OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

Memorandum

MIAMI-DADE COUNTY

Date: January 20, 2011

Agenda Item No. 8(M)(1)(B)

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Resolution No. R-21-11

Subject: Resolution Authorizing a Maintenance Declaration on South Florida Water Management District Right-of-Way along the Black Creek (C-1) Canal for the proposed Black Creek Greenway Trail Improvements

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This item is being substituted to replace the County Manager's memorandum and correct the amount in the resolution.

Recommendation
It is recommended that the Board approve the attached resolution authorizing the Declaration of Trail Maintenance Responsibilities of the Miami-Dade Park and Recreation Department (MDPR) within South Florida Water Management District (SFWMD) right-of-way (Exhibit 1) along the Black Creek Trail. The resolution sets out the MDPR's intent to maintain the proposed Black Creek Greenway Trail.

Scope
Black Creek Greenway Trail is a County-wide facility within SFWMD's right-of-way along the south side of Black Creek (C-1) Canal from S.W. 244 Street at Black Point Park and Marina to U.S. 1 and the north side of Black Creek (C-1) Canal from U.S. 1 to S.W. 137 Avenue. There is also a small portion of trail on the south side of the Black Creek (C-1) Canal right-of-way from S.W. 127 Avenue to S.W. 200 Street (Exhibit 2).

Fiscal Impact and Funding Source
The total project budget to design, permit and construct the Black Creek Greenway Trail improvements is $3,973,000 and consists of $1,880,000 of Surface Transportation Enhancement Program Grant funds allocated in fiscal year 2011-2012 (index code PRE130935717) and $2,093,000 of Building Better Communities (BBC) General Obligation Bonds (GOB) allocated to BBC GOB Project No. 51 – Black Creek Trail Phase I in fiscal years 2008-2012 (index code CPD051PR0362.)

Construction is estimated to be completed in August, 2012, the annual fiscal impact to the MDPR is estimated to be $69,552 per year to maintain the proposed 7.56 mile long Black Creek Greenways Trail. Funding will be made available in fiscal year 2012 -13 through General Fund - South Region Roving Crew (5A) (index code PRERE5458620). That amount represents an incremental fiscal impact of $61,090 over the current $8,462 annual expenditure to maintain the existing facilities.

Track Record/Monitor
Jorge Mora, Capital Programs Director, MDPR will coordinate with SFWMD to assure compliance with the terms of the Declaration of Trail Maintenance

Background

The 7.56 mile long Black Creek Trail is one of 10 proposed new trails or proposed improvements to existing trails in Miami–Dade County's South Dade Greenway Network Master Plan adopted by the Miami-Dade County Board of County Commissioners' (BCC) Resolution No. R-679-95 in May, 1995 (Exhibit 3). The Black Creek Trail is also part of the system of greenways in the Open Space Master Plan adopted by the BCC Resolution No. R-171-08 in February, 2008 (Exhibit 6). The long range vision is to renovate this trail into a non-motorized shared-use facility that complies with current American Association of State Highway and Transportation Officials (AASHTO) design standards.

Because the existing trail is within the SFWMD right-of-way, a modification to the existing Right-of-Way Occupancy Permit #7333 (Exhibit 4) to allow the improvements and reconstruction of the existing non-motorized shared-use trail is necessary. One of the conditions of obtaining SFWMD's permit approval is Miami-Dade County's assurance that it is committed and financially capable of maintaining the proposed improvements for the life of the permit by way of the authorization of the Declaration of Maintenance. Similar declarations of maintenance responsibilities have been authorized by the Board of County Commissioners (BCC) in the past (i.e., Resolution R-1469-04 Confirming Intent to Maintain Improvements within the Black Creek Trail – Exhibit 5).

Attachments

Alex Muñoz
Assistant County Manager

MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez and Members, Board of County Commissioners

DATE: January 20, 2011

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

SUBJECT: Agenda Item No. 8(M)(1)(B)

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. 8(M)(1)(B)

1-20-11

RESOLUTION NO. R-21-11

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO EXECUTE DECLARATION OF TRAIL MAINTENANCE RESPONSIBILITIES OF MIAMI-DADE COUNTY PARK AND RECREATION DEPARTMENT FOR IMPROVEMENTS WITHIN SOUTH FLORIDA WATER MANAGEMENT DISTRICT PROPERTIES, SPECIFICALLY THE BLACK CREEK GREENWAY TRAIL ALONG SOUTH SIDE OF BLACK CREEK (C-1) CANAL RIGHT-OF-WAY, EXTENDING FROM S.W. 244 STREET AT BLACK POINT PARK AND MARINA TO U.S. 1 AND NORTH SIDE OF BLACK CREEK (C-1) CANAL RIGHT-OF-WAY FROM U.S. 1 TO S.W. 137 AVENUE AND SMALL PORTION OF TRAIL ON SOUTH SIDE OF BLACK CREEK (C-1) CANAL RIGHT-OF-WAY FROM S.W. 127 AVENUE TO S.W. 200 STREET AT ANNUAL COST OF $61,090.00

WHEREAS, the County passed Resolution R-679-95 on May 16, 1995, adopting the South Dade Greenway Network Master Plan, of which the Black Creek Trail along the South Florida Water Management District's Black Creek (C-1) Canal forms a part; and

WHEREAS, the Board of County Commissioners passed Resolution R-171-08 on February 19, 2008, adopting the Miami-Dade County Park and Recreation Open Space Master Plan, of which the Snake Creek Trail along the South Florida Water Management District's Snake Creek (C-9) Canal forms a part; and

WHEREAS, the District has a policy of allowing the public to utilize publicly owned rights-of-ways for passive recreational purposes and the District supports the development of linear parks and greenways; and

WHEREAS, the County, through its Park and Recreation Department, has existing Permit #7333 with the District to provide public access to a landscaped non-motorized bike path along the Black Creek (C-1) Canal extending from S.W. 244 Street to S.W. 184 Street; and

WHEREAS, the County, through its Park and Recreation Department, intends to construct improvements to a portion of the south side of the District's Black Creek (C-1) Canal from S.W.

244 Street at Black Point Park and Marina to U.S. 1 and the north side of Black Creek (C-1) Canal right-of-way from U.S. 1 to S.W. 137 Avenue and a small portion of trail on the south side of Black Creek (C-1) Canal right-of-way from S.W. 127 Avenue to S.W. 200 Street; and

WHEREAS, the County is in the process of requesting a Right-of-Way Occupancy permit modification from the District to authorize said improvements to enhance the trail; and

WHEREAS, the County intends to maintain the specific improvements that the County desires to construct on District properties; and

WHEREAS, the County understands the adverse implications of inadequate maintenance to the District's ability to perform its mission to control flooding; and

WHEREAS, the District has requested that the County state in a resolution that the County would perform maintenance on facilities that the County constructed or desires to construct on District properties; and

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

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board authorizes the County Mayor or Mayor's designee to execute the Declaration of Trail Maintenance Responsibilities of Miami-Dade Park and Recreation Department, in substantially the form attached hereto as Exhibit 1 and made a part hereof, for improvements to be constructed along sections of the Black Creek Trail, located within the south side of the Black Creek (C-1) Canal from S.W. 244 Street at Black Point Park and Marina to U.S. 1 and the north side of Black Creek (C-1) Canal right-of-way from U.S. 1 to S.W. 137 Avenue and a small portion of trail on the south side of Black Creek (C-1) Canal right-of-way from S.W. 127 Avenue to S.W. 200 Street;

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authorizes the County Mayor or Mayor's designee to take appropriate actions to accomplish same for and on behalf of Miami-Dade County at an annual cost of [[~~$31,004.00~~.]][1]>>$61,090.00.<<

The foregoing resolution was offered by Commissioner **Rebeca Sosa**, who moved its adoption. The motion was seconded by Commissioner **Joe A. Martinez** and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman			aye
Audrey M. Edmonson, Vice Chairwoman			aye
Bruno A. Barreiro	aye	Lynda Bell	aye
Jose "Pepe" Diaz	aye	Carlos A. Gimenez	aye
Sally A. Heyman	absent	Barbara J. Jordan	absent
Jean Monestime	absent	Dennis C. Moss	absent
Natacha Seijas	absent	Rebeca Sosa	aye
Sen. Javier D. Souto	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 20th day of January, 2011. 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.

Monica Rizo

[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<< constitute the amendment proposed.

