

# MEMORANDUM

Agenda Item No. 14(A)(7)

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

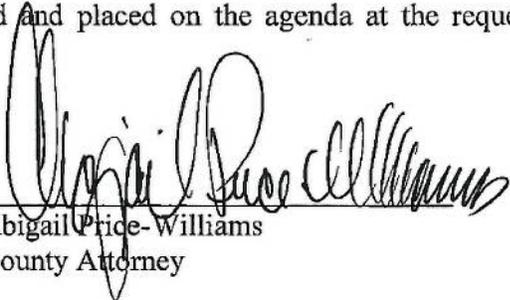
**DATE:** September 20, 2016

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Resolution amending Resolution No. R-521-15 which authorized the no cost conveyance of vacant county-owned land located at the Northwest corner of SW 288th Street and SW 127th Avenue in Unincorporated Miami-Dade County back to the United States of America pursuant to Section 125.38, Florida Statutes to construct improvements at Homestead Air Reserve Base; providing certain revisions to County Deed; waiving Resolution No. R-461-13 which requires the inclusion of a reverter provision; waiving Resolution No. R-1000-14 which requires Board approval in the event of an assignment; authorizing the Chairperson or Vice Chairperson of this Board to execute County deed as revised conveying 23.65 acres; and authorizing the County Mayor to exercise all provisions contained therein and to complete all acts necessary to effectuate such transaction

Resolution No. R-858-16

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Dennis C. Moss.

  
Abigail Price-Williams  
County Attorney

APW/lmp

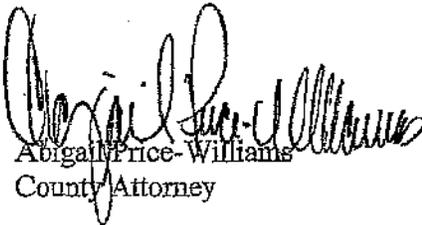


# MEMORANDUM

(Revised)

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

**DATE:** September 20, 2016

**FROM:**   
Abigail Price-Williams  
County Attorney

**SUBJECT:** Agenda Item No. 14(A)(7)

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 \_\_\_\_\_

Agenda Item No. 14(A)(7)  
9-20-16

RESOLUTION NO. R-858-16

RESOLUTION AMENDING RESOLUTION NO. R-521-15 WHICH AUTHORIZED THE NO COST CONVEYANCE OF VACANT COUNTY-OWNED LAND LOCATED AT THE NORTHWEST CORNER OF SW 288<sup>th</sup> STREET AND SW 127<sup>th</sup> AVENUE IN UNINCOPORATED MIAMI-DADE COUNTY BACK TO THE UNITED STATES OF AMERICA PURSUANT TO SECTION 125.38, FLORIDA STATUTES TO CONSTRUCT IMPROVEMENTS AT HOMESTEAD AIR RESERVE BASE; PROVIDING CERTAIN REVISIONS TO COUNTY DEED; WAIVING RESOLUTION NO. R-461-13 WHICH REQUIRES THE INCLUSION OF A REVERTER PROVISION; WAIVING RESOLUTION NO. R-1000-14 WHICH REQUIRES BOARD APPROVAL IN THE EVENT OF AN ASSIGNMENT; AUTHORIZING THE CHAIRPERSON OR VICE CHAIRPERSON OF THIS BOARD TO EXECUTE COUNTY DEED AS REVISED CONVEYING 23.65 ACRES; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS CONTAINED THEREIN AND TO COMPLETE ALL ACTS NECESSARY TO EFFECTUATE SUCH TRANSACTION

**WHEREAS**, on July 13, 2004, the County approved Resolution No. R-909-04 which authorized the County to execute an Economic Development Conveyance Agreement ("EDC Agreement") with the Secretary of the Air Force on behalf of the United States of America (the "Air Force") to accomplish the transfer of 601 acres of former Homestead Air Reserve Base property ("EDC Premises") to Miami-Dade County at no cost for the purpose of promoting economic development in the area; and

**WHEREAS**, as a result of the EDC Agreement, the EDC Premises were conveyed by the Air Force to the County by multiple deeds; and

