136th Street as a state historic road; and

WHEREAS, as part of the state historic road designation, HB 5 prohibits the use of public funds for cutting or removing any tree having a diameter at its thickest part in excess of 6 inches within 35 feet of either side of the paved surface of the road; and

WHEREAS, HB 5 also prohibits any activity that requires the removal without the replacement of any such tree, and further prevents the use of state funds to alter the physical dimensions or location of Ludlam Road, the median strip, or the land adjacent to the road, except for:

- Routine or emergency utility maintenance activities necessary to maintain the road as a utility corridor;
- Modifications or improvements made to provide for vehicular ingress and egress of governmental safety vehicles; and
- Alterations, modifications, or improvements made for the purpose of enhancing life safety, vehicular use or pedestrian use of SW 67th Avenue, or both so long as such alterations, modifications, or improvements are heard in a public hearing and subsequently approved by the governing board of the local government in which it is located; and

WHEREAS, HB 5 provides that the designation of Ludlam Road as a state historic road shall not be construed to prevent the ordinary maintenance and repair of the road or structures, provided the physical dimensions and location of the road and appearance of any structures are

preserved and further specifies preservation of the road shall take precedence over considerations of traffic management, with public safety not being construed to mean removing the existing landscaping or altering the road when alternative means of promoting safety, including more restrictive traffic regulations, are available; and

WHEREAS, HB 5 also directs the Florida Department of State, Division of Historical Resources to provide for the erection of suitable markers along the road, alerting the public of the historic designation; and

WHEREAS, HB 5 is intended to help preserve the small town feel, beauty and quality of Ludlam Road, which is named for South Florida pioneer Walter Ludlam; and

WHEREAS, section 334.071, Florida Statutes, provides that the installation of road designation signs shall be contingent on the applicable county or city commission passing a resolution in support of the particular honorary road designation; and

WHEREAS, this state historic road designation is located in unincorporated Miami-Dade County, the City of South Miami and the Village of Pinecrest; and

WHEREAS, the Florida Department of Transportation has advised that approval of this designation by Miami-Dade County is required; and

WHEREAS, this state designation is located in County Commission Districts 7 and 8,

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

Section 1. Approves the Florida Legislature's designation of S.W. 67th Avenue/Ludlam Road from S.W. 40th Street/Bird Road to S.W. 136th Street as a state historic road.

Section 2. Directs the Clerk of the Board to send certified copies of this Resolution to the Secretary of the Florida Department of Transportation, the Mayor, Commissioners and City Manager for the City of South Miami, the Mayor, Council Members and Village Manager for the Village of Pinecrest, the Traffic Signals and Signs Division of the Miami-Dade Public Works Department and the Land Development Division of the Miami-Dade Public Works Department.

The Prime Sponsor of the foregoing resolution is Commissioner Carlos A. Gimenez and the Co-Sponsor is Commissioner Katy Sorenson. It was offered by Commissioner Sally A. Heyman who moved its adoption. The motion was seconded by Commissioner Rebeca Sosa and upon being put to a vote, the vote was as follows:

Dennis C. Moss, Chairman aye
Jose "Pepe" Diaz, Vice-Chairman aye

Bruno A. Barreiro	aye	Audrey M. Edmonson	aye
Carlos A. Gimenez	aye	Sally A. Heyman	aye
Barbara J. Jordan	aye	Joe A. Martinez	aye
Dorrin D. Rolle	aye	Natacha Seijas	aye
Katy Sorenson	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 5th day of October, 2010. 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: **DIANE COLLINS**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Jess M. McCarty