

MEMORANDUM

Agenda Item No. 14(A)(3)

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

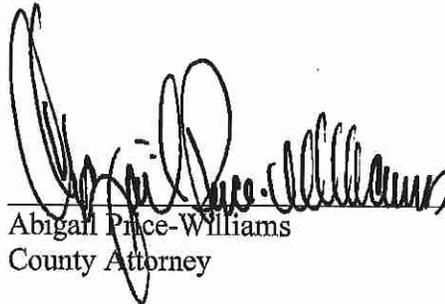
DATE: March 8, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution authorizing the County Mayor to develop, negotiate, execute, and accept certifications of lands, consent of use agreements, easements in favor of Miami-Dade County and other land related documents and agreements in order to authorize and facilitate beach renourishment projects; and directing the County Mayor to make periodic reports to this Board on beach renourishment

Resolution No. R-174-16

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Bruno A. Barreiro.



Abigail Price-Williams
County Attorney

APW/cp



MEMORANDUM

(Revised)

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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)(3)
3-8-16

RESOLUTION NO. R-174-16

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO DEVELOP, NEGOTIATE, EXECUTE, AND ACCEPT CERTIFICATIONS OF LANDS, CONSENT OF USE AGREEMENTS, EASEMENTS IN FAVOR OF MIAMI-DADE COUNTY AND OTHER LAND RELATED DOCUMENTS AND AGREEMENTS IN ORDER TO AUTHORIZE AND FACILITATE BEACH RENOURISHMENT PROJECTS; AND DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO MAKE PERIODIC REPORTS TO THIS BOARD ON BEACH RENOURISHMENT

WHEREAS, the beaches in Miami-Dade County are an important resource that benefit local residents and attract tourists from around the world; and

WHEREAS, it is important to protect the beaches in Miami-Dade County from erosion, and beach renourishment is one of the tools that may be used for that purpose; and

WHEREAS, since 1972, Miami-Dade County has partnered with the United States Army Corps of Engineers (the "Army Corps") for beach renourishment, and pursuant to the County's agreements with the Army Corps, the federal government has provided tens of millions of dollars towards beach renourishment projects here; and

WHEREAS, Miami-Dade County is the local sponsor for the Army Corps' beach renourishment projects within Miami-Dade County, which have spanned decades, and, pursuant to the County's agreements with the Army Corps, the County has certain responsibilities for facilitating these projects; and

WHEREAS, this includes the responsibility to obtain and provide the necessary certifications of lands to the Army Corps, where such lands are needed for the beach renourishment projects; and

WHEREAS, the next beach renourishment project on the horizon is the 2016 Miami Beach Truck Haul Project, which would place additional sand in certain locations in Miami Beach, between approximately 56th Street and 54th Street, and also between approximately 48th Street and 44th Street; and

WHEREAS, for this particular beach renourishment project, the Army Corps has requested that the County provide certain certifications of lands and title certifications from the County to the Army Corps, for the purpose of allowing the Army Corps and their contractors to perform work on the lands at issue, including on certain submerged lands; and

WHEREAS, the Army Corps has also requested that the County obtain consent from the City of Miami Beach, so that the Army Corps and their contractors may perform work on certain City-owned lands; and

WHEREAS, the Army Corps may make similar requests for consent to use certain lands for future beach renourishment projects in Surfside, Sunny Isles and other municipalities, and it may be in the best interests of the County and the coastal municipalities to expedite the Army Corps' processes and procedures for beach renourishment projects, particularly since the Army Corps often has short timeframes within which it needs various authorizations; and

WHEREAS, for this particular beach renourishment project, and for future beach renourishment projects, this Board wishes to authorize the use of the certain lands for beach renourishment projects, to the extent that the Army Corps requests the use of such lands for the projects and to the extent that the County, as the property owner, lessee, or interest holder, for example, has the ability and the authority to authorize such uses; and

WHEREAS, for this particular beach renourishment project, and for future beach renourishment projects, this Board wishes to direct the County Mayor or County Mayor's designee to develop and negotiate easements in favor of Miami-Dade County, consent of use agreements, or other documents, in order to obtain the necessary interests or consent on, for example, City-owned lands so that the County may then certify those lands to the Army Corps for beach renourishment projects,

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

Section 1. This Board hereby authorizes the County Mayor or County Mayor's designee to:

- (a) develop, negotiate, and execute Certification of Lands documents, Title Certificates, and certain other documents that may be necessary to provide the required consent and authorization by the County to the Army Corps for beach renourishment projects, to the extent that the County, as the property owner, lessee, or interest holder, for example, has the ability and the authority to authorize such uses, upon review and final approval of the County Attorney's Office for legal sufficiency.

(b) develop, negotiate, execute, and accept, as applicable, easements in favor of Miami-Dade County, consent of use agreements, interlocal agreements or other such documents, all for the limited purpose of providing the required consent and authorization over necessary lands to the County and/or the Army Corps for beach renourishment projects.

To the extent that the grantor of any such easement, consent of use agreement, or other such document requires payment from Miami-Dade County in consideration, this resolution only authorizes the payment of nominal consideration, and any other payment would require authorization in the County budget or by separate resolution. In addition, to the extent that the Army Corps wishes to place any permanent erosion control device, such as a metal structure or a rock formation, on the lands for which the Army Corps is seeking consent and authorization to use for beach renourishment projects, consent or certification to authorize or allow any such permanent erosion control device shall require further authorization from this Board.

Section 2. This Board hereby directs that for any easements in favor of Miami-Dade County or similar legal instruments that are authorized pursuant to the above provisions: (a) the County Mayor or County Mayor's designee shall record such legal instruments, after proper execution, in the public records for Miami-Dade County; (b) the County Mayor or County Mayor's designee shall provide a recorded copy of any instrument prepared in accordance herewith to the Clerk of the Board within thirty days of execution and final acceptance, and (c) the Clerk of the Board shall attach and permanently store a recorded copy of any instrument provided herewith together with this resolution.

Section 3. This Board hereby directs the County Mayor or the County Mayor's designee to prepare and present periodic reports on beach renourishment projects and place the completed reports on an agenda of the Board pursuant to Ordinance No. 14-65. At a minimum, the County Mayor or County Mayor's designee shall (a) provide a report to the Board in advance of each major beach renourishment project, and (b) work with the Army Corps to obtain information to be included in the reports, including but not limited to, information about sand quality; any permanent structures that are proposed or planned by the Army Corps; and the time frame for commencement and completion of the work.

The Prime Sponsor of the foregoing resolution is Commissioner Bruno A. Barreiro. It was offered by Commissioner **Barbara J. Jordan**, 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	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 8th day of March, 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 read "ASR", enclosed within a hand-drawn circle.

Abbie Schwaderer-Raurell