Exhibit 1

Declaration of

Trail Maintenance Responsibilities of

Miami-Dade County Park and Recreation Department

Within

South Florida Water Management Right-of-Way

WHEREAS, the District has a policy of allowing the public to utilize publicly owned rights-of-ways for passive recreational purposes and the District supports the development of linear parks and greenways, and

WHEREAS, the County obtains permits from the District to improve specific portions of the right-of-way of District canals, to establish shared-use trails within greenways, and

WHEREAS, the County passed Resolution R-679-95 adopting the South Dade Greenway Network Master Plan, of which various canal trails form a part, and

WHEREAS, the County is willing and financially capable of maintaining the facilities that the County desires to construct on District properties for as long as the County has the permit and facilities within the District right-of-way, and

WHEREAS, the County understands the adverse implications of inadequate maintenance to the District's ability to perform its mission to control flooding and the financial responsibility of the County should a loss occur, and

WHEREAS, the District has requested that the County state in a resolution that the County would perform maintenance on facilities that the County constructed or desires to construct on District properties,

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NOW, THEREFORE, the County declares as follows:

The County agrees to:

1. Provide maintenance to the facilities that the County has constructed and will construct in the future, on lands located within the jurisdiction of the District.
2. Seek approval from the District before undertaking projects and activities proposed on lands/waters within the District's jurisdiction.
3. Remove and trim any landscaping in a timely manner when requested to do so by the District.
4. Assume the responsibility to comply with any applicable tree ordinances and not attempt to use such ordinances as a means to keep trees which the District determines must be removed.
5. In addition to maintaining the permitted facilities (i.e., path, trees, shelters, trash receptacles, benches, signage, etc.) the County will provide cycle mowing and weed trimming, repair of erosion (attributable to the project) and trash removal for the width of the ROW.
6. Design all facilities and improvements so as
    a. to maintain a clear access pathway for District maintenance equipment and vehicles.
    b. to provide suitable set-up and operation areas for the District equipment to perform emergency debris removal operations.
    c. to allow areas for the District to temporarily stockpile debris.
    d. to prevent taller plants and trees from falling into the canal in case of a hurricane or severe windstorm event.
    e. to not impact any existing District staging areas.
    f. to not interfere with the District's access or passive recreational areas within the canal right of way.
7. Use a planting list that contains no less than 98% of the District's approved plant list and contains no noxious or undesirable species.

This document shall not be construed as a waiver or relinquishment of the District's right and responsibilities for maintaining the canal areas within its jurisdiction. The District will have use and access to the areas for canal maintenance, including the elimination and removal of all safety hazards, natural or man-made, to canal maintenance.

FOR MIAMI-DADE COUNTY:

Signature:_____ Date:_____

Carlos Alvarez
Mayor
Miami Dade County

Exhibit 2

BLACK CREEK TRAIL, SEGMENT A
MIAMI-DADE COUNTY PARK AND RECREATION DEPT.
OVERALL PROJECT MAP
MIAMI, FLORIDA
URBAN RESOURCE GROUP
SW 216TH ST
SW 137TH AV
SW 127TH AV
SW 200TH ST
SW 184TH ST
US ROUTE 1
SW 112TH AV
FLORIDA TPKE
SW 97TH AV
SW 232ND ST
OLD CUTLER RD
GALLOWAY RD
NORTH
Phase 1
Phase 2
Phase 3
Major Intersections

Exhibit 3 Agenda Item No. 5(D)(1)
5-16-95

RESOLUTION NO. R-679-95

RESOLUTION ADOPTING SOUTH DADE GREENWAY NETWORK MASTER PLAN AND DIRECTING THE COUNTY MANAGER TO IMPLEMENT THE PLAN AS FUNDING PERMITS

WHEREAS, the proposed comprehensive system of multi-purpose trails in South Dade County known as the South Dade Greenway Network Master Plan would provide scenic, recreational and utilitarian corridors to be enjoyed by both residents and tourists, thereby promoting ecotourism and fostering economic development in that part of Dade County; and

WHEREAS, the Metropolitan Planning Organization by its action on May 12, 1994, has already included the South Dade Greenway Network Master Plan in the 1994-95 Transportation Improvement Program; and

WHEREAS, the South Florida Water Management District by its action in December 1994 has also approved and adopted the South Dade Greenway Network Master Plan; and

WHEREAS, six million dollars has already been committed by the Florida Department of Transportation, the Dade County Public Works Department and ISTEA to implement the South Dade Greenway Network Master Plan;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DADE COUNTY, FLORIDA, that this Board hereby adopts the South Dade Greenway Network Master Plan, to create an organized system of ten interconnecting trails, totalling 194

miles in length and spanning the area south of Kendall Drive to the Monroe County line, and west from Biscayne Bay to Everglades National Park. The Board further directs the County Manager to implement the Plan and to conduct all County activities in South Dade in a manner consistent with the Plan.

The foregoing resolution was sponsored by Commissioner Katy Sorenson and was offered by Commissioner Penelas, who moved its adoption. The motion was seconded by Commissioner Teele, and upon being put to a vote, the vote was as follows:

James Burke	Aye	Miguel Diaz de la Portilla	Aye
Betty T. Ferguson	Aye	Maurice A. Ferre	Aye
Bruce Kaplan	Aye	Gwen Margolis	Aye
Natacha S. Millan	Aye	Dennis C. Moss	Aye
Alexander Penelas	Aye	Pedro Reboredo	Aye
Katy Sorenson	Aye	Javier D. Souto	Aye
Arthur E. Teele, Jr.	Aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 16th day of May, 1995.

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.

COUNTY COMMISSIONERS DADE COUNTY FLORIDA

11

STATE OF FLORIDA)
) SS:
COUNTY OF DADE)

I, HARVEY RUVIN, Clerk of the Circuit Court in and for Dade County, Florida, and Ex-Officio Clerk of the Board of County Commissioners of said County, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. R-679-95, adopted by the said board of County Commissioners at its meeting held on May 16, 19 95.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this 18th day of May, A.D. 19 95.

HARVEY RUVIN, Clerk
Board of County Commissioners
Dade County, Florida

By C. Phillips
Deputy Clerk

COUNTY COMMISSIONERS DADE COUNTY SEAL FLORIDA

Board of County Commissioners
Dade County, Florida

CLK/CT 587 3/93

Exhibit 4

Form 40133
Rev 4-90

SFWMD PERMIT NO. MOD 7333

(NON-ASSIGNABLE)

February 13, 1992 DATE ISSUED

AUTHORIZING: 40' x 24' CANOE LAUNCH/LANDING RAMP WITHIN THE SOUTH RIGHT OF WAY OF C-1 LOCATED APPROXIMATELY 150' EAST OF SOUTHWEST 97TH AVENUE.

LOCATED IN DADE COUNTY, SECTION 21 TWP. 56S RGE. 40E

ISSUED TO: (owner)
Metro-Dade County
Parks and Recreation Department
50 Southwest 32nd Road
Miami, Florida 33129

Attn: Robert H. McLane

This permit is issued pursuant to Application No. _____ dated April 26, 19 91 and permittee's agreement to hold and save the South Florida Water Management District and its successors harmless from any and all damages, claims or liabilities which may arise by reason of the construction, maintenance or use of the work or structure involved in the Permit. Said application, including all plans and specifications attached thereto, is by reference made a part hereof. The permittee, by acceptance of this permit, hereby agrees that he shall promptly comply with all orders of the District and shall alter, repair or remove his use solely at his expense in a timely fashion. Permittee shall comply with all laws and rules administered by the District. This permit does not convey to permittee any property rights nor any rights or privileges other than those specified herein, nor relieve the permittee from complying with any law, regulation, or requirement affecting the rights of other bodies or agencies. All structures and works installed by permittee hereunder shall remain the property of the permittee.

This permit is issued by the District as a license to use or occupy District works or lands. It does not create any right or entitlement, either legal or equitable, to the continued use of the District works or lands. Since this permit conveys no right to the continued use of the District works or lands, the District is under no obligation to transfer this permit to any subsequent party. By acceptance of this permit, the permittee expressly acknowledges that the permittee bears all risks of loss as a result of revocation of this permit.

WORK PROPOSED, WILL BE COMPLETED ON OR BEFORE 2/28 19 93 otherwise, this permit is voided and all rights thereunder are automatically cancelled unless an extension to the construction period is applied for and granted.
12 LIMITING CONDITIONS - (on reverse side of permit)

SPECIAL CONDITIONS (SPECIFIC LIMITING CONDITIONS) ARE AS FOLLOWS:

SPECIAL CONDITIONS ON THE ATTACHED SHEET ARE A PART OF THIS DOCUMENT.

FILED WITH THE CLERK OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT
ON February 18, 1992
BY Bernell K. Weller
Deputy Clerk

SOUTH FLORIDA WATER MANAGEMENT DISTRICT, BY ITS GOVERNING BOARD
By: _____
Assistant Secretary

B

SPECIAL CONDITIONS ARE AS FOLLOWS:

1. THIS PERMIT IS ISSUED BY THE DISTRICT AS A LICENSE TO USE OR OCCUPY DISTRICT WORKS OR LANDS. IT IS REVOCABLE BY THE DISTRICT FOR CAUSE FOR THE REASONS STATED IN DISTRICT RULE 40E-6.341, FLORIDA ADMINISTRATIVE CODE. THE PERMITTEE EXPRESSLY ACKNOWLEDGES THAT THE PERMITTEE BEARS ALL RISKS OF LOSS AS A RESULT OF REVOCATION OF THIS PERMIT.

2. THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT IS NOT RESPONSIBLE FOR DAMAGE TO INSTALLATIONS LOCATED WITHIN ITS RIGHTS OF WAY.

