



Miami-Dade Board of County Commissioners
Office of the Commission Auditor

Infrastructure and Capital Improvements
Committee (ICI) Meeting

March 12, 2019
2:00 P.M.
Commission Chambers

Yinka Majekodunmi, CPA
Commission Auditor
Office of the Commission Auditor (OCA)
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Miami, FL 33128
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**ICI Meeting: March 12, 2019
Research Notes**

**Item No. 3A
File No. 190462**

Researcher: LE Reviewer: TD

RESOLUTION APPROVING A CONTRACT FOR SALE AND PURCHASE BETWEEN NORTHSIDE PROPERTIES, INC., A DISSOLVED FLORIDA CORPORATION, AS SELLER, AND MIAMI-DADE COUNTY, AS BUYER, FOR APPROXIMATELY 3,500 SQUARE FEET OF VACANT COMMERCIAL LAND LOCATED AT THE SOUTHEAST CORNER OF NW 83 STREET AND NW 30 AVENUE, UNINCORPORATED MIAMI-DADE COUNTY, IN THE AMOUNT OF \$44,275.00 AND AUTHORIZING THE ADDITIONAL EXPENDITURE OF UP TO \$3,000.00 FOR CLOSING COSTS, TO BE FUNDED BY GENERAL OBLIGATION BOND PROJECT NO. 17 "COUNTYWIDE WATER AND SEWER SYSTEM ENHANCEMENTS"; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE CONTRACT FOR SALE AND PURCHASE, EXERCISE ANY AND ALL RIGHTS CONFERRED THEREIN, TAKE ALL OTHER ACTIONS NECESSARY TO EFFECTUATE SAID PURCHASE, AND ACCEPT CONVEYANCE OF PROPERTY BY GENERAL WARRANTY DEED; AND DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO RECORD SUCH DEED

ISSUE/REQUESTED ACTION

Whether the Board should approve a contact for sale and purchase between Northside Properties, Inc., as seller, and Miami-Dade County, as buyer, for a property located at the southeast corner of NW 83 Street and NW 30 Avenue in the amount of \$44,275.00 and authorize an additional expenditures for closing costs up to \$3,000.00.

APPLICABLE LEGISLATION/POLICY

Section 125.355 of the Florida Statutes states that in the case that a county seeks to purchase real property for a public purpose, appraisals, offers, and counteroffers must be provided. At least one appraisal must be obtained if the property being purchased is less than \$500,000 and at least two appraisals must be approved if the purchase is in excess of \$500,000.

http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=section+125.355&URL=0100-0199/0125/Sections/0125.355.html

Resolution No. R-537-14, adopted on June 3, 2014, approves allocation of \$126,000,000.00 from the Building Better Communities General Obligation Bond program Project No. 17, "Countywide Water and Sewer System Enhancements", to fund the extension of the sewer system to developed commercial and industrial corridors of the County.

<http://intra/gia/matter.asp?matter=140987&file=true&yearFolder=Y2014>

Section 125.39 of the Florida Statutes expresses the non-applicability to county lands acquired for specific purposes such as to cover the sale or disposition of any land conveyed to any county for a specific purpose and containing a reversionary clause where the land shall revert to the grantor upon failure to use such property for such purpose.

http://www.leg.state.fl.us/STATUTES/index.cfm?App_mode=Display_Statute&Search_String=&URL=0100-0199/0125/Sections/0125.39.html

Administrative Order 8-4 provides that the authority to sell, lease or otherwise dispose of County-owned real property lies solely with the Board of County Commissioners. Before action is taken on any proposed sale or lease of County-owned real property, unless expressly excluded in the policy, a recommendation will be requested from the Planning Advisory Board, to indicate whether such proposal is in the public interest and also recommending proper land use classification, if applicable.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/AO8-4.pdf>

Resolution No. R-333-15, adopted April 21, 2015, entitled "Resolution establishing County policy to require disclosure of market value of market rental in legislative items authorizing the conveyance or lease of County-owned property to promote disclosure and fiscal responsibility".

