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

MEMORANDUM

Amended
Agenda Item No. 11(A)(13)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: October 6, 2015

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution directing the County Attorney's Office to engage in discussions with attorneys for the City of Miami and the State of Florida to clarify the understanding and positions on the scope of the restrictions, conditions, and/or reversionary clauses regarding county-owned property used by the County for the construction and operation of Port of Miami and to report back to committee within 90 days

Resolution No. R-885-15

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Jose "Pepe" Diaz and Co-Sponsors Commissioner Audrey M. Edmonson and Commissioner Rebeca Sosa.

Abigail Price-Williams
County Attorney

APW/cp

MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: October 6, 2015

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Amended Agenda Item No. 11(A)(13)

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**

_____ **Statement of social equity 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 _____

Amended
Agenda Item No. 11(A)(13)
10-6-15

RESOLUTION NO. R-885-15

RESOLUTION DIRECTING THE COUNTY ATTORNEY'S OFFICE TO ENGAGE IN DISCUSSIONS WITH ATTORNEYS FOR THE CITY OF MIAMI AND THE STATE OF FLORIDA TO CLARIFY THE UNDERSTANDING AND POSITIONS ON THE SCOPE OF THE RESTRICTIONS, CONDITIONS, AND/OR REVERSIONARY CLAUSES REGARDING COUNTY-OWNED PROPERTY USED BY THE COUNTY FOR THE CONSTRUCTION AND OPERATION OF PORT OF MIAMI AND TO REPORT BACK TO COMMITTEE WITHIN 90 DAYS

WHEREAS, the State of Florida (the "State") conveyed certain lands to the City of Miami (the "City") in three separate conveyances (the "State Conveyances") located in and along Biscayne Bay in an area east of downtown Miami (the "City Properties"); and

WHEREAS, in 1960, the City subsequently conveyed certain portions of the City Properties to the County (the "City Conveyance") for the purpose of constructing, operating, and/or supporting seaport facilities (the "Port Property"); and

WHEREAS, the County has constructed the seaport facilities now known as the Dante B. Fascell Port of Miami on the Port Property, which is owned and operated by the County through the County's Seaport Department; and

WHEREAS, the State and City conveyance documents purport to contain certain restrictions, conditions, and reversionary interests; and

WHEREAS, the County submits that the restrictions, conditions, and reversionary interests in the State and City conveyance documents may no longer be enforceable, and, if enforceable, the scope of such provisions may lack sufficient precision to avoid uncertainty as to their remaining effect, if any; and

WHEREAS, the County seeks to collaboratively resolve any uncertainty regarding the enforceability and scope of such purported conditions, restrictions, and reversionary interests in order to confirm concurrence among the City, the County, and the State regarding the scope of uses of the Port Property,

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

Section 1. The foregoing recitals are incorporated in this resolution and are approved.

Section 2. The County Attorney's Office is directed to engage in discussions with attorneys for the State of Florida and the City of Miami to clarify the understanding and positions on the scope of restrictions, conditions or reversionary interests arising from the State Conveyances, the City Conveyance, and/or any other restriction or condition discovered in the course of such negotiation, to the extent that such restrictions, conditions, or reversionary interests may affect the Port Property.

Section 3. The County Attorney's Office is directed to report back to the Miami-Dade County Trade and Tourism Committee as to the results of such discussions within 90 days of the effective date of this resolution.

Section 4. No item shall be presented to this Board which is not for a port or seaport purpose at the Port of Miami, nor shall any lease, permit, or other contract be entered into for same, until the earlier of 1) the negotiations directed in Section 2 above are successfully concluded and resolve any uncertainty as approved by this Board, or 2) 180 days from the effective date of this resolution.

The Prime Sponsor of the foregoing resolution is Commissioner Jose "Pepe" Diaz and the Co-Sponsors are Commissioner Audrey M. Edmonson and Commissioner Rebeca Sosa.

It was offered by Commissioner **José "Pepe" Diaz**, who moved its adoption. The motion was seconded by Commissioner **Audrey M. Edmonson** and upon being put to a vote, the vote was as follows:

Jean Monestime, Chairman	**aye**		
Esteban L. Bovo, Jr., Vice Chairman	**aye**		
Bruno A. Barreiro	**aye**	Daniella Levine Cava	**aye**
Jose "Pepe" Diaz	**aye**	Audrey M. Edmonson	**aye**
Sally A. Heyman	**absent**	Barbara J. Jordan	**nay**
Dennis C. Moss	**aye**	Rebeca Sosa	**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 6th day of October, 2015. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the 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.

Richard Seavey
Debra Herman