3. PERMITTEE SHALL BE RESPONSIBLE FOR THE REPAIR AND/OR REPLACEMENT OF EXISTING FACILITIES LOCATED WITHIN THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT'S RIGHTS OF WAY.

4. ANY ADDITIONAL FACILITIES OR ALTERATIONS TO EXISTING FACILITIES WITHIN THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT'S RIGHTS OF WAY WILL REQUIRE A MODIFICATION OF THIS PERMIT.

5. CANAL RIGHT OF WAY DISTURBED DURING CONSTRUCTION, INSTALLATION AND/OR MAINTENANCE OF THE AUTHORIZED FACILITY SHALL BE RESTORED TO ORIGINAL OR BETTER CONDITION BY THE PERMITTEE.

6. PERMITTEE IS SOLELY RESPONSIBLE FOR ANY RELOCATION(S) WHICH MAY BE REQUIRED AS A RESULT OF THIS AUTHORIZATION. LIKEWISE, THE PERMITTEE IS RESPONSIBLE FOR ANY NOTIFICATION OR COORDINATION WITH THE OWNERS OF PREVIOUSLY PERMITTED FACILITIES LOCATED WITHIN THE DISTRICT'S RIGHTS OF WAY.

7. PERMITTEE RECOGNIZES THAT IN AN EMERGENCY SITUATION ANY OR ALL PERMITTED ITEMS WITHIN THE DISTRICT'S RIGHT OF WAY ARE SUBJECT TO IMMEDIATE ALTERATION, MODIFICATION OR REMOVAL BY DISTRICT FORCES. ANY DAMAGE RESULTING THEREFROM IS NOT THE RESPONSIBILITY OF THE DISTRICT.

8. THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT SHALL NOT, UNDER ANY CIRCUMSTANCES, BE HELD RESPONSIBLE FOR DAMAGE TO THE AUTHORIZED CANOE RAMP INCLUDING DAMAGE RESULTING FROM WATER LEVEL FLUCTUATIONS OR FLOWS.

9. RIP-RAP SHALL BE OF ADEQUATE DESIGN TO REMAIN INTACT DURING EXTREME FLOWS AND DISCHARGE.

10. PRIOR TO THE INSTALLATION OF RIP-RAP THE BANK SHALL BE SHAPED TO MATCH THE SURROUNDING BANK AND THE ENTIRE AREA COVERED AND SECURED WITH FILTER CLOTH OR AN ALTERNATIVE MATERIAL ACCEPTABLE TO THE DISTRICT.

11. ALL MATERIAL AND DEBRIS SHALL BE COMPLETELY REMOVED FROM THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT'S CANAL AND RIGHTS OF WAY.

12. PERMITTEE SHALL MAINTAIN THE CANOE LAUNCH/LANDING RAMP SITE INCLUDING BUT NOT LIMITED TO MOWING, SPRAYING FOR WEEDS, EROSION CONTROL, AND REPAIR/REPLACEMENT OF DETERIORATED WOOD.

40E-6.381 Limiting Conditions

The District's authorization to utilize lands and other works constitutes a revocable license. In consideration for receipt of that license, permittees shall agree to be bound by the following standard limiting conditions, which shall be included within all permits issued pursuant to this chapter.

(1) All structures on District works or lands constructed by permittee shall remain the property of permittee, who shall be solely responsible for ensuring that such structures and other uses remain in good and safe condition. Permittees are advised that other federal, state and local safety standards may govern the occupancy and use of the District's lands and works. The District assumes no duty with regard to ensuring that such uses are so maintained and assumes no liability with regard to injuries caused others by any such failure. The District further assumes no duty to ensure that the permitted use complies with the safety standards of other governmental entities.

(2) Permittee agrees to abide by all of the terms and conditions of this permit, including any representations made on the permit application and related documents. This permit shall be subject to the requirements of Chapter 373, F.S., and Chapter 40E-6, F.A.C. Permittee agrees to pay all investigative costs, court costs and reasonable attorney's fees resulting from any successful action taken by the District to obtain compliance with the conditions of the permit or removal of the permitted use. If District legal action is taken by staff counsel, "reasonable attorney's fees" is understood to mean the fair market value of the services provided, based upon what a private attorney would charge.

(3) This permit does not create any vested rights, and except for governmental entities and public or private utilities, is revocable at will upon reasonable prior written notice. Permittee bears all risk of loss as to monies expended in furtherance of the permitted use. Upon revocation, the permittee shall promptly modify, relocate or remove the permitted use. In the event of failure to so comply within the specified time, the District may remove the permitted use and permittee shall be responsible for all removal costs.

(4) This permit does not convey any property rights nor any rights or privileges other than those specified herein. The District approves the permitted use only to the extent of its interest in the works of the District. Permittees shall obtain all other necessary federal, state, local, special district and private authorizations prior to the start of any construction or alteration authorized by the permit. The District, however, assumes no duty to ensure that any such authorizations have been obtained.

(5) Permittee agrees to hold and save the District harmless from any and all damages or claims which arise from the ownership, construction, maintenance or operation of the permitted use, whether caused by the injured person or permittee, and whether occurring within the area of the permitted use or outside such area, provided the activity originated from the permitted use. This obligation expressly includes any alleged or actual negligence by the District as to all permitting activities regarding the subject use, including enforcement of permit conditions. Permittee agrees to provide legal counsel, if requested, for the defense of any such claims.

(6) The permittee shall demonstrate that it possesses financial integrity to ensure compliance with permit conditions. The District does not waive sovereign immunity in any respect.

(7) The permittee shall not engage in any activity regarding the permitted use which interferes with the construction, alteration, maintenance or operation of the works of the District, including:

(a) discharge of debris or aquatic weeds into the works of the District;

(b) causing erosion or shoaling within the works of the District;

(c) planting trees or shrubs or erecting structures which limit or prohibit access by District equipment and vehicles, except as may be authorized by the permit.

Permittee shall be responsible for any costs incurred by the District resulting from any such interference.

(8) Permittee shall allow the District to inspect the permitted use at any reasonable time.

(9) The District has the right to change, regulate, limit, schedule, or suspend discharges into, or withdrawals from, works of the District in accordance with criteria established by the District and/or the U. S. Army Corps of Engineers for the works of the District. Reasonable prior written notice shall be given to permittee.

(10) If the use involves the construction of facilities for a non exempt water withdrawal or surface water discharge, the applicant must apply for and obtain a water use or surface water management permit before any activities may be conducted pursuant to the right of way occupancy permit.

(11) The District shall notify the local ad valorem taxing authority of the lands affected by the permitted use, where the permittee owns the underlying fee and derives a substantial benefit from the permitted use. The taxing authority may reinstate such lands on the tax roll.

(12) Permittees shall provide prior written notice to their successors in title of the permit and its terms and conditions. Such notice may be made through filing a copy of the permit or other appropriate notice agreed to by the District in the public records of the county or counties where the project is located and by providing the District with proof of filing or through an equivalent procedure. All costs associated with this requirement shall be the responsibility of the permittee. This requirement applies to permittees who are adjacent landowners.

Specific Authority 373.044, 373.113 F.S.
Law Implemented Chapters 25209 and 25270, Laws of Florida, 196.199(1), 373.042, 373.083(1), 373.085(1), 373.103, 373.109, 373.129, F.S.
History–New 9-3-81, Amended 5-30-82, 12-29-86, 12-24-91.
Formerly 16K-5.01(2), 16K-5.02(2), 16K-5.03(2), 16K-5.04(4), 16K-5.05.

REQUEST FOR PERMIT MODIFICATION

DATE: April 26, 1991

South Florida Water Management District
Post Office Box "V"
3301 Gun Club Road
West Palm Beach, Florida 33402-4238

Gentlemen:

I, the undersigned, request that Permit Number 7333 be modified to include:

construction of a canoe launching/landing area on the Black Creek Canal at S.W. 97th Avenue as per the enclosed plans.

in N.A. Subdivision, Block N.A., Lot N.A.

