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

MEMORANDUM

Agenda Item No. 11(A)(6)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: April 2, 2013

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

SUBJECT: Resolution directing the County Mayor to include North Miami Beach's Taylor Park in the list of former landfill sites to be cleaned up under the Comprehensive Landfill Cleanup Plan
Resolution No. R-254-13

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

R. A. Cuevas, Jr.
County Attorney

RAC/smm

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MEMORANDUM
(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: April 2, 2013

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

SUBJECT: Agenda Item No. 11(A)(6)

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 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
Veto _____
Override _____

Agenda Item No. 11(A)(6)
4-2-13

RESOLUTION NO. R-254-13

RESOLUTION DIRECTING THE COUNTY MAYOR TO INCLUDE NORTH MIAMI BEACH'S TAYLOR PARK IN THE LIST OF FORMER LANDFILL SITES TO BE CLEANED UP UNDER THE COMPREHENSIVE LANDFILL CLEANUP PLAN; TO SET ASIDE SUFFICIENT FUNDS TO EFFECT THE CLEANUP OF TAYLOR PARK; TO BEGIN NEGOTIATION WITH THE CITY OF NORTH MIAMI BEACH FOR THE CREATION OF A GRANT AGREEMENT ALONG WITH ANY NECESSARY EXTENSIONS OF ANY DISPOSAL INTER-LOCAL AGREEMENT

WHEREAS, the County has a Comprehensive Landfill Cleanup Plan the purpose of which is to fund the cleanup/closure of former landfill sites throughout the County; and

WHEREAS, North Miami Beach's Taylor Park is a former landfill site and is in need of appropriate cleanup and/or closure; and

WHEREAS, based upon a review of historical aerial photographs, the site showed land disturbance, excavation and filling activities dating back to the 1940s; and

WHEREAS, based upon Miami-Dade County Board of County Commissioners Resolution No. 9945, the site was deeded to the City of North Miami Beach on May 26, 1953 recorded at Book 3810 Page 237 of the public records or Miami-Dade County and attached hereto; and

WHEREAS, the City of North Miami Beach commissioned and paid for consultants to conduct assessment activities in preparation for park redevelopment activities beginning in 1998; and

WHEREAS, during the assessment activities buried solid waste was identified on the site and it was determined that the site had been used as a landfill; and

WHEREAS, test pits identified the presence of debris characterized to include wood debris, glass bottles, metal cans, rubber tires, car parts, steel wires, plastic bottles and pots, concrete, rebar, PVC pipes wire mesh, bricks, tiles, and various scrap metal; and

WHEREAS, various assessment reports have been prepared and submitted to the Miami-Dade County Department of Environmental Resources Management (DERM) for review and comment; and

WHEREAS, the City of North Miami Beach has been working with Miami-Dade County to develop an effective remediation plan since 2009; and

WHEREAS, proper regulatory closure, including source removal and restoration and protection of the County's groundwater and surface water resources, could cost up to $10 million; and

WHEREAS, Taylor Park is ringed on three sides by residences, making cleanup a priority; and

WHEREAS, it would be appropriate for Taylor Park to be included within the Comprehensive Landfill Cleanup Plan and for the cleanup of Taylor Park to be funded through that Plan,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that the County Mayor is hereby directed to include North Miami Beach's Taylor Park as a site to be cleaned up/closed through the Comprehensive Landfill Cleanup Plan. The Mayor shall set aside sufficient funds from that program to effect the cleanup and/or proper closure of the Taylor Park landfill site and shall began negotiations with the City of North Miami Beach for an appropriate Grant Agreement that will fund the cleanup and/or closure of Taylor Park consistent with prior landfill closures in association therewith. The Mayor or designee shall negotiate such extensions as may

be necessary to the Disposal Inter-local Agreement between the County and North Miami Beach to be consistent with other landfill closure Grant Agreements.

The Prime Sponsor of the foregoing resolution is Commissioner Jean Monestime. It was offered by Commissioner **José "Pepe" Diaz**, who moved its adoption. The motion was seconded by Commissioner **Sally A. Heyman** and upon being put to a vote, the vote was as follows:

	Rebeca Sosa, Chairwoman		**aye**
	Lynda Bell, Vice Chair		**aye**
Bruno A. Barreiro	**absent**	Esteban L. Bovo, Jr.	**aye**
Jose "Pepe" Diaz	**aye**	Audrey M. Edmonson	**aye**
Sally A. Heyman	**aye**	Barbara J. Jordan	**aye**
Jean Monestime	**aye**	Dennis C. Moss	**aye**
Sen. Javier D. Souto	**aye**	Xavier L. Suarez	**aye**
Juan C. Zapata	**aye**		

The Chairperson thereupon declared the resolution duly passed and adopted this 2nd day of April, 2013. 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.