**WHEREAS**, the Air Force requires property in order to build an Entry Control Complex project (the "ECC Project") compliant with all applicable Department of Defense and Air Force requirements, in order to enhance security and protection in accordance with minimum antiterrorism standards, including a new entry gate and security office; and

**WHEREAS**, the Air Force previously requested the County to convey 24.6 acres within the 601 acres of the EDC Premises located at the northwest corner of S.W. 127<sup>th</sup> Avenue and S.W. 288<sup>th</sup> Street (the "Original Property") back to the Air Force pursuant to Florida Statutes Section 125.38, as a matter critical to security in order to reduce force protection vulnerabilities, as set forth in the letter attached as Exhibit "1"; and

**WHEREAS**, on June 2, 2015, pursuant to Resolution No. R-521-15, this Board approved the conveyance of the Original Property back to the Air Force pursuant to Florida Statutes Section 125.38; and

**WHEREAS**, in accordance with such resolution, the proposed County Deed included certain construction milestones and a reverter to the County in the event of non-compliance with the provisions of the County Deed; and

**WHEREAS**, subsequent to the approval of such resolution, and prior to the conveyance to the Air Force of the Original Property, the Air Force senior command in Washington, DC at the federal level requested revisions to the County Deed, as set forth in the Revised County Deed attached as Exhibit "2" (the "Revised County Deed"); and

**WHEREAS**, the requested revisions to the County Deed include an approximately one acre reduction in the size of the Original Property to 23.65 acres (the "Amended Property") as set forth in Exhibit "A" to the County Deed in order to remove certain roadways from the conveyance, elimination of the reverter provision, and removal of other restrictions and construction milestones, but the requirement that the Amended Property be used for national security and community interest and welfare purposes shall remain in place; and

**WHEREAS**, the Air Force wishes to maintain its commitment to construct the ECC Project, but requires such revisions in order to move forward, and to eliminate delay and potential loss of funding from the U.S. Congress; and

**WHEREAS**, the execution of the Revised County Deed in order to allow the Air Force to proceed would be in the best interests of the public; and

**WHEREAS**, the value of the Amended Property, although received by the County at no cost, is \$1,537,250.00 as set forth in the Miami-Dade County Property Appraiser's website; and

**WHEREAS**, in light of the fact that the County received the Amended Property at no cost from the Air Force, and the nature of the use of the Amended Property for national security and community interest and welfare purposes, this Board waives the policies set forth in Resolution No. R-461-13 requiring the inclusion of a reverter provision and Resolution No. R-1000-14 requiring Board approval of any assignments,

**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.** This Board approves the conveyance of the Amended Property to the Air Force pursuant to Section 125.38 of the Florida Statutes at no cost, waives the policies set forth in Resolution Nos. R-461-13 and R-1000-14, authorizes the Chairperson or Vice-Chairperson of the Board to execute the Revised County Deed in substantially the form attached as Exhibit "2," and authorizes the County Mayor or County Mayor's designee to take all actions necessary to effectuate this conveyance. This resolution shall amend Resolution No. R-521-15, and the Revised County Deed attached hereto as Exhibit "2" shall supercede the deed original attached in Resolution No. R-521-15.

**Section 3.** Pursuant to Resolution No. R-974-09, this Board: (a) directs the County Mayor or Mayor's designee to record the instrument of conveyance in the Public Records of Miami-Dade County and to provide a recorded copy of the instrument to the Clerk of the Board within (30) days of execution of said instrument; and (b) directs the Clerk of the Board to attach and permanently store a recorded copy of the instrument together with this resolution.

**Section 4.** This Board directs the County Mayor or County Mayor's designee to appoint staff to monitor compliance with the terms of this conveyance.

The Prime Sponsor of the foregoing resolution is Commissioner Dennis C. Moss. It was offered by Commissioner **Rebeca Sosa**, who moved its adoption. The motion was seconded by Commissioner **José "Pepe" Diaz** 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	aye	Barbara J. Jordan	aye
Dennis C. Moss	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	aye	Xavier L. Suarez	aye
Juan C. Zapata	absent		

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The Chairperson thereupon declared the resolution duly passed and adopted this 20<sup>th</sup> day of September, 2016. 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.