N.A. (Street, Avenue, etc.) N.A. (City), Florida

Sincerely, Robert H. McLane
(Please print or type)

Robert H. McLane
(Signature)

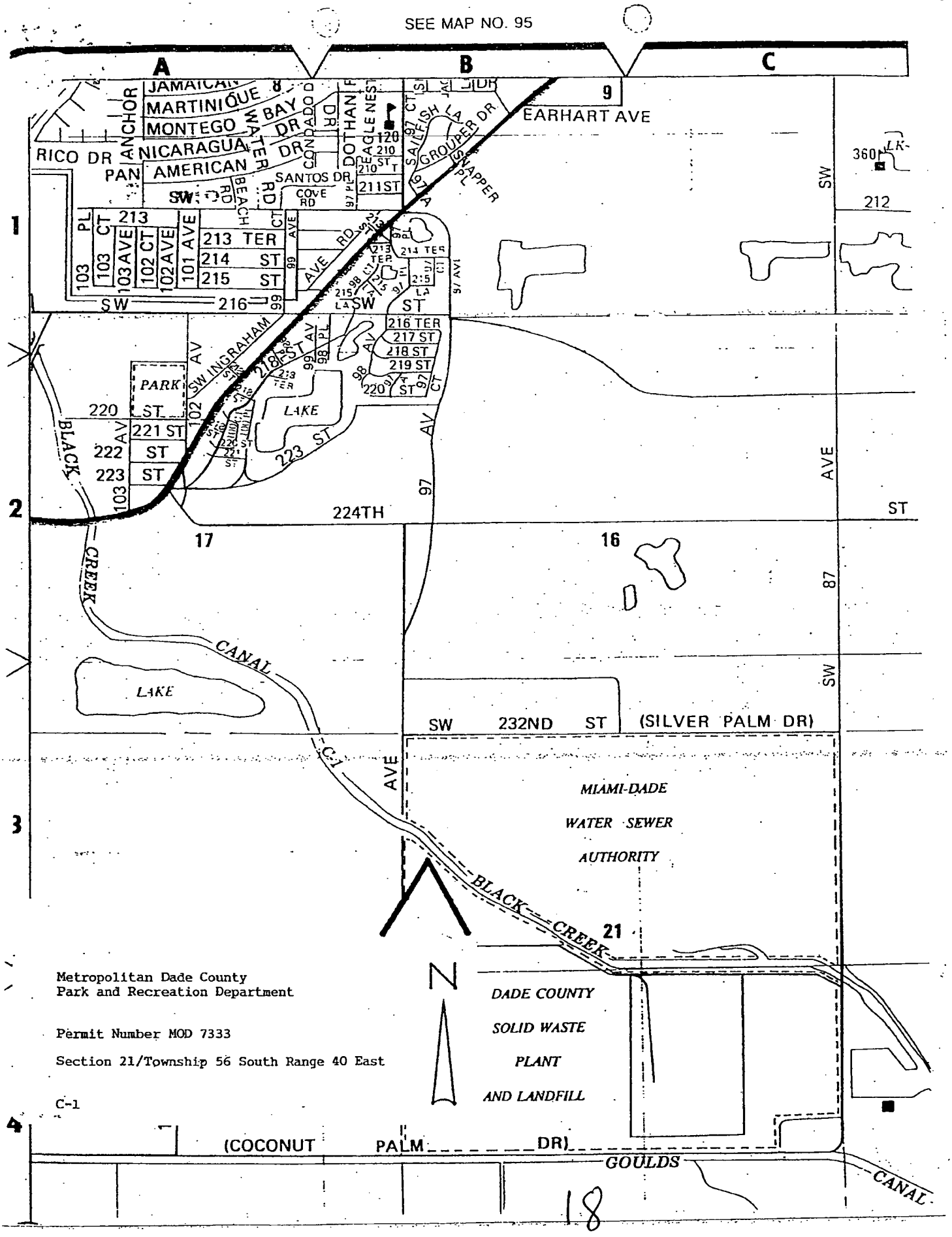
Association Dade County Park & Recreation Dept

Title Landscape Architect

RECEIVED
JUN 18 1991
RIGHT-OF-WAY DIVISION

Rev. Sept. 1982

17



Metropolitan Dade County
Park and Recreation Department

Permit Number MOD 7333

Section 21/Township 56 South Range 40 East

C-1

Exhibit 5

OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
DADE COUNTY, FLORIDA

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(M)(1)(A)

12-14-04

RESOLUTION NO. R-1469-04

RESOLUTION CONFIRMING INTENT TO MAINTAIN IMPROVEMENTS WITHIN THE BLACK CREEK TRAIL ALONG THE C-1 CANAL EXTENDING FROM SW 87TH AVENUE TO BLACK POINT PARK AND MARINA

WHEREAS, the County passed Resolution R-679-95 on May 16, 1995, adopting the South Dade Greenway Network Master Plan, of which the Black Creek Trail along the South Florida Water Management District's C-1 Canal forms a part; and

WHEREAS, the District has a policy of allowing the public to utilize publicly owned rights of ways for passive recreational purposes and the District supports the development of linear parks and greenways; and

WHEREAS, the County, through its Park and Recreation Department, has Permit #7333 with the District to provide public access to a landscaped bike path along the C-1 Canal extending from SW 137 Avenue to Black Point Park and Marina; and

WHEREAS, the County, through its Park and Recreation Department, has Land and Water Conservation Fund monies to construct specific improvements to a portion of the District's C-1 Canal from SW 87th Avenue to Black Point Park and Marina; and

WHEREAS, the County is in the process of amending Permit #7333 from the District to authorize specific improvements to enhance the trail; and

WHEREAS, the County intends to maintain the specific improvements that the County desires to construct on District properties; and

MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez and Members, Board of County Commissioners

DATE: December 14, 2004

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 7(M)(1)(A)

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

WHEREAS, the County understands the adverse implications of inadequate maintenance to the District's ability to perform its mission to control flooding; and

WHEREAS, the District has requested that the County state in a resolution that the County would perform maintenance on facilities that the County constructed or desires to construct on District properties; and

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

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board confirms its intent to maintain improvements to be constructed along sections of the Black Creek Trail extending along the C-1 Canal from SW 87th Avenue to Black Point Park and Marina as shown on the map attached hereto and made a part hereof; and authorizes the County Manager to take appropriate actions to accomplish same for and on behalf of Miami-Dade County.

The foregoing resolution was offered by Commissioner Dennis C. Moss, who moved its adoption. The motion was seconded by Commissioner Dorrin C. Rolle and being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman aye
Dennis C. Moss, Vice-Chairman aye

Bruno A. Barreiro	aye	Dr. Barbara Carey-Shuler	aye
Jose "Pepe" Diaz	aye	Carlos A. Gimenez	aye
Sally A. Heyman	aye	Barbara J. Jordan	aye
Dorrin D. Rolle	aye	Natacha Seijas	absent
Katy Sorenson	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 14th day of December, 2004. This Resolution and contract, if not vetoed, shall become effective in accordance with Resolution No. R-377-04.

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. MMC

Mariela Martinez-Cid

Memorandum

MIAMI-DADE COUNTY

Agenda Item No. 7(M)(1)(A)

Date: December 14, 2004

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Black Creek Trail Maintenance Declaration, South Florida Water Management District

RECOMMENDATION

It is recommended that the Board approve the attached resolution confirming the County's intent to maintain the facilities to be constructed on the Black Creek Trail, along the C-1 Canal from SW 87th Avenue to Black Point Park and Marina.

BACKGROUND

The Park and Recreation Department has Permit #7333 with the South Florida Water Management District to allow landscaping and improvements within the Black Creek Trail, along the C-1 Canal from SW 137th Avenue to Black Point Park and Marina. The Department has funding from the Land and Water Conservation Fund to construct new facilities within its right of way from SW 87 Avenue to Black Point Park and Marina. Improvements planned include a restroom and fishing platform. Because the canal right of way is under the District's jurisdiction, the facilities require the District's approval. Before the District will grant its approval, it has requested that the County provide assurance of its intent to maintain the facilities. It is understood that the County's commitment as expressed in this resolution is contingent upon the District's policy of allowing the public to use its land for passive recreational purposes.

It is recommended that the County confirm its intent to:

1. Provide maintenance to the facilities that it has and will construct along the C-1 Canal until Permit #7333 expires.

2. Seek approval from the District before constructing any of the facilities mentioned above that are within the District's jurisdiction.

3. Remove and trim any landscaping in a timely manner when requested to do so by the District until Permit #7333 expires.

4. Assume the responsibility to comply with any applicable tree ordinances and not attempt to use such ordinances as a means to retain trees, which the District determines, must be removed.

5. Design all facilities and improvements so as:
   A. to maintain a clear access pathway for District maintenance equipment and vehicles.

   B. to provide suitable set-up and operation areas for the District equipment to perform emergency debris removal operations.

