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

MEMORANDUM Agenda Item No. 11(A)(2)

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

DATE: January 24, 2012

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

SUBJECT: Resolution directing the County Mayor to request the Environmental Quality Control Board grant the residential properties listed herein a four-year extension of time to connect to an approved public water main

Resolution No. R-57-12

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Lynda Bell.

R. A. Cuevas, Jr.
County Attorney

RAC/cp

MEMORANDUM

(Revised)

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

DATE: January 24, 2012

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

SUBJECT: Agenda Item No. 11(A)(2)

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)(2)
1-24-12

RESOLUTION NO. R-57-12

RESOLUTION DIRECTING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO REQUEST THE ENVIRONMENTAL QUALITY CONTROL BOARD GRANT THE RESIDENTIAL PROPERTIES LISTED HEREIN A FOUR-YEAR EXTENSION OF TIME TO CONNECT TO AN APPROVED PUBLIC WATER MAIN

WHEREAS, the Code of Miami-Dade County requires that within ninety (90) days of the Director of Permitting, Environment and Regulatory Affairs or the Director's designee's determination that an approved public water main is available and operative in a public right of way or easement abutting a property, the property must connect to such public water main; and

WHEREAS, the Environmental Quality Control Board (EQCB) has the authority to grant variances and extensions of time from certain Code requirements of Chapter 24 of the Code including the granting of additional time for a property to connect to an available and operative public water main when the granting of such additional time is of benefit to the community; and

WHEREAS, the County Mayor or the County Mayor's designee, to wit, the Department of Permitting, Environment, and Regulatory Affairs, has the authority to request from the EQCB extension of times on behalf of a class of property owners and the Director has exercised this authority in the past; and

WHEREAS, the Florida Department of Health/Miami-Dade County Health Department documented several contaminated private potable wells in the area of the County hereafter referred to as Continental Park; and

WHEREAS, County Mayor or the County Mayor's designee, to wit, the Miami-Dade Water and Sewer Department proposes water line improvements that will make public water mains available in the public right of way or easement abutting the properties listed as Exhibit A, hereto attached; and

WHEREAS, not all private potable wells in the Continental Park area exhibit contamination; and

WHEREAS, this Board finds that given the current economic conditions of the residential and commercial markets, the ninety (90) day limitation poses an economic hardship and warrants a reasonable extension of time for those properties without contaminated private potable wells; and

WHEREAS, the Board desires that the County Mayor or the County Mayor's designee, to wit, the Department of Permitting, Environment, and Regulatory Affairs, request that the EQCB grant a four year extension of time from the time that an approved public water main becomes available and operative in the public right of way or easement abutting the residential properties listed in Exhibit A to connect to the public water main,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that the County Mayor or the County Mayor's designee, to wit, the Department of Permitting, Environment, and Regulatory Affairs is directed to request the EQCB to grant all existing residential properties listed in Exhibit A, a four year extension of time to connect to the public water main once it becomes available and operative in the public right of way or easement abutting said residential properties, on condition that the private potable well serving the residential property shall be sampled annually for bacteria, arsenic, nitrates and organochlorine pesticides at the expense of

the property owner and if during the additional time any private potable well is found to be contaminated, the residential property shall be required to connect to the available public water main within 90 days of a sample that shows contamination in the private potable well exceeds applicable water quality standards.

The Prime Sponsor of the foregoing resolution is Commissioner Lynda Bell. It was offered by Commissioner **Barbara J. Jordan**, who moved its adoption. The motion was seconded by Commissioner **Audrey Edmonson** 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**
Esteban L. Bovo, Jr.	**aye**	Jose "Pepe" Diaz	**aye**
Sally A. Heyman	**aye**	Barbara J. Jordan	**aye**
Jean Monestime	**aye**	Dennis C. Moss	**aye**
Rebeca Sosa	**aye**	Sen. Javier D. Souto	**aye**
Xavier L. Suarez	**aye**		

The Chairperson thereupon declared the resolution duly passed and adopted this 24th day of January, 2012. 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: *Christopher Agrippa*
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.
Henry N. Gillman

EXHIBIT A

7900 SW 96 St
7920 SW 96 St
8101 SW 97 St
8100 SW 97 St
8000 SW 97 St
7980 SW 97 St
9730 SW 79 Ave
7935 SW 97 Ter
8031 SW 97 Ter
8101 SW 97 Ter
7920 SW 97 Ter
7905 SW 98 Ter
7925 SW 98 Ter
7965 SW 98 Ter
7900 SW 98 Ter
7950 SW 98 Ter
7901 SW 99 St
7911 SW 99 St
7900 SW 99 St
7920 SW 99 St
7940 SW 99 St
8020 SW 99 St
8030 SW 99 St
7921 SW 100 St
7895 SW 98 St
7890 SW 98 St

8385 SW 97 St
8365 SW 97 St
8345 SW 97 St
8325 SW 97 St
8305 SW 97 St
8360 SW 97 St
8340 SW 97 St
8300 SW 97 St
8265 SW 97 St
8255 SW 97 St
8245 SW 97 St
8225 SW 97 St
8201 SW 97 St
8200 SW 97 St
8220 SW 97 St
8240 SW 97 St
8250 SW 97 St
8260 SW 97 St

9400 SW 80 Ave
9450 SW 80 Ave
9500 SW 80 Ave

Exhibit A (continued)

9520 SW 80 Ave
9515 SW 80 Ave
9425 SW 80 Ave
9401 SW 80 Ave
7995 SW 94 St
7950 SW 94 ST
9525 SW 79 CT
9505 SW 79 CT

8350 SW 98 ST
9755 SW 84 Ave
8305 SW 98 ST
7887 SW 99 ST
7870 SW 99 ST
7860 SW 99 Street
7850 SW 99 Street
7840 SW 99 Street
7830 SW 99 Street
7875 SW 99 Street
7855 SW 99 Street
7821 SW 99 Street
7801 SW 99 Street
9901 SW 79 Ave