Thomas H. Robertson

DEED

THIS DEED made this 24th day of May, 1953, by DADE COUNTY, FLORIDA, a political subdivision of the State of Florida, party of the first part, and CITY OF NORTH MIAMI BEACH, a municipal corporation of the State of Florida, whose mailing address is North Miami Beach, Florida, party of the second part,

W I T N E S S E T H:

That the said party of the first part, for and in consideration of the sum of One Dollar ($1.00) to it in hand paid by the party of the second part, receipt whereof is hereby acknowledged, has granted, bargained and sold to the party of the second part, its successors and assigns forever, all the right, title and interest of the grantor in and to the following described property lying and being in Dade County, Florida:

All of the SW¼ of NW¼ of SW¼ of Section 16, Township 52 South, Range 42 East and that portion of the SE¼ of NW¼ of SW¼ of Section 16, Township 52 South, Range 42 East, described as follows: Beginnin: at the Northeast corner of the said SE¼ of NW¼ of SW¼ of Section 16, run thence West along the North line thereof for a distance of 99.21 feet to the point of beginning of this description; run thence Southerly along a line 99.21 feet West of and parallel to the East line of said SE¼ of NW¼ of SW¼ of Section 16, a distance of 169.85 feet to a point, the said point being the Northeast corner of Dade County Rock Pit No. 3 as the same is conveyed and described in Deed Book 1267 page 385, public records of Dade County, Florida; run thence westerly at right angles to the last described course a distance of 300 feet to a point, the said point being the Northwest corner of Dade County Rock Pit No. 3 above mentioned; run thence Southerly along a line parallel to the East line of the said SE¼ of NW¼ of SW¼ of Section 16, a distance of 501.46 feet, more or less, to the South line of said SE¼ of NW¼ of SW¼ of Section 16, the said line being also the West line of Dade County Rock Pit No. 3, above mentioned run thence West along the South line of said SE¼ of NW¼ of SW¼ a distance of 265.67 feet more or less to the Southwest corner thereof; run thence North along the West line of said SE¼ of NW¼ of SW¼ to the Northwest corner thereof; run thence East along North line of said SE¼ of NW¼ of SW¼ of Section 16, a distance of 566.24 feet, more or less to the point of beginning, the said lands containing 15.701 acres, more or less;

ALSO

Starting at the intersection of the east line of the W½ of SW¼ of Sec. 16-52-42, and the North line of the Dixie Highway right of way; thence southwesterly along the North line of the Highway 140.69 feet to the point of beginning, from said point of beginning run northerly and parallel to

3810-237

the East line of the W½ of the SW¼ of said section, a distance of 577.6 feet; thence Westerly and at an angle of 90 degrees from aforesaid line a distance of 300 feet; thence southerly and parallel to the East line of the W½ of SW¼ of said section, a distance of 874.4 feet to the intersection of the North line of the Dixie Highway right of way; thence Northeasterly along the north line of the Dixie Highway right of way to the point of beginning, said tract containing 5 acres and being located in W½ of SW¼ of Section 16-52-42.

As a condition of this conveyance, the grantee herein, and its successors, shall use such property for public purposes only, and should it ever be used for any other purpose whatsoever, the title thereto and right and possession thereof shall immediately revert to and vest in the grantor herein or its successors.

IN WITNESS WHEREOF the said party of the first part has caused these presents to be executed in its name by its Board of County Commissioners, acting by the Chairman or Vice Chairman and Clerk or Deputy Clerk of said Board, the day and year aforesaid.

DADE COUNTY, FLORIDA

By its Board of County Commissioners

By _____
Chairman

ATTEST: E. B. LEATHERMAN,
Clerk of Board of
County Commissioners

(SEAL)

By _____
Deputy Clerk.