A handwritten signature in black ink, appearing to be "DL".

Debra Herman  
Lauren E. Morse



EXHIBIT "J"

DEPARTMENT OF THE AIR FORCE  
AIR FORCE RESERVE COMMAND

Mr. Robert Warren  
Miami-Dade County  
Regulatory and Economic Resources Department  
111 N.W. First Street  
12<sup>th</sup> Floor  
Miami, FL 33128

RE: Entry Control Complex Construction Project at Homestead Air Reserve Base (HARB)

Dear Mr. Warren,

In accordance with §125.38, Fla. Stat. (2012), we wish to pursue an application for conveyance of property, as identified in yellow in the attached map, in order to construct an Entry Control Complex, critical to our force protection. This property was originally conveyed by the Air Force to the County at no cost as part of an economic development conveyance including 601 acres. After much review, Homestead Air Reserve Base (HARB) has determined that the requested property would be the most suitable location for the construction of this complex, and therefore, wishes to pursue an application for conveyance of the property.

As you may know, the 482d Fighter Wing (FW) is the host unit at HARB. The 482d FW provides premier global combat capabilities to the joint warfighter and ready on-call regional humanitarian support. The Homestead location provides a significant gateway to the southern hemisphere and the base is equipped with one of the Air Force Reserve's longest airfields and the largest munitions storage area. HARB supports the Air Combat Command mission with twenty-nine F-16 aircraft and over 2,500 Airmen, including 165 active duty Air Force active association personnel; more than 1,700 traditional reservists, over 280 Air Reserve Technicians and over 280 full-time civilians. In addition to 482d FW, there are eleven on-site tenant units on HARB from both Department of Defense (DOD) and Department of Homeland Security (DHS) agencies. These organizations include: Florida Air National Guard, U.S. Customs and Border Protection, U.S. Coast Guard MSST, and the Headquarters of the Special Operations Command South (SOCSOUTH). All these personnel access their duty stations through HARB's existing entry gate. All of these priceless human and valuable physical assets require protection and safety from terrorist actions.

The ECC project is absolutely critical to HARB's force protection. Without the new ECC, HARB is extremely vulnerable to a host of security threats which could have significant impacts on surrounding Homestead communities.

We thank you for your consideration of our request. Unfortunately, time is of the essence in this case, as HARB was just informed that it is at risk for losing substantial funding for this project if the land conveyance is not expeditiously completed. This is because, once the terms are known, HARB will still require extensive coordination and processing through higher

headquarters in order to complete the conveyance in time to finish the project with the funds already appropriated. We look forward to assisting you in any way that we can to expedite this process.



CHRISTIAN G. FUNK, Brigadier General, USAFR  
Commander

Attachment: HARB Entry Control Complex Map

cc: Robert Warren, Real Estate Advisor, Miami-Dade County  
Brent A. Hyden, Lieutenant Colonel, USAFR

## Exhibit 2

Instrument prepared by and returned to:  
Miami-Dade County Internal Services Department  
Real Estate Development Division  
111 N.W. 1 Street, Suite 2460  
Miami, Florida 33128-1907

### COUNTY DEED

THIS DEED, made this \_\_\_\_\_ day of \_\_\_\_\_, 2016, by MIAMI-DADE COUNTY, FLORIDA, a Political Subdivision of the State of Florida, party of the first part ("Grantor" or "County), whose address is: Stephen P. Clark Center, Internal Services Department, 111 N.W. 1<sup>st</sup>. Street, Suite 2460, Miami, Florida 33128-1963, and the UNITED STATES OF AMERICA, party of the second part ("Grantee"), whose address is United States Air Force Reserve, Homestead Air Reserve Base, 29050 Coral Sea Blvd., Building 360, Miami, Florida 33039.

WITNESSETH:

That the said party of the first part, for good and valuable consideration receipt whereof is hereby acknowledged, has granted, bargained, and sold, except without the right to convey or assign, to the said party of the second part, the following described land lying and being in Miami-Dade County, Florida:

See Exhibit "A" attached hereto (the "Property")

#### **Subject to the following restrictions and reservations:**

This grant is subject to all covenants, conditions, restrictions, easements, rights-of-way, reservations, rights, agreements and encumbrances whether or not of record. This grant conveys only the interest of the County and its Board of County Commissioners in the Property herein described, and shall not be deemed to warrant the title or to represent any state of facts concerning the same. This grant is made for the public purpose of national security and community interest and welfare.

