

MEMORANDUM

Agenda Item No. 14(A)(4)

TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

DATE: June 19, 2018

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution directing the
County Mayor to take all
actions necessary to effectuate
the purchase of Ludlam Trail so
as to present a contract for sale
and purchase to this Board for its
consideration and approval on or
before the September 5, 2018
Board meeting

Resolution No. R-653-18

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



Abigail Price-Williams
County Attorney



APW/smm



MEMORANDUM

(Revised)

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and Members, Board of County Commissioners

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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)(4)
6-19-18

RESOLUTION NO. _____ R-653-18

RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE THE PURCHASE OF LUDLAM TRAIL SO AS TO PRESENT A CONTRACT FOR SALE AND PURCHASE TO THIS BOARD FOR ITS CONSIDERATION AND APPROVAL ON OR BEFORE THE SEPTEMBER 5, 2018 BOARD MEETING

WHEREAS, the Ludlam Trail corridor is an approximately 6 mile long linear greenway through the heart of Miami-Dade County located within the Florida East Coast Railway right-of-way, running parallel to and west of Ludlam Road (67 Avenue); north to south from north of NW 7 Street to SW 80th Street in Downtown Kendall; and

WHEREAS, Ludlam Trail is privately-owned by affiliates of Florida East Coast Industries; and

WHEREAS, Ludlam Trail is designated as a priority trail by the Florida Department of Environmental Protection's Office of Greenways and Trails; and

WHEREAS, since at least 2004, Miami-Dade County has sought to acquire and convert this unused railroad corridor into a recreational trail and amenity for residents, visitors and families; and

WHEREAS, indeed, in 2004, Miami-Dade County voters approved the issuance of general obligation bonds to construct and improve neighborhood and regional parks and other recreational areas to include athletic fields and gymnasiums, courts, pools, playgrounds, marinas, restore beaches, and the preservation of endangered lands as part of the Building Better Communities General Obligation Bond Program (the "Bond Program"); and

WHEREAS, among the projects approved by voters as part of the Bond Program was one for the Ludlam Trail project, with a description that provides that the bond funds are to be used for “Right-of-way acquisition and development of paved path along former Florida East Coast Railroad;” and

WHEREAS, Miami-Dade County has also sought, and obtained, millions of dollars in State of Florida and federal funds for the acquisition and development of a recreational trail in the Ludlam Trail Corridor; and

WHEREAS, then, on July 19, 2017, this Board approved an amendment to the County’s Master Development Master Plan (“CDMP”) for the Ludlam Trail Corridor District in order to designate areas of the trail as appropriate for development and other areas as open green space; and

WHEREAS, since that time, the County has been actively engaged in efforts to acquire the areas designated as open green space in the Ludlam Trail Corridor District, as well as additional portions of the Ludlam Trail Corridor and easements through the development areas in order to create a continuous, publicly accessible trail; and

WHEREAS, acquisition of Ludlam Trail by the County would promote the community interest and welfare of the residents of Miami-Dade County by enhancing regional mobility, providing opportunities for physical activity, and improving the economic vitality of the area by the conversion of this former railway corridor into a continuous publicly-accessible primarily pedestrian and bicycle trail; and

WHEREAS, the development of Ludlam Trail would further assist in creating a regionally significant trail and greenway along the corridor that will connect to the County's greenways and trails network, link the surrounding communities, and provide vital neighborhood connections; and

WHEREAS, once developed, Ludlam Trail will connect more than 35,000 people within a ½ mile radius of the trail to five schools, four parks, and two transit hubs, along with residential and commercial areas; and

WHEREAS, this Board finds that the publicly-owned and accessible Ludlam Trail will provide vital economic, recreational and community opportunities for the residents of the County, including among other things, pristine park lands, scenic vistas, a tourist and vacation destination and other valuable resources that distinguish the County for its natural beauty and its quality of life; and

WHEREAS, in order to complete the acquisition of Ludlam Trail, it is necessary to obtain approval from the several federal and state agencies to negotiate and finalize the transaction; and

WHEREAS, after procuring such approval, a contract must be negotiated and executed with the property owner, the terms of which should be presented to this Board for its consideration; and

WHEREAS, the County is also processing an amendment to the CDMP (“Amendment”) on an expedited basis that will provide a clarification of the language relating to the Ludlam Trail Corridor District, with the intent to have the Amendment heard by the Planning Advisory Board on July 11, 2018, to be considered for transmittal on July 25, 2018 and, if transmitted, to be considered for final adoption on September 27, 2018; and

WHEREAS, time is of the essence in completing the acquisition of the Ludlam Trail because the sellers are desirous of an expeditious closing, the grants funds allocated to the County thus far from the State of Florida have quickly approaching expenditure deadlines, and the County seeks to obtain additional funding from state and federal sources for development of the trail and understands it is beneficial to have ownership of the trail when applying for said funds,

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

Section 1. The foregoing recital clauses are incorporated herein by this reference and are adopted by this Board.

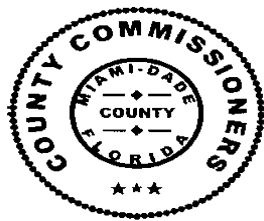
Section 2. This Board directs the County Mayor or County Mayor's designee, to procure all necessary approvals, to identify all funding sources, and to perform all acts necessary to effectuate a contract for the purchase by the County of the right to own property interests in the Ludlam Trail so as to present a negotiated sale and purchase contract to this Board for its consideration and approval on or before the Board of County Commissioners' meeting scheduled for September 5, 2018 with a goal to close the acquisition as soon thereafter as reasonably possible.

Section 3. In the event that the County Mayor or County Mayor's designee is unable to present a contract to this Board for its consideration on or before the September 5, 2018 Board meeting, then and pursuant to Ordinance No. 14-65, the County Mayor or County Mayor's designee is directed to provide a written report, to be placed on the agenda of the September 5, 2018 Board meeting, specifically setting forth the status of such negotiations and approvals, as well as any obstacles, in full detail, that remain to completing this transaction.

The Prime Sponsor of the foregoing resolution is Commissioner Rebeca Sosa. It was offered by Commissioner **Rebeca Sosa**, 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:

Esteban L. Bovo, Jr., Chairman	aye		
Audrey M. Edmonson, Vice Chairwoman	aye		
Daniella Levine Cava	aye	Jose "Pepe" Diaz	aye
Sally A. Heyman	aye	Barbara J. Jordan	aye
Joe A. Martinez	aye	Jean Monestime	aye
Dennis C. Moss	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	aye	Xavier L. Suarez	aye
District 5 - Vacant			

The Chairperson thereupon declared the resolution duly passed and adopted this 19th day of June, 2018. 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 "MRP", written over a horizontal line.

Monica Rizo Perez
Debra Herman