   C. to allow areas for the District to temporarily stockpile debris.

   D. to prevent taller plants and trees from falling into the canal in case of a hurricane or severe windstorm event.

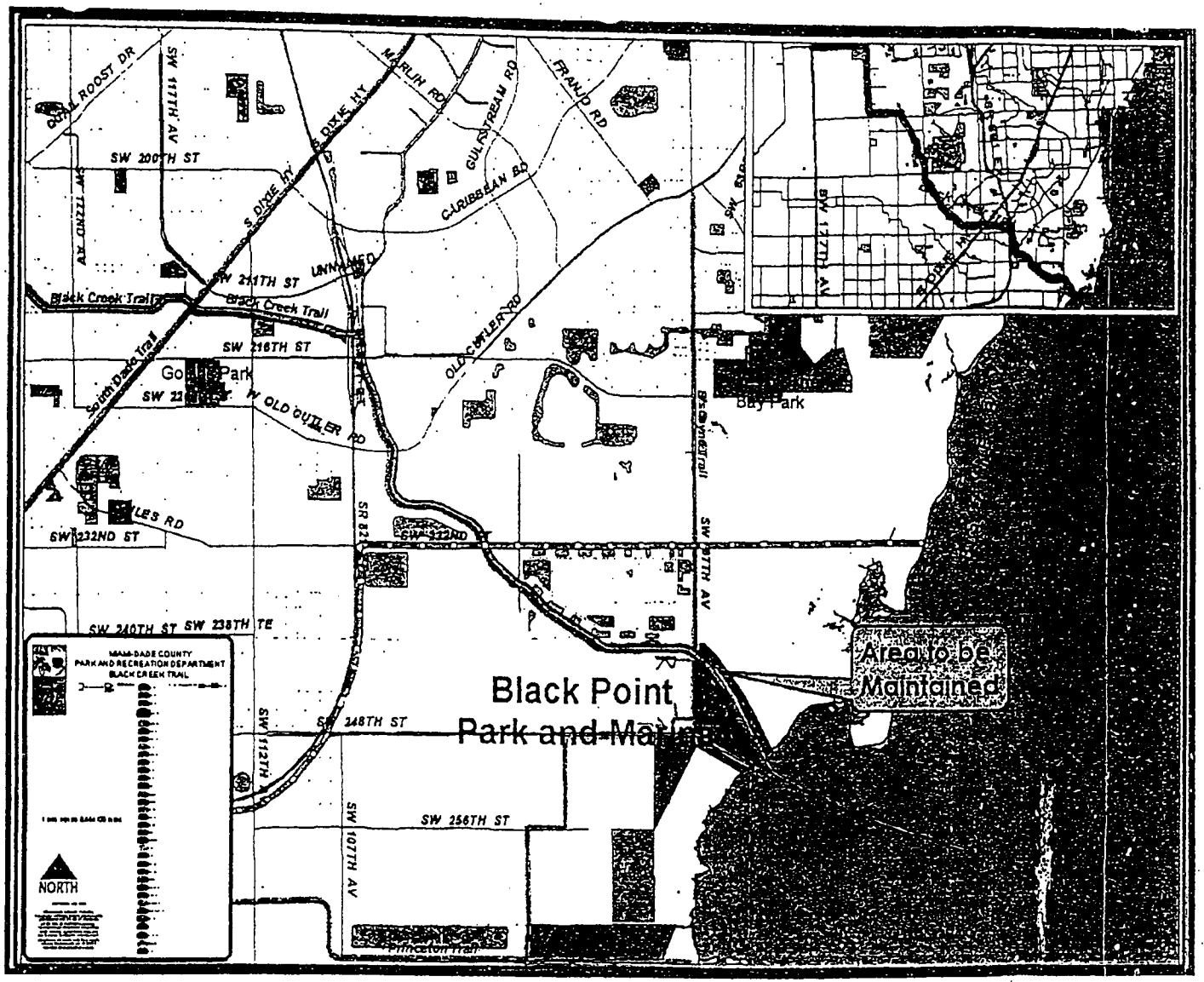
   E. not to impact any existing District staging areas.

   F. not to interfere with the District's access or passive recreational areas within the canal right of way.

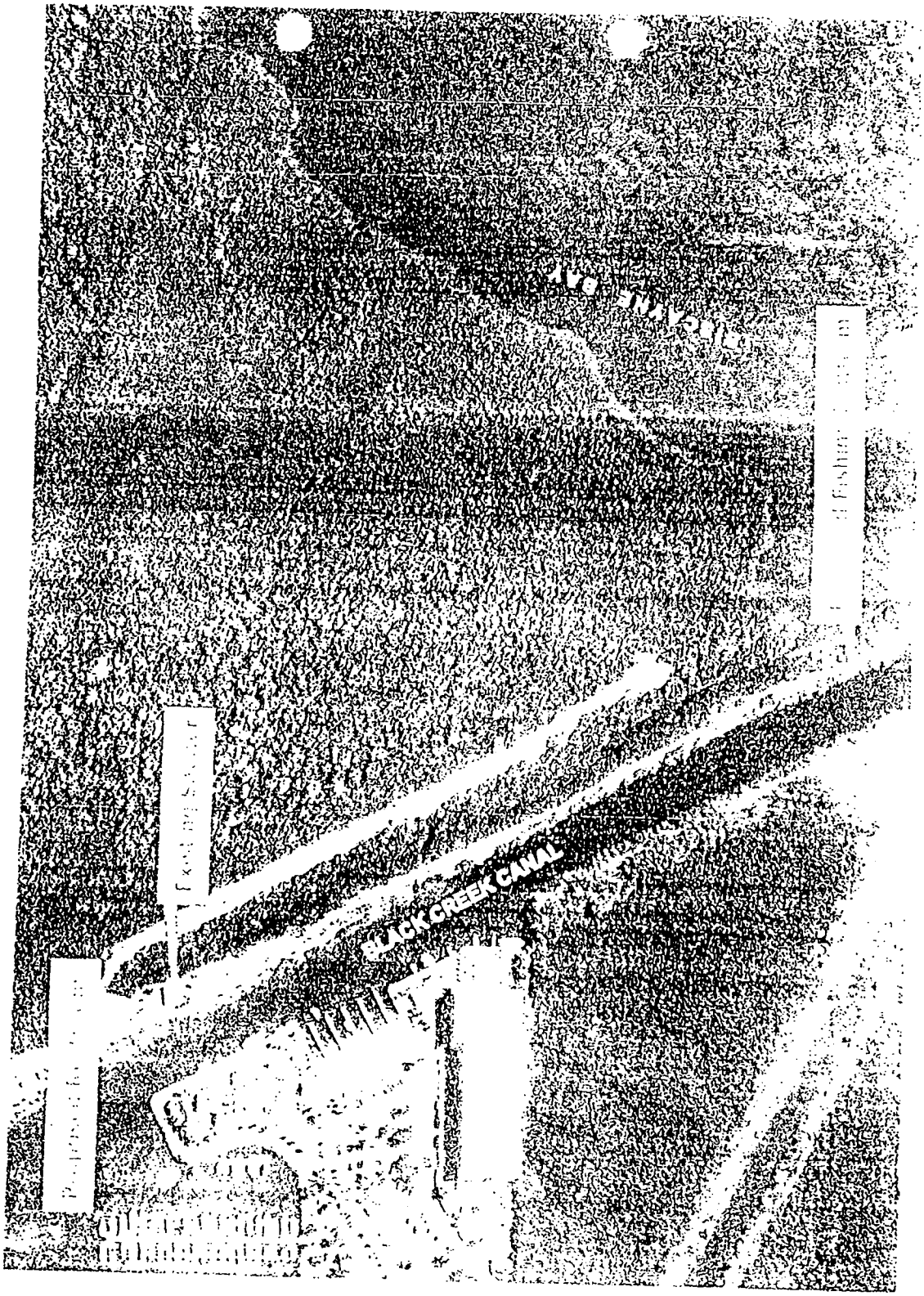
6. Use a planting list that contains no less than 98% of the District's approved plant list and contains no noxious or undesirable species.

This resolution shall not be construed as a waiver or relinquishment of the District's right and responsibilities for maintaining areas within its jurisdiction. The District will have use and access to the areas for levee maintenance, including the elimination and removal of all safety hazards, natural or man-made, to levee maintenance.

Assistant County Manager


SW 117TH AV
SW 200TH ST
S DIXIE HY
MARLIN RD
GULFSTREAM RD
FRANJO RD
CARIBBEAN RD
SW 112TH AV
SW 211TH ST
UNNAMED
Black Creek Trail
SW 216TH ST
OLD CUTLER RD
SW 232ND ST
SR 821
SW 87TH AV
SW 240TH ST
SW 238TH TE
SW 248TH ST
SW 112TH
SW 256TH ST
SW 107TH AV
Princeton Trail
Area to be Maintained
Black Point Park and Marina
MIAMI-DADE COUNTY PARK AND RECREATION DEPARTMENT BLACK CREEK TRAIL
NORTH

25


CK CREEK CANAL

Agenda Item No. 5(D)(1)
5-16-95

RESOLUTION NO. R-679-95

RESOLUTION ADOPTING SOUTH DADE GREENWAY NETWORK MASTER PLAN AND DIRECTING THE COUNTY MANAGER TO IMPLEMENT THE PLAN AS FUNDING PERMITS

WHEREAS, the proposed comprehensive system of multi-purpose trails in South Dade County known as the South Dade Greenway Network Master Plan would provide scenic, recreational and utilitarian corridors to be enjoyed by both residents and tourists, thereby promoting ecotourism and fostering economic development in that part of Dade County; and

WHEREAS, the Metropolitan Planning Organization by its action on May 12, 1994, has already included the South Dade Greenway Network Master Plan in the 1994-95 Transportation Improvement Program; and

WHEREAS, the South Florida Water Management District by its action in December 1994 has also approved and adopted the South Dade Greenway Network Master Plan; and

WHEREAS, six million dollars has already been committed by the Florida Department of Transportation, the Dade County Public Works Department and ISTEA to implement the South Dade Greenway Network Master Plan;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DADE COUNTY, FLORIDA, that this Board hereby adopts the South Dade Greenway Network Master Plan, to create an organized system of ten interconnecting trails, totalling 194

miles in length and spanning the area south of Kendall Drive to the Monroe County line, and west from Biscayne Bay to Everglades National Park. The Board further directs the County Manager to implement the Plan and to conduct all County activities in South Dade in a manner consistent with the Plan.