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 Mayor of said Board, the day and year aforesaid.

(OFFICIAL SEAL)

ATTEST:  
HARVEY RUVIN, CLERK

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Mayor

Approved for legal sufficiency. \_\_\_\_\_

The foregoing was authorized by Resolution No. \_\_\_\_\_ approved by the Board of County Commissioners of Miami-Dade County, Florida, on the \_\_\_\_\_ day of \_\_\_\_\_, 20

**Exhibit "A" (the "Property")**

Exhibit "A" (the "Property")

**SKETCH OF DESCRIPTION**

(NOT A BOUNDARY SURVEY)

LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN THE NE 1/4 OF SECTION 2, TOWNSHIP 57 SOUTH, RANGE 39 EAST, MIAMI-DADE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 2, TOWNSHIP 57 SOUTH, RANGE 39 EAST, MIAMI-DADE COUNTY, FLORIDA; THENCE RUN N00°05'26"W, ALONG THE EAST LINE OF SAID SECTION 2, FOR A DISTANCE OF 13.85 FEET TO THE CENTERLINE OF SW 288TH STREET (BOUGAINVILLE BOULEVARD); THENCE RUN S89°05'43"W, ALONG SAID CENTERLINE OF SW 288TH STREET, FOR A DISTANCE OF 50.00 FEET TO A POINT; THENCE RUN N00°05'26"W, FOR A DISTANCE OF 23.06 FEET TO THE POINT OF BEGINNING; THENCE S89°04'26"W, FOR A DISTANCE OF 1,619.16 FEET; THENCE RUN N41°38'46"W, FOR A DISTANCE OF 42.98 FEET TO THE POINT OF CURVATURE OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 514.09 FEET AND A CENTRAL ANGLE OF 34°22'17", A CHORD BEARING OF N70°54'10"E AND A CHORD LENGTH OF 303.80 FEET, THENCE RUN EASTERLY ALONG THE ARC OF SAID CURVE FOR A DISTANCE OF 308.40 FEET; THENCE RUN N53°43'02"E, FOR A DISTANCE OF 135.98 FEET TO THE POINT OF CURVATURE OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 713.66 FEET AND A CENTRAL ANGLE OF 25°28'22", A CHORD BEARING OF N40°58'51"E AND A CHORD LENGTH OF 314.67 FEET, THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE FOR A DISTANCE OF 317.28 FEET; THENCE RUN N26°14'40"E, FOR A DISTANCE OF 198.88 FEET TO THE POINT OF CURVATURE OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 762.32 FEET AND A CENTRAL ANGLE OF 61°39'54", A CHORD BEARING OF N59°04'37"E AND A CHORD LENGTH OF 781.42 FEET, THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE FOR A DISTANCE OF 820.45 FEET; THENCE RUN N89°54'34"E, FOR A DISTANCE OF 173.42 FEET TO THE POINT OF CURVATURE OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 105.00 FEET AND A CENTRAL ANGLE OF 90°00'00", A CHORD BEARING OF N44°54'34"E AND A CHORD LENGTH OF 148.49 FEET, THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE FOR A DISTANCE OF 164.93 FEET TO A POINT ON THE WESTERLY LINE OF STATE ROAD DEPARTMENT RIGHT-OF-WAY AND ITS PROJECTION SOUTHERLY, PER DEED BOOK 2301, PAGE 303, RECORDED IN THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE RUN S00°05'28"E, ALONG A LINE 50 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF THE NE 1/4 OF SAID SECTION 2, FOR A DISTANCE OF 1,105.55 FEET TO THE POINT OF BEGINNING.

CONTAINING AN AREA OF 1,030,453.365 SQUARE FEET OR 23.656 ACRES, MORE OR LESS.

