

# MEMORANDUM

Agenda Item No. 14(A)(4)

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

**DATE:** July 20, 2021

**FROM:** Geri Bonzon-Keenan  
County Attorney

**SUBJECT:** Resolution declaring surplus one County-owned property (Folio No. 08 2122 011 0990) located in Opa-Locka, Florida; conveying such property to the City of Opa-Locka, in accordance with section 125.38, Florida Statutes, at a price of \$10.00, for the purpose of constructing a public wastewater lift station or pumping station; authorizing the Chairperson or Vice-Chairperson of the Miami-Dade Board of County Commissioners to execute a County deed; and authorizing the County Mayor to take all action necessary to effectuate the conveyance, and to enforce the provisions set forth in such County deed

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The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Vice-Chairman Oliver G. Gilbert, III.



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Geri Bonzon-Keenan  
County Attorney

GBK/smm



## MEMORANDUM

(Revised)

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

**DATE:** July 20, 2021

**FROM:**   
Gen Bonzon-Keenan  
County Attorney

**SUBJECT:** Agenda Item No. 14(A)(4)

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. 14(A)(4)  
7-20-21

RESOLUTION NO. \_\_\_\_\_

RESOLUTION DECLARING SURPLUS ONE COUNTY-OWNED PROPERTY (FOLIO NO. 08 2122 011 0990) LOCATED IN OPA-LOCKA, FLORIDA; CONVEYING SUCH PROPERTY TO THE CITY OF OPA-LOCKA, IN ACCORDANCE WITH SECTION 125.38, FLORIDA STATUTES, AT A PRICE OF \$10.00, FOR THE PURPOSE OF CONSTRUCTING A PUBLIC WASTEWATER LIFT STATION OR PUMPING STATION; AUTHORIZING THE CHAIRPERSON OR VICE-CHAIRPERSON OF THE MIAMI-DADE BOARD OF COUNTY COMMISSIONERS TO EXECUTE A COUNTY DEED; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO TAKE ALL ACTION NECESSARY TO EFFECTUATE THE CONVEYANCE, AND TO ENFORCE THE PROVISIONS SET FORTH IN SUCH COUNTY DEED

**WHEREAS**, the County owns vacant real property identified as Folio No. 08-2122-011-0990 located on York Street in the proximity of NW 24<sup>th</sup> Avenue in the City of Opa-Locka, ("City") comprised of 7,992 square feet ("property"); and

**WHEREAS**, the City has requested that the County convey the property to the City for the purpose of constructing a public wastewater lift station or pumping station; and

**WHEREAS**, the City has represented to the County that the City's existing pump station, Pump Station 4, is running more than 10 hours per day, does not comply with the nominal average pump operating time requirements, and needs to be replaced; and

**WHEREAS**, the City also has represented that replacing the pump station in its current location presents operational challenges since the system must remain functional during the demolition, that there is not enough space to construct a new lift station adjacent to the existing lift station, and further, that the existing pump station is not optimally located due to its proximity to existing travel lanes; and

**WHEREAS**, accordingly, the City wishes to replace and construct Pump Station 4 on the property; and

**WHEREAS**, further, the County, through Miami-Dade Public Housing and Community Development Department, has pledged \$500,000.00 in Community Development Block Grant funds for the development of the new pump station; and

**WHEREAS**, pursuant to Administrative Order No. 8-4, Miami-Dade Internal Services Department announced the availability of the property to all County departments and determined there was no interest in the property; and

**WHEREAS**, pursuant to Resolution No. 333-15, the market value of the property as set forth in the Property Appraiser's website is \$71,456.00; and

**WHEREAS**, this Board believes that the construction of a public wastewater lift station or pumping station is in the best interest of the County and the City as such a use will serve the City's lower income neighborhoods within the City; and

**WHEREAS**, accordingly, this Board, pursuant to section 125.38, Florida Statutes, desires to authorize the execution of a County deed for the purposes set forth herein; and

**WHEREAS**, if the City fails to develop or cause the development of the property for the purposes stated herein within two years of the recording of the deed, then the property shall revert back to the County, in its sole discretion, upon written notice and the filing of a notice of reverter,

**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 finds that the property is needed by the City for the public purpose set forth herein, is not needed for County purposes, and declares the property surplus.