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<http://intra/gia/matter.asp?matter=150446&file=true&yearFolder=Y2015>

Resolution No. R-974-09, adopted July 21, 2009, directs that any resolution authorizing execution of instruments creating a County interest in real property shall require such instruments to be recorded in the public records of Miami-Dade County and attached to the authorizing resolution.

<http://intra/gia/matter.asp?matter=091900&file=true&yearFolder=Y2009>

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Jean Monestime, District 2

Department/Requester: Internal Services

The proposed resolution has no procedural history.

ANALYSIS

This item requests Board approval for a Contract of Sale and Purchase between Miami-Dade County, as the buyer, and Northside Properties, Inc., a dissolved Florida corporation, as the seller, for approximately 3,500 square feet of vacant commercial land located at the southeast corner of NW 83 Street and NW 30 Avenue, to construct Commercial Corridors Project Pump Station S-2; authorize the Contract for Sale and Purchase for \$44,275 and additional expenditures up to \$3,000 for closing costs.

The fiscal impact is \$47,275 which includes the acquisition of the vacant property and additional closing costs. The funding source is the General Obligation Bonds (GOB) Project No. 17 "Countywide Water and Sewer System Enhancements" Fund. An independent property appraisal was provided on October 7, 2018 with the property estimated to \$52,500 at market value. The original property is 64,734 square feet and acquiring the 3,500 square feet for the pump would remain 61,234 square feet.

The purpose is to construct a Water and Sewer Department's (WASD) Commercial Corridor Project Pump Station S-2. The pumps will provide sanitary sewer infrastructure as provided by Resolution No. R-537-14. Once the property is acquired, WASD's Planning Division will work with Capital Program Management staff on the design, permitting, and construction of the pump station facility.

Northside Properties, Inc. is an inactive Florida corporation due to its voluntary dissolution in 1977. William Allen Morris, the sole surviving member of the Northside Properties, Inc. Board of Trustees, served as the signatory on the deed on September 18, 2018. On December 2018, a title commitment was issued by Old Republic National Title Insurance Company to protect the County's interest in acquiring the property. Additionally, on the Contract, the printed purchase price was \$38,500.00, but was replaced with \$44,257.00 to reflect the new price.

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Research Notes

The image below depict the property located at the southeast corner of NW 83 Street and NW 30 Avenue, Folio Number 30-3109-000-0560:

PROPERTY INFORMATION ⓘ

Folio: 30-3109-000-0560

Sub-Division:

Property Address

Owner
NORTHSIDE CENTRE LLC

Mailing Address
696 NE 125 ST
NORTH MIAMI, FL 33161

PA Primary Zone
6061 UC CENTER - MIXED USE CORRIDOR (MC) 4 MAX HT

Primary Land Use
1081 VACANT LAND - COMMERCIAL : VACANT LAND

Bed / Bath / Half	0 / 0 / 0
Floors	0
Living Units	0
Actual Area	0
Living Area	0
Adjusted Area	0
Lot Size	64,726 Sq Ft
Year Built	0

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**Item No. 3D
File No. 190426**

Researcher: PGE Reviewer: TD

RESOLUTION APPROVING AMENDMENT V TO THE AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE NATURE CONSERVANCY FOR CONTINUED PROVISION OF LAND ACQUISITION AND OTHER PROFESSIONAL SERVICES FOR THE ENVIRONMENTALLY ENDANGERED LANDS PROGRAM FOR A FOUR-YEAR PERIOD NOT TO EXCEED \$453,120.00, CONSISTING OF UP TO \$448,120.00 IN CONTRACT FEES AND UP TO \$5,000.00 IN OPTION FEE REIMBURSEMENTS; AND AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXECUTE SAME AND EXERCISE THE PROVISIONS CONTAINED THEREIN THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should approve Amendment V to the existing agreement between Miami-Dade County and the Nature Conservancy for continued provision of land acquisition and other professional services for the County's Environmentally Endangered Lands Program for a four-year period in an amount of up to \$453,120.