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LAWRENCE E. JENKINS  
PROFESSIONAL SURVEYOR AND MAPPER  
FLORIDA REGISTRATION #53364  
TETRA TECH - L5 #26

**Tt TETRA TECH**  
www.tetratech.com  
201 EAST PINE STREET, SUITE 1000  
ORLANDO, FL 32801  
PHONE: (407) 639-3955 FAX: (407) 639-3790

**HOMESTEAD AIR FORCE RESERVE BASE (HARB)**  
  
**ENTRY CONTROL COMPLEX**

Project No:	200-95923-14001
Date:	08-26-2016
Designed By:	BMM / LEJ
SHEET 1 OF 3	

Copyright Tetra Tech

Bar Measures 1 inch

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# SKETCH OF DESCRIPTION

(NOT A BOUNDARY SURVEY)

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## ABBREVIATIONS

(A) AS DESCRIBED	FF FINISHED FLOOR	PB PLAT BOOK
BM BENCHMARK	IP IRON PIPE	PG PAGE
(C) CALCULATED	IR IRON ROD	PK PK NAIL
CONC CONCRETE	JBL JURISDICTIONAL BOUNDARY LINE	POB POINT OF BEGINNING
CM CONCRETE MONUMENT	L ARC LENGTH	POC POINT OF COMMENCEMENT
Δ CENTRAL ANGLE	(A) MEASURED	R RADIUS
ESMT EASEMENT	ND NAIL & DISK	R/W RIGHT-OF-WAY
F FOUND	NL NAIL	S SET
FOOT FLORIDA DEPARTMENT OF TRANSPORTATION	OR OFFICIAL RECORDS	SC SECTION CORNER
	(P) PER PLAT	TP TRAVERSE POINT
		XC X CUT

### SURVEYOR'S NOTES:

1. THERE MAY BE EASEMENTS AND RESTRICTIONS OF RECORDS AND/OR PRIVATE AGREEMENTS NOT FURNISHED TO THIS SURVEYOR THAT MAY AFFECT PROPERTY RIGHTS AND/OR LAND USE RIGHTS OF THE LANDS SHOWN HEREON
2. NO UNDERGROUND INSTALLATIONS, FOUNDATION FOOTINGS OR IMPROVEMENTS HAVE BEEN LOCATED EXCEPT AS NOTED.
3. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
4. THIS SURVEY WAS PERFORMED IN ACCORDANCE WITH THE STANDARDS OF PRACTICE FOR SURVEYS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS, CHAPTER 6J-17, FLORIDA ADMINISTRATIVE CODE.



