

MEMORANDUM

Agenda Item No. 11(A)(8)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: November 1, 2022

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution designating the
unincorporated portions of the
Ludlam Trail and certain
surrounding areas, approximately
located along theoretical
NW/SW 69 Avenue, extending
from SW 80 Street to
approximately 400 feet north of
NW 7 Street, as an area or facility
of Countywide significance
pursuant to sections 20-8.6 and
20-28.1 of the Code; and stating
that it is the policy of the Board
that this area shall not be annexed
into an existing municipality or
incorporated as part of a new
municipality

Resolution No. R-1064-22

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



Geri Bonzon-Keenan
County Attorney

GBK/gh



MEMORANDUM

(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: November 1, 2022

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 11(A)(8)

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 present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____ 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)(8)
11-1-22

RESOLUTION NO. _____ R-1064-22

RESOLUTION DESIGNATING THE UNINCORPORATED PORTIONS OF THE LUDLAM TRAIL AND CERTAIN SURROUNDING AREAS, APPROXIMATELY LOCATED ALONG THEORETICAL NW/SW 69 AVENUE, EXTENDING FROM SW 80 STREET TO APPROXIMATELY 400 FEET NORTH OF NW 7 STREET, AS AN AREA OR FACILITY OF COUNTYWIDE SIGNIFICANCE PURSUANT TO SECTIONS 20-8.6 AND 20-28.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AND STATING THAT IT IS THE POLICY OF THE BOARD THAT THIS AREA SHALL NOT BE ANNEXED INTO AN EXISTING MUNICIPALITY OR INCORPORATED AS PART OF A NEW MUNICIPALITY

WHEREAS, sections 20-8.6 and 20-28.1 of the Code of Miami-Dade County, Florida, authorize the Board of County Commissioners to designate portions of the unincorporated area of Miami-Dade County as areas or facilities of Countywide significance; and

WHEREAS, once an area is designated as an area or facility of Countywide significance, sections 20-8.6 and 20-28.1 of the Code provide that regulatory jurisdiction over the area would remain with Miami-Dade County notwithstanding subsequent annexation to an existing municipality or the inclusion of such area as part of a newly incorporated municipality; and

WHEREAS, according to those sections of the Code, the Board may designate areas or facilities of Countywide significance by resolution, upon a finding that: 1) the area or facility is susceptible to substantial change and development that will detrimentally affect the facility or land; 2) there is a need for the continued, unimpaired functioning of the area or facility by the greater community and; 3) the service provided at or by the area or facility, or at a combination of areas or facilities, is a significant resource to the greater community”; and

WHEREAS, the Ludlam Trail is largely comprised of unincorporated area, but there is a portion of the Ludlam Trail which is currently located within the City of Miami; and

WHEREAS, for purposes of this resolution, the unincorporated portions of the Ludlam Trail and certain surrounding areas, which is proposed herein for designation under chapter 20, is the areas shown in the map attached as Exhibit A, and is approximately located along theoretical NW/SW 69 Avenue, extending from SW 80 Street to approximately 400 feet north of NW 7 Street; and

WHEREAS, the unincorporated portions of the Ludlam Trail is of importance to the County because these areas will contain a linear trail for pedestrians and cyclists, and this linear trail will provide a range of recreational opportunities, natural beauty and trees, as well as transportation alternatives; and

WHEREAS, the County is also the property owner of the vast majority of the Ludlam Trail, and the County is already investing significant time and resources into the planned development of the Ludlam Trail, in order to carry out the County's vision for the Ludlam Trail as a legacy project that will transform the area and provide significant benefits for generations to come; and this Board wishes to retain all of its regulatory powers over this areas so that the Board maintains its current authority to address any and all impacts or issues concerning the Ludlam Trail; and

WHEREAS, those certain surrounding areas shown on Exhibit A are also designated as Ludlam Trail in the Land Use Plan Map for the County's CDMP, and relate to and impact the recreational trail areas; and

WHEREAS, the Board finds that the unincorporated portions of the Ludlam Trail and certain surrounding areas, as shown on Exhibit A, meet the criteria in sections 20.8.6 and 20-28.1 and that this area is susceptible to substantial change and development that will detrimentally affect the unincorporated portion of the Ludlam Trail; that there is a need for the continued, unimpaired functioning of the this area by the greater community; and that the service provided at or by this area, or at a combination of areas or facilities nearby is a significant resource to the greater community; and

WHEREAS, furthermore, it is the policy of this Board that in addition to declaring this area to be an area of Countywide significance that shall remain under County regulatory control, it is the policy of this Board that the unincorporated portions of the Ludlam Trail and certain surrounding areas, as shown on Exhibit A, because of its Countywide significance, shall not be annexed into an existing municipality or incorporated as part of a new municipality,

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

Section 1. The foregoing recitations are true and correct and are incorporated herein by reference.

Section 2. Pursuant to sections 20-8.6 and 20-28.1 of the Code, the unincorporated portions of the Ludlam Trail and certain surrounding areas, as shown in Exhibit A, are hereby designated as an “Area or Facility of Countywide Significance.” In addition, it is the policy of this Board that these areas shown in Exhibit A shall not be annexed into an existing municipality or incorporated as part of a new municipality.

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

Jose "Pepe" Diaz, Chairman	aye		
Oliver G. Gilbert, III, Vice-Chairman	aye		
Sen. René García	aye	Keon Hardemon	aye
Sally A. Heyman	aye	Danielle Cohen Higgins	aye
Eileen Higgins	aye	Kionne L. McGhee	aye
Jean Monestime	aye	Raquel A. Regalado	aye
Rebeca Sosa	aye	Sen. Javier D. Souto	aye

The Chairperson thereupon declared the resolution duly passed and adopted this 1st day of November, 2022. 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: **Basia Pruna**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Abbie Schwaderer-Raurell

Ludlam Trail to be designated as an Area or Facility of Countywide Significance pursuant to Chapter 20 of the Code of Miami-Dade County