The foregoing resolution was sponsored by Commissioner Katy Sorenson and was offered by Commissioner Penelas, who moved its adoption. The motion was seconded by Commissioner Teele, and upon being put to a vote, the vote was as follows:

James Burke	Aye	Miguel Diaz de la Portilla	Aye
Betty T. Ferguson	Aye	Maurice A. Ferre	Aye
Bruce Kaplan	Aye	Gwen Margolis	Aye
Natacha S. Millan	Aye	Dennis C. Moss	Aye
Alexander Penelas	Aye	Pedro Reboredo	Aye
Katy Sorenson	Aye	Javier D. Souto	Aye

Arthur E. Teele, Jr. Aye

The Chairperson thereupon declared the resolution duly passed and adopted this 16th day of May, 1995.

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.

SFWMD PERMIT NO. MOD 7333

(NON-ASSIGNABLE)

February 13, 1992 DATE ISSUED

AUTHORIZING: 40' x 24' CANOE LAUNCH/LANDING RAMP WITHIN THE SOUTH RIGHT OF WAY OF C-1 LOCATED APPROXIMATELY 150' EAST OF SOUTHWEST 97TH AVENUE.

LOCATED IN DADE COUNTY, SECTION 21 TWP. 56S RGE. 40E

ISSUED TO: (owner)
Metro-Dade County
Parks and Recreation Department
50 Southwest 32nd Road
Miami, Florida 33129

Attn: Robert H. McLane

This permit is issued pursuant to Application No. _____ dated April 26, 19 91 and permittee's agreement to hold and save the South Florida Water Management District and its successors harmless from any and all damages, claims or liabilities which may arise by reason of the construction, maintenance or use of the work or structure involved in the Permit. Said application, including all plans and specifications attached thereto, is by reference made a part hereof. The permittee, by acceptance of this permit, hereby agrees that he shall promptly comply with all orders of the District and shall alter, repair or remove his use solely at his expense in a timely fashion. Permittee shall comply with all laws and rules administered by the District. This permit does not convey to permittee any property rights nor any rights or privileges other than those specified herein, nor relieve the permittee from complying with any law, regulation, or requirement affecting the rights of other bodies or agencies. All structures and works installed by permittee hereunder shall remain the property of the permittee.

This permit is issued by the District as a license to use or occupy District works or lands. It does not create any right or entitlement, either legal or equitable, to the continued use of the District works or lands. Since this permit conveys no right to the continued use of the District works or lands, the District is under no obligation to transfer this permit to any subsequent party. By acceptance of this permit, the permittee expressly acknowledges that the permittee bears all risks of loss as a result of revocation of this permit.

WORK PROPOSED, WILL BE COMPLETED ON OR BEFORE 2/28 19 93 otherwise, this permit is voided and all rights thereunder are automatically cancelled unless an extension to the construction period is applied for and granted.

12 LIMITING CONDITIONS - (on reverse side of permit)

SPECIAL CONDITIONS (SPECIFIC LIMITING CONDITIONS) ARE AS FOLLOWS:

SPECIAL CONDITIONS ON THE ATTACHED SHEET ARE A PART OF THIS DOCUMENT.

FILED WITH THE CLERK OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT
ON February 18, 1992
BY _____ Deputy Clerk

SOUTH FLORIDA WATER MANAGEMENT DISTRICT, BY ITS GOVERNING BOARD

By: _____ Assistant Secretary

SPECIAL CONDITIONS ARE AS FOLLOWS:

1. THIS PERMIT IS ISSUED BY THE DISTRICT AS A LICENSE TO USE OR OCCUPY DISTRICT WORKS OR LANDS. IT IS REVOCABLE BY THE DISTRICT FOR CAUSE FOR THE REASONS STATED IN DISTRICT RULE 40E-6.341, FLORIDA ADMINISTRATIVE CODE. THE PERMITTEE EXPRESSLY ACKNOWLEDGES THAT THE PERMITTEE BEARS ALL RISKS OF LOSS AS A RESULT OF REVOCATION OF THIS PERMIT.

2. THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT IS NOT RESPONSIBLE FOR DAMAGE TO INSTALLATIONS LOCATED WITHIN ITS RIGHTS OF WAY.

3. PERMITTEE SHALL BE RESPONSIBLE FOR THE REPAIR AND/OR REPLACEMENT OF EXISTING FACILITIES LOCATED WITHIN THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT'S RIGHTS OF WAY.

4. ANY ADDITIONAL FACILITIES OR ALTERATIONS TO EXISTING FACILITIES WITHIN THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT'S RIGHTS OF WAY WILL REQUIRE A MODIFICATION OF THIS PERMIT.

5. CANAL RIGHT OF WAY DISTURBED DURING CONSTRUCTION, INSTALLATION AND/OR MAINTENANCE OF THE AUTHORIZED FACILITY SHALL BE RESTORED TO ORIGINAL OR BETTER CONDITION BY THE PERMITTEE.

6. PERMITTEE IS SOLELY RESPONSIBLE FOR ANY RELOCATION(S) WHICH MAY BE REQUIRED AS A RESULT OF THIS AUTHORIZATION. LIKEWISE, THE PERMITTEE IS RESPONSIBLE FOR ANY NOTIFICATION OR COORDINATION WITH THE OWNERS OF PREVIOUSLY PERMITTED FACILITIES LOCATED WITHIN THE DISTRICT'S RIGHTS OF WAY.

7. PERMITTEE RECOGNIZES THAT IN AN EMERGENCY SITUATION ANY OR ALL PERMITTED ITEMS WITHIN THE DISTRICT'S RIGHT OF WAY ARE SUBJECT TO IMMEDIATE ALTERATION, MODIFICATION OR REMOVAL BY DISTRICT FORCES. ANY DAMAGE RESULTING THEREFROM IS NOT THE RESPONSIBILITY OF THE DISTRICT.

8. THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT SHALL NOT, UNDER ANY CIRCUMSTANCES, BE HELD RESPONSIBLE FOR DAMAGE TO THE AUTHORIZED CANOE RAMP INCLUDING DAMAGE RESULTING FROM WATER LEVEL FLUCTUATIONS OR FLOWS.

9. RIP-RAP SHALL BE OF ADEQUATE DESIGN TO REMAIN INTACT DURING EXTREME FLOWS AND DISCHARGE.

10. PRIOR TO THE INSTALLATION OF RIP-RAP THE BANK SHALL BE SHAPED TO MATCH THE SURROUNDING BANK AND THE ENTIRE AREA COVERED AND SECURED WITH FILTER CLOTH OR AN ALTERNATIVE MATERIAL ACCEPTABLE TO THE DISTRICT.

11. ALL MATERIAL AND DEBRIS SHALL BE COMPLETELY REMOVED FROM THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT'S CANAL AND RIGHTS OF WAY.

12. PERMITTEE SHALL MAINTAIN THE CANOE LAUNCH/LANDING RAMP SITE INCLUDING BUT NOT LIMITED TO MOWING, SPRAYING FOR WEEDS, EROSION CONTROL, AND REPAIR/REPLACEMENT OF DETERIORATED WOOD.

40B-6.381 Limiting Conditions

The District's authorization to utilize lands and other works constitutes a revocable license. In consideration for receipt of that license, permittees shall agree to be bound by the following standard limiting conditions, which shall be included within all permits issued pursuant to this chapter.

(1) All structures on District works or lands constructed by permittee shall remain the property of permittee, who shall be solely responsible for ensuring that such structures and other uses remain in good and safe condition. Permittees are advised that other federal, state and local safety standards may govern the occupancy and use of the District's lands and works. The District assumes no duty with regard to ensuring that such uses are so maintained and assumes no liability with regard to injuries caused others by any such failure. The District further assumes no duty to ensure that the permitted use complies with the safety standards of other governmental entities.

(2) Permittee agrees to abide by all of the terms and conditions of this permit, including any representations made on the permit application and related documents. This permit shall be subject to the requirements of Chapter 373, F.S., and Chapter 40E-6, F.A.C. Permittee agrees to pay all investigative costs, court costs and reasonable attorney's fees resulting from any successful action taken by the District to obtain compliance with the conditions of the permit or removal of the permitted use. If District legal action is taken by staff counsel, "reasonable attorney's fees" is understood to mean the fair market value of the services provided, based upon what a private attorney would charge.

(3) This permit does not create any vested rights, and except for governmental entities and public or private utilities, is revocable at will upon reasonable prior written notice. Permittee bears all risk of loss as to monies expended in furtherance of the permitted use. Upon revocation, the permittee shall promptly modify, relocate or remove the permitted use. In the event of failure to so comply within the specified time, the District may remove the permitted use and permittee shall be responsible for all removal costs.