**Section 3.** Pursuant to section 125.38, Florida Statutes, this Board hereby approves the conveyance of the property to the City for a price of \$10.00 for the purpose of constructing a public wastewater lift station or pumping station.

**Section 4.** Pursuant to section 125.411, Florida Statutes, this Board authorizes the Chairperson or Vice-Chairperson to execute the County deed, in substantially the form attached hereto as Attachment “A” and incorporated herein by reference, subject to the City adopting a resolution accepting the property from the County and executing the acceptance of the County deed.

**Section 5.** This Board further authorizes the County Mayor or County Mayor’s designee to take all actions necessary to effectuate the conveyance of the property, and to exercise all rights set forth in the County deed, other than those reserved to this Board therein, including, but not limited to, exercising the County’s right to enforce its reversionary interest, and to record all documentation necessary in order to exercise such right of reverter.

**Section 6.** This Board directs the County Mayor or County Mayor’s designee to (i) ensure that proper signage is placed on the property identifying the County’s name and the name of the district commissioner; (ii) provide a copy of the recorded County deed to the Miami-Dade County Property Appraiser; and (iii) appoint staff to monitor compliance with the terms of the conveyance.

**Section 7.** This Board directs the County Mayor or County Mayor’s designee, pursuant to Resolution No. R-974-09, to record in the public record the County Deed, and to provide a copy of such recorded instrument to the Clerk of the Board within 30 days of execution and final acceptance. This Board directs the Clerk of the Board, pursuant to Resolution No. R-974-09, to attach and permanently store a recorded copy of any instrument provided in accordance herewith together with this resolution.

The Prime Sponsor of the foregoing resolution is Vice-Chairman Oliver G. Gilbert, III. It was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared this resolution duly passed and adopted this 20<sup>th</sup> day of July, 2021. 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: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.



Debra Herman  
Terrence A. Smith

## ATTACHMENT A

Prepared by and return to:  
Debra Herman  
Terrence A. Smith  
Assistant County Attorney  
Miami-Dade County Attorney's Office  
111 N.W. 1<sup>st</sup> Street, Suite 2810  
Miami-Florida 33128  
  
Folio Number: 08 2122 011 0990

## COUNTY DEED

**THIS DEED**, made this \_\_\_\_ day of \_\_\_\_\_, 2021 by MIAMI-DADE COUNTY, FLORIDA, a political subdivision of the State of Florida (the "County"), whose address is Stephen P. Clark Center, 111 NW 1 Street, Miami, Florida 33128-1963, and City of Opa-Locka, (the "City") whose address is 780 Fisherman Street, 4th Floor Opa-Locka, Florida 33054.

**WITNESSETH** that the County, for and in consideration of the sum of Ten Dollars and No/100 (\$10.00) to it in hand paid by the City, receipt of which is hereby acknowledged, has granted, bargained, and sold to the City, its successors and assigns forever, the following described land lying and being in Miami-Dade County, Florida:

Parcel 02-13-03 -- Folio 08-2122-011-0990

Lot 25, In Block 152-A, of COMMUNITY GARDENS, according to the Plat thereof, as recorded in Plat Book 31, at Page 5, of the Public Records of Dade County, Florida.

Subject to conditions, restrictions, reservations, easements and limitations of record, if any.

(the "property") subject to the following restriction:

This conveyance is subject to the property being used for the public purpose of the construction and maintenance of a public pump station or public wastewater lift station (the "improvements") in accordance with section 125.38, Florida Statutes, which must be completed no later than two (2) years from the date of recordation of this Deed. If in the sole discretion of the County, the City fails to construct the improvements with such time period specified herein, fails to use the property as a public pump station or public wastewater lift station, discontinues such use, or fails to comply with any term herein, the County may provide written notice to the City of the default. If the City fails to correct the default within sixty (60) days of such notification, as determined in the sole discretion of the County, title to the subject properties shall revert to the County, at the sole option of the County, upon written notice of such failure to remedy the default. Failure of

the County to provide such notice upon default shall not be deemed to be a waiver of right to exercise same at any time in the future. In the event of such reverter, the City shall immediately deed the property back to the County, and the County shall have the right to immediate possession of the property, with any and all improvements thereon, at no cost to