APPLICABLE LEGISLATION/POLICY

Division 3 of Chapter 24 of the County Code sets forth the Environmentally Endangered Lands Program. The Miami-Dade County Environmentally Endangered Lands Program is established to acquire, preserve, enhance, restore, conserve, and maintain threatened natural forest and wetland communities located in Miami-Dade County, for the benefit of present and future generations. Section 24-50.5(1) relates to the Environmentally Endangered Lands Acquisition Trust Fund; the fund is to be used for acquiring environmentally-endangered lands in the County.

http://miamidade.fl.elaws.us/code/coor_ptiii_ch24_arti_div3

Resolution No. R-189-01, adopted by the Board on March 8, 2001, authorized the execution of an agreement for professional services with the Nature Conservancy Charitable Trust.

<http://intra/gia/matter.asp?matter=010228&file=false&yearFolder=Y2001>

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Regulatory and Economic Resources

The item has no procedural history.

ANALYSIS

This item is requesting that the Board approve the execution of Amendment V to the existing Professional Services Agreement (PSA) between the County and the Nature Conservancy Charitable Trust (Nature Conservancy) for continued delivery of land acquisition and other services for the County's Environmentally Endangered Lands (EEL) Program for a four-year period in an amount of up to \$453,120. The current agreement expires on April 19, 2019. This amendment extends the agreement through April 19, 2023.

Funding for the extension term is from the EEL Acquisition Trust Fund. The funding breakdown for the four year period is as follows: (1) for the period of April 20, 2019 to April 19, 2020, the County shall pay \$107,113; (2) for the period of April 20, 2020 to April 19, 2021, the County shall pay \$110,326; (3) for the period of April 20, 2021 to April 19, 2022, the County shall pay \$113,636; and (4) for the period of April 20, 2022 to April 19, 2023, the County shall pay \$117,045. Additionally, there is up to \$5,000 in option fee reimbursements to the Nature Conservancy.

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All fees shall be paid on a cost reimbursable basis in accord with the PSA's fee schedule. Under the fee schedule, the hourly rate range for the Land Program Manager is \$54.22 at the low end to \$92.11 at the high end. The rate range for the Field Representative is \$31.51 at the low end to \$50.45 at the high end.

On March 8, 2001, pursuant to Resolution No. R-189-01, the Board authorized the execution of a PSA with the Nature Conservancy to assist the County in the acquisition of lands under the EEL Program and other conservation land acquisitions for a three-year term plus three additional one-year periods. In 2007, 2009, 2011 and 2015, the Board approved amendments to the agreement for time extensions and annual expenditure amounts.

It is important to note that the Nature Conservancy has been working under contract with the County since 1994. The Nature Conservancy has expertise in government land acquisition. Under the PSA, the level of services provided by the Nature Conservancy is determined by the County. Through the recommended amendment, the Conservancy shall maintain one Field Representative in the EEL Program offices who is experienced in negotiating conservation land purchases within the South Dade Wetlands Acquisition Project. Negotiated purchase contracts will be prepared and reviewed by the Conservancy's legal staff. Up to three times each year, the Conservancy shall consult with County land managers regarding sites that have been acquired. Under the PSA, the Conservancy also provides assistance with County grants, intergovernmental relations, and public information. The mayoral memorandum is silent as to the total number of negotiated land acquisitions performed by the Conservancy on behalf of the County per the EEL Program during the current extension period.

ADDITIONAL INFORMATION

The Nature Conservancy is a charitable environmental organization, headquartered in Arlington, Virginia, focused on conserving the lands and waters on which all life depends. The Conservancy pursues non-confrontational, pragmatic solutions to conservation's challenges, working with partners including indigenous communities, businesses, governments, multilateral institutions and other nonprofits.

<https://www.nature.org/en-us/>

Environmentally Endangered Lands Program focuses on the protection and conservation of endangered lands. The program identifies environmentally endangered lands for acquisition and preservation.

<https://www.miamidade.gov/environment/endangered-lands.asp>