(4) This permit does not convey any property rights nor any rights or privileges other than those specified herein. The District approves the permitted use only to the extent of its interest in the works of the District. Permittees shall obtain all other necessary federal, state, local, special district and private authorizations prior to the start of any construction or alteration authorized by the permit. The District, however, assumes no duty to ensure that any such authorizations have been obtained.

(5) Permittee agrees to hold and save the District harmless from any and all damages or claims which arise from the ownership, construction, maintenance or operation of the permitted use, whether caused by the injured person or permittee, and whether occurring within the area of the permitted use or outside such area, provided the activity originated from the permitted use. This obligation expressly includes any alleged or actual negligence by the District as to all permitting activities regarding the subject use, including enforcement of permit conditions. Permittee agrees to provide legal counsel, if requested, for the defense of any such claims.

(6) The permittee shall demonstrate that it possesses financial integrity to ensure compliance with permit conditions. The District does not waive sovereign immunity in any respect.

(7) The permittee shall not engage in any activity regarding the permitted use which interferes with the construction, alteration, maintenance or operation of the works of the District, including:

(a) discharge of debris or aquatic weeds into the works of the District;

(b) causing erosion or shoaling within the works of the District;

(c) planting trees or shrubs or erecting structures which limit or prohibit access by District equipment and vehicles, except as may be authorized by the permit.

Permittee shall be responsible for any costs incurred by the District resulting from any such interference.

(8) Permittee shall allow the District to inspect the permitted use at any reasonable time.

(9) The District has the right to change, regulate, limit, schedule, or suspend discharges into, or withdrawals from, works of the District in accordance with criteria established by the District and/or the U. S. Army Corps of Engineers for the works of the District. Reasonable prior written notice shall be given to permittee.

(10) If the use involves the construction of facilities for a non exempt water withdrawal or surface water discharge, the applicant must apply for and obtain a water use or surface water management permit before any activities may be conducted pursuant to the right of way occupancy permit.

(11) The District shall notify the local ad valorem taxing authority of the lands affected by the permitted use, where the permittee owns the underlying fee and derives a substantial benefit from the permitted use. The taxing authority may reinstate such lands on the tax roll.

(12) Permittees shall provide prior written notice to their successors in title of the permit and its terms and conditions. Such notice may be made through filing a copy of the permit or other appropriate notice agreed to by the District in the public records of the county or counties where the project is located and by providing the District with proof of filing or through an equivalent procedure. All costs associated with this requirement shall be the responsibility of the permittee. This requirement applies to permittees who are adjacent landowners.

Specific Authority	373.044, 373.113 F.S.
Law Implemented	Chapters 25209 and 25270, Laws of Florida, 196.199(1), 373.042, 373.083(1), 373.085(1), 373.103, 373.109, 373.129, F.S.
History--New	9-3-81, Amended 5-30-82, 12-29-86, 12-24-91.
Formerly	16K-5.01(2), 16K-5.02(2), 16K-5.03(2), 16K-5.04(4), 16K-5.05.

REQUEST FOR PERMIT MODIFICATION

DATE: April 26, 1991

South Florida Water Management District
Post Office Box "V"
3301 Gun Club Road
West Palm Beach, Florida 33402-4238

Gentlemen:

I, the undersigned, request that Permit Number 7333 be modified to include:
construction of a canoe launching/landing area on the Black Creek Canal at
S.W. 97th Avenue as per the enclosed plans.

in N.A. Subdivision, Block N.A., Lot N.A.
N.A. (Street, Avenue, etc.) N.A. (City), Florida

Sincerely, Robert H. McLane
(Please print or type)

Robert H. McLane
(Signature)

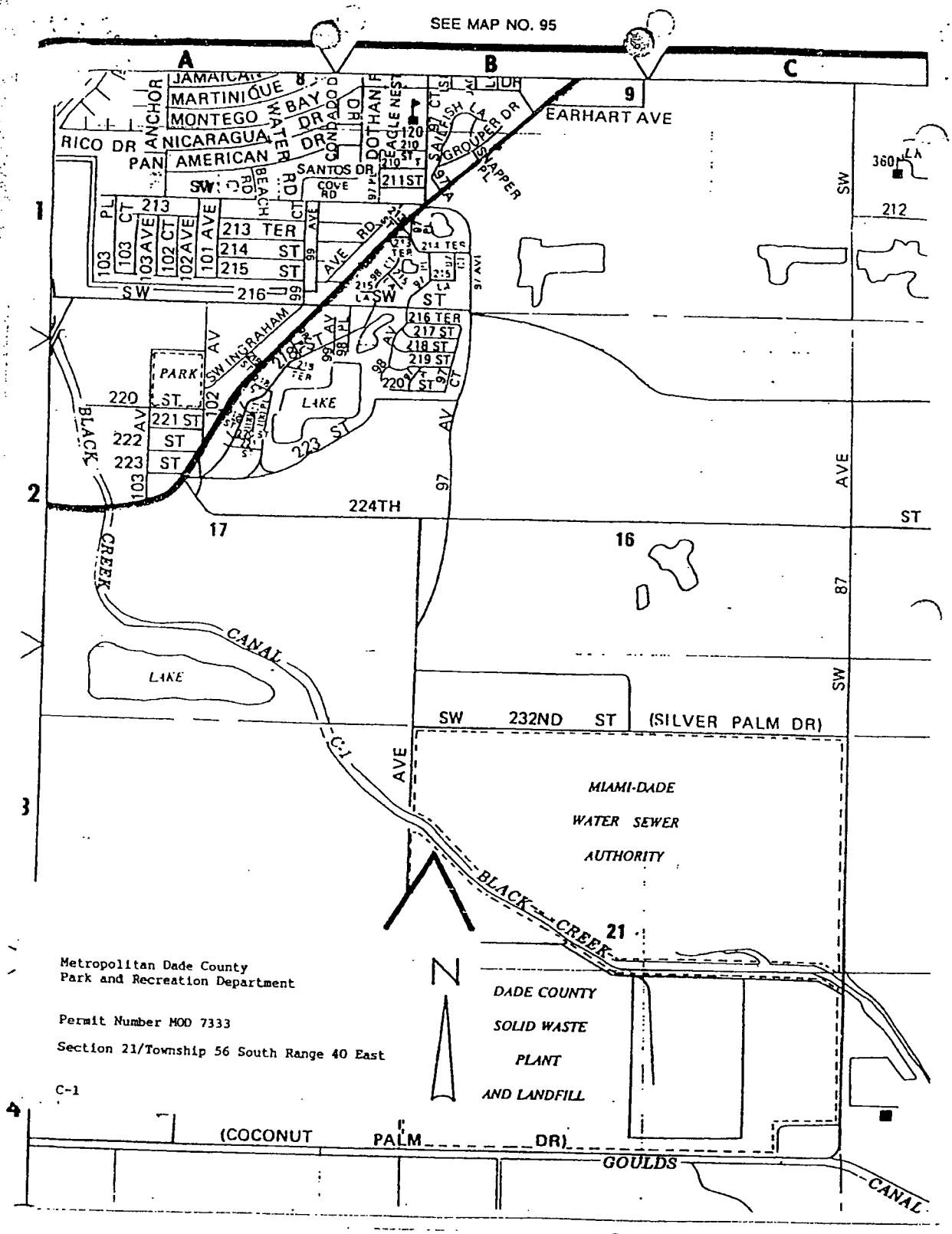
RECEIVED
JUN 18 1991
RIGHT-OF-WAY DIVISION

Association Dade County Park & Recreation Dep:

Title Landscape Architect

Rev. Sept. 1982

33



Metropolitan Dade County
Park and Recreation Department

Permit Number MOD 7333

Section 21/Township 56 South Range 40 East

C-1

EXHIBIT 6

Amended

Approved _____ Mayor

Veto _____

Override _____

Agenda Item No. 8(M)(1)(A)
02-19-08

RESOLUTION NO. R-#171-08

RESOLUTION APPROVING THE MIAMI-DADE COUNTY PARK AND OPEN SPACE SYSTEM MASTER PLAN; ENDORSING THE PLAN'S PRINCIPLES, GOALS AND VISION; AND DIRECTING THE MAYOR OR HIS DESIGNEE TO DEVELOP AN IMPLEMENTATION STRATEGY AND ACTION NO LATER THAN TWELVE MONTHS AFTER THE ADOPTION OF THIS RESOLUTION

WHEREAS, in 2006, Miami-Dade County began the Park and Open Space System Master Plan process with the Great Park Summit; and

WHEREAS, at this event, national leaders in the park and open space profession challenged the County to create a long term vision for a Miami-Dade County connected by Parks and Open Space; and

WHEREAS, the Park and Recreation Department, in collaboration with city, state, and federal park and recreation agencies in Miami-Dade County, and with the support and input provided by other County departments, state agencies and the community, has completed the plan which provides a vision for a more sustainable and livable Miami-Dade County; and

WHEREAS, the Plan is based on the following principles and goals:

EQUITY - Every resident should be able to enjoy the same quality of public facilities and services regardless of income, age, race, ability or geographic location;