**TETRA TECH**

www.tetrattech.com

201 EAST PINE STREET, SUITE 1000

ORLANDO, FL 32801

PHONE: (407) 839-3855 FAX: (407) 839-3780

**HOMESTEAD AIR FORCE RESERVE BASE (HARB)**

**ENTRY CONTROL COMPLEX**

Project No.: 200-95923-14001

Date: 08-28-2016

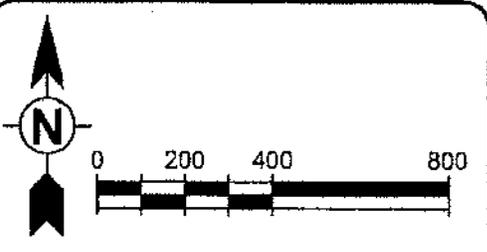
Designed By: BMM / LEJ

SHEET 2 OF 3

Bar Measures 1 inch

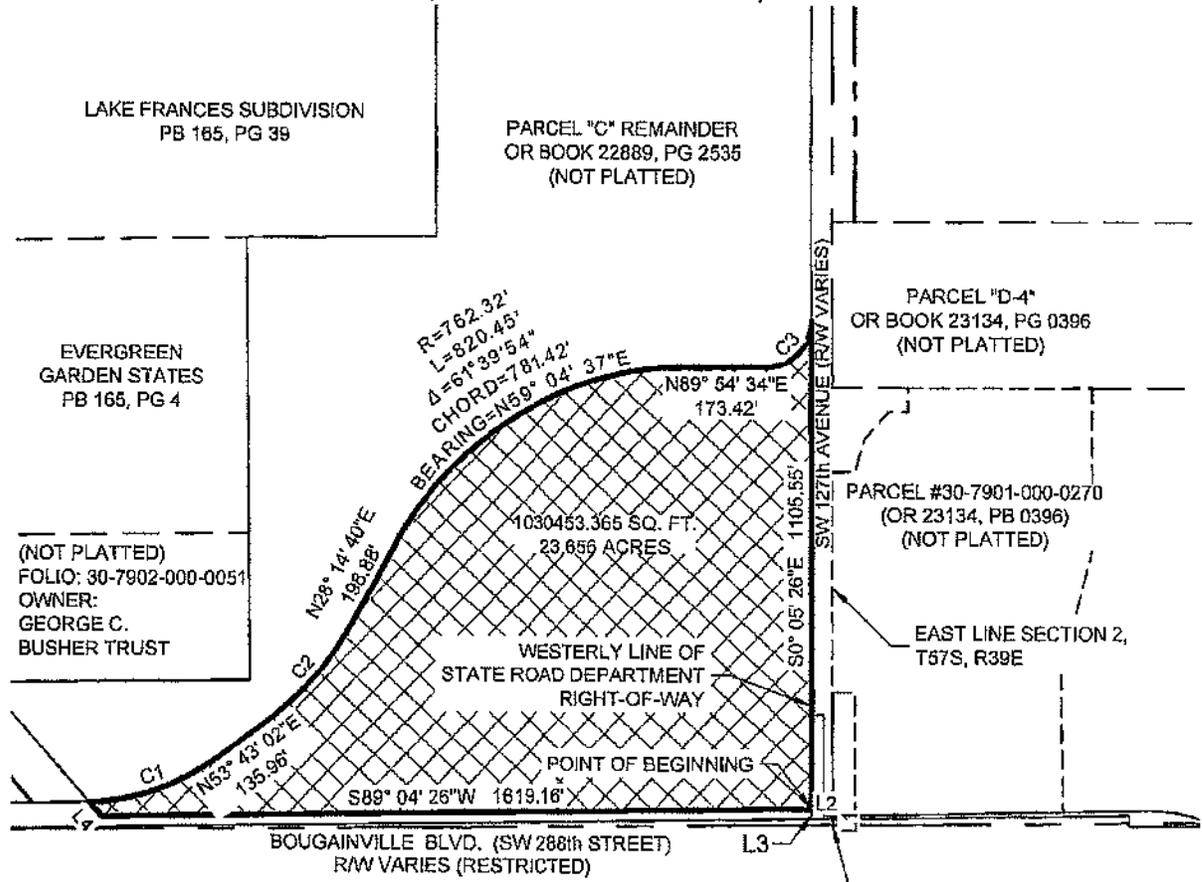
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# SKETCH OF DESCRIPTION

(NOT A BOUNDARY SURVEY)



(NOT PLATTED)  
 FOLIO: 30-7902-000-0051  
 OWNER:  
 GEORGE C.  
 BUSHNER TRUST

CURVE TABLE					
CURVE #	RADIUS	CENTRAL ANGLE	LENGTH	CHORD BEARING	CHORD
C1	514.09'	34° 22' 17"	308.40'	N70° 54' 10"E	303.80'
C2	713.66'	25° 28' 22"	317.28'	N40° 58' 51"E	314.67'
C3	105.00'	90° 00' 00"	164.93'	N44° 54' 34"E	148.49'

LINE TABLE		
LINE #	DIRECTION	LENGTH
L1	N0° 05' 26"W	13.85'
L2	S89° 05' 43"W	50.00'
L3	N0° 05' 26"W	23.06'
L4	N41° 38' 46"W	42.98'

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**TETRA TECH**  
 www.tetra.tech.com  
 201 EAST PINE STREET, SUITE 1000  
 ORLANDO, FL 32801  
 PHONE: (407) 838-3955 FAX: (407) 839-3790

## HOMESTEAD AIR FORCE RESERVE BASE (HARB)

### ENTRY CONTROL COMPLEX

Project No.:	200-85923-14001
Date:	08-26-2016
Designed By:	BMM / LEJ
SHEET 3 OF 3	

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Bar Measures 1 inch

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