Approved as to form
5/24/53 PHC

State of Florida, County of Dade.
This instrument was filed for record the 31 day of Aug
1953 at 10:53 A.M. and duly recorded in _____
Book 3810 on Page 237 File No. CC 111596
E. B. LEATHERMAN
Clerk Circuit Court
By _____

06-26-58

Resolution consenting to construction of C.N.M.B. of various buildings for public purchase on property deeded by County to C.N.M.B. in Sec. 16-52-42

RESOLUTION NO. 9945

The following Resolution was offered by Commissioner Hugh Peters, seconded by Commissioner Jesse M. Yarborough, and upon roll call of the Board the vote was as follows:

I. E. MacVicar	Aye
Jesse M. Yarborough	Aye
Hugh Peters	Aye
Preston E. Bird	No
Grant Stockdale	No

The Chairman thereupon announced the resolution duly adopted.

WHEREAS, on May 26, 1953 a deed was given by Dade County to the City of North Miami Beach, a municipal corporation of the State of Florida, which deed is recorded in Deed Book 3810 at Page 237 of the Public Records of Dade County, Florida, and which covers certain lands therein described lying in the Southeast Quarter of Section 16, Township 52 South, Range 42 East, in Dade County, Florida; and

WHEREAS, it is provided in said deed that as a condition of such conveyance the grantee and its successors shall use such property for public purposes only and should it ever be used for any other purpose whatsoever the title thereto and right of possession thereof shall immediately revert to and vest in the grantor or its successors; and

WHEREAS, this Board has been informed by the officials of the City of North Miami Beach that it is the desire of said City to construct and operate on said land a swimming area, bath houses, rest rooms, sports and recreation centers, bathing beaches, and parking areas, and along a portion of the West Dixie Highway frontage, store structures to house a drug store, sporting goods shop, tackle and bait shop, hobby shop, and book store; and

WHEREAS, it is the desire of said City, according to information furnished this Board, to charge admission fees for the use of the bathing area, parking area, and sports centers, and charge rental for the use of such shops, all in order to furnish revenue for the construction and maintenance of the various buildings and activities to be erected and to be operated on the premises; and

WHEREAS, it is the opinion of this Board that such uses, structures, fees and rentals will be in keeping with the conditions contained in such conveyance, provided that all such receipts by way of admission fees and rentals, and other charges, after deduction of necessary charges for financing, are employed in the proposed construction, operation, and maintenance of the buildings and activities hereinbefore outlined;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DADE COUNTY, FLORIDA that the consent of this Board and of Dade County be and they are hereby given to the City of North Miami Beach, Florida, to construct such buildings, lease or rent such stores, and do all other things outlined in the preamble of this Resolution, and charge rents and admissions and parking fees, provided that all receipts realized from the operation of the various activities on the premises and from rentals, after the necessary deductions for financing, be applied to the construction, operation and maintenance of the foregoing and the carrying on of the activities hereinbefore referred to.

BE IT FURTHER RESOLVED that the consent of this Board and of Dade County to the pledging of rentals, parking fees, and admission fees in order to secure the necessary financing for the entire project, is hereby given, subject, however, to the provisions hereinafter outlined.

BE IT FURTHER RESOLVED that should any of the receipts herein referred to be used for any purpose whatsoever other than that hereinbefore outlined, then and thereupon the title to said land and the right of possession thereof shall immediately and automatically revert to and vest in Dade County or its successors.

PASSED AND ADOPTED this 26th day of June, 1956.

Board of County Commissioners
Dade County, Florida

STATE OF FLORIDA)
: SS
COUNTY OF DADE)

I, E. B. LEATHERMAN, 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. 9945, adopted by the said Board of County Commissioners at its meeting held on June 26th, 19 56, as appears of record in the minutes of said Board of County Commissioners.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this 21st day of February, A. D. 19 58.

E. B. LEATHERMAN, Ex-Officio Clerk
Board of County Commissioners
Dade County, Florida

By Edward F. Phelan
Deputy Clerk

SEAL

Board of County Commissioners
Dade County,
Florida

STATE OF FLORIDA)
: SS
COUNTY OF DADE)

I, E. B. LEATHERMAN, 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. 9945, adopted by the said Board of County Commissioners at its meeting held on June 26, 1956, as appears of record in the minutes of said Board of County Commissioners.

IN WITNESS WHEREOF I have hereunto set my hand and official seal on this 26th day of June, A. D. 1956.

E. B. LEATHERMAN
Ex-Officio Clerk
Board of County Commissioners
Dade County, Florida

By [signature]
Deputy Clerk

SEAL

Board of County Commissioners
Dade County
Florida