ACCESS - Every resident should be able to safely and comfortably walk, bicycle, drive and/or ride public transit from their home to work, school, parks, libraries, shopping and community facilities;

BEAUTY - Every public space including streets, parks, plazas and civic buildings should be designed to be aesthetically pleasing and complement the natural and cultural landscape;

MULTIPLE BENEFITS - Every single public action should generate multiple public benefits to maximize taxpayer dollars;

SEAMLESSNESS - Every element of the County, including neighborhoods, parks, natural areas, streets, schools, civic centers and commercial areas should be connected without regard to jurisdiction;

SUSTAINABILITY - Natural resources, including water, wildlife habitat and open space, must be protected for future generations; and

WHEREAS, based on these principles, the goals of the plan are to improve the quality of life for all residents and visitors through creating a community that is environmentally, socially and economically sustainable; and

WHEREAS, this Board endorses these principles, goals and the vision embodied in this Plan,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board approves the Miami-Dade County Park and Open Space System Master Plan, endorses the principles, goals and vision of the plan, and directs the Mayor or his designee to develop an implementation strategy and action plan that ensures that these principles, goals and vision are fully embedded in the County's strategic plan, incorporated into the goals and policies of effecting County departments, communicated to all pubic agencies, including public schools, other municipalities and state and federal agencies no later than 12 months after the effective date of this resolution.

The foregoing resolution was offered by Commissioner **Jose "Pepe" Diaz**, who moved its adoption. The motion was seconded by Commissioner **Dorrin D. Rolle** 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	**absent**	Dennis C. Moss	**aye**
Dorrin D. Rolle	**aye**	Natacha Seijas	**aye**
Katy Sorenson	**absent**	Rebeca Sosa	**aye**
Sen. Javier D. Souto	**aye**		

The Chairperson thereupon declared the resolution duly passed and adopted this 19th day of February, 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:_____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency. DDC

Diamela del Castillo

OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

Memorandum

MIAMI-DADE COUNTY

Date: February 19, 2008

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

From: George M. Burgess County Manager

Amended
Agenda Item No. 8(M)(1)(A)

Resolution No. R-171-08

Subject: Miami-Dade County Park and Open Space System Master Plan #R-171-08

Recommendation

It is recommended that the Board of County Commissioners (BCC) adopt the attached resolution which approves the Miami-Dade County Park and Open Space System Master Plan, endorses the principles, goals and vision of the plan and directs the Mayor or his designee to develop an implementation strategy and action plan that will ensure that these principles, goals and vision are fully embedded in the County's strategic plan, incorporated into the goals and policies of effecting County departments, and communicated to all pubic agencies, including public schools, other municipalities, state and federal agencies, no later than twelve months after the adoption of this resolution.

Scope

The Park and Open Space System Master Plan is a Countywide plan.

Fiscal Impact/Funding Source

The plan is not a capital development plan, but rather a vision document that articulates goals and policies for park and public realm development in the future.

Track Record/ Monitor

MDPR will have the responsibility for coordinating future efforts to implement the plan. Those efforts will involve other County departments, including Planning and Zoning, Public Works, Transit, DERM, GSA, Libraries, and Cultural Affairs, and state and federal agencies involved in public realm development.

Background

The Park and Open Space System Master Plan is a broad policy framework and vision document that will guide the development and stewardship of parks and conservation open space into the 21st century. It envisions a system that connects communities through parks, public spaces, natural and cultural areas, greenways, water trails and streets. That system will provide a framework for a more livable and sustainable South Florida. The goal of the Park and Open Space System Master Plan is to ensure the development of a great park system comprised of the public realm that improves the overall quality of life for all our residents and visitors.

The last Open Space Master Plan written in 1969 has successfully guided the Miami-Dade County Park and Recreation Department in becoming one of the largest and most diverse park systems in the United States. As Miami-Dade County continues to grow, it is faced with new challenges, including new development patterns, re-development, declining open space, increased traffic congestion, lack of affordable housing, the need for economic development and the potential for environmental decline.

Attachment

Alex Muñoz
Assistant County Manager

MEMORANDUM

(Revised)

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

DATE: February 19, 2008

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

SUBJECT: Amended Agenda Item No. 8(M)(1)(A)

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

OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

Memorandum

MIAMI-DADE COUNTY

Date: February 19, 2008

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

From: George M. Burgess County Manager

Amended
Agenda Item No. 8(M)(1)(A)

Resolution No. R-171-08

Subject: Miami-Dade County Park and Open Space System Master Plan #R-171-08

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Attachment

Alex Muñoz
Assistant County Manager

MEMORANDUM

(Revised)

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

DATE: February 19, 2008

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

SUBJECT: Amended Agenda Item No. 8(M)(1)(A)

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

MIAMI-DADE COUNTY
BOARD OF COUNTY COMMISSIONERS
OFFICE OF THE COMMISSION AUDITOR

Legislative Notes

Agenda Item: **8(M)1(B)**

File Number: **102847**

Committee(s) of Reference: **Board of County Commissioners**

Date of Analysis: **January 5, 2011**

Type of Item: **Resolution to Execute Declaration of Trail Maintenance Responsibilities**

Summary

This resolution authorizes the Declaration of Trail Maintenance Responsibilities of the Miami-Dade Park and Recreation Department (MDPR) within South Florida Water Management District (SFWMD) right-of-way along the Black Creek Trail (Phase 1). Phase 1 of Black Creek Trail is a 7.56 mile, County-wide facility within SFWMD right-of-way along south side of the Black Creek Canal from S.W. 244th Street at Black Point Park and Marina to U.S. 1 and the north side of Black Creek Canal from U.S. 1 to S.W 137th Avenue.

Background and Relevant Legislation

The Black Creek Trail is one of ten (10) proposed new trails or proposed improvements to existing trails in Miami-Dade County's South Dade Greenway Network Master Plan (SDGNMP). The SDGNMP is an organized system of interconnecting linear corridors, crossing south Miami-Dade County from Kendall Drive at the north to Monroe County at the south, and from the Everglades to Biscayne Bay. The ten distinct corridors that make up SDGN include the following: Biscayne Trail, Black Creek Trail, Princeton Trail, Mowry Trail, Everglades Trail, Krome Trail, South Dade Trail, Southern Glades Trail, and Tallahassee Connector.

The SDGNMP calls for the development of 194 total trail miles; 147.4 miles of paved trails and 46.6 miles of unpaved trails. Within the 194 total trail miles, 36 miles comprise the use of wide shoulder or shared lanes on roadways, and the remaining 158.8 miles will be off-road, separated from automobile traffic.

The Black Creek Trail is a canal trail that crosses from the northwest to the southeast. The portion of the trail west of Krome Trail is to remain unpaved for hikers, mountain bikes and equestrians. Trail users on this portion of the trail will pass farms, cut through the eastern parts

of farmland where crops are grown, and pass the Hammocks community, which has its own bike paths. The Black Creek Trail is the closest connection of the SDGN to the West Kendall residential area. The south part of the canal is located at the western edge of the Kendall-Tamiami Executive Airport and the remainder of the trail travels through residential developments, the Cutler Ridge area, past the South Dade Government Center, and then into Black Point Park and Marina. The Black Creek Trail has a total of 17 trail miles and will be located in or impact several Miami-Dade County Commission Districts (District 7, 8, 9, 10 and11).

Budgetary Impact

According to the Park and Recreation Department, the total project budget to design, permit and construct the Black Creek Greenway Trail Phase 1 is $3,973,000.

The funding source is comprised of the following:

- $1,880,000 of Surface Transportation Program Grant funds; and
- $2,093,000 of Building Better Communities General Obligation Bonds (BBC-GOB) Project No. 51.

Additionally, the annual expenditure to maintain the facility (Phase 1 only) is $69,552 funded through the General Fund.

The cost of future trail maintenance is calculated per mile and on an annual basis (mi/yr) as follows:

Trail Maintenance	Cost
Landscape - (16 cycles/year to include mowing, pruning, tree care, mulching and litter removal)	$7400/mi/yr
Hardscape - Annually includes trail patching & crack filling, graffiti removal and sign repair)	$1800/mi/yr
Total	**$9200/mi/yr**

Phase I of Black Creek annual expenditure is calculated as follows: $9200 / mile/ yr x 7.56 miles = $69,552

According to the Park and Recreation Department, an additional 9.5 miles is envisioned in the SDGNMP for the remaining portion of Black Creek Trail. However, no funding is currently available for the remaining portion. Additionally, the current development of Phase I does not require the future development to be functional. Using the above mentioned formula, the estimated trail maintenance cost for the remaining 9.5 miles of trail is $87,400 ($9200 x 9.5).

Total annual maintenance cost for a fully completed Black Creek Trail is estimated to be $156,952 ($69,552 + $87,400).

Comments

The Snake Creek Greenway Trail Project is another project that is partially funded by BBC-GOB Project No. 51 and is listed on the January 20, 2011, Board of County Commissioners Agenda.

Prepared by: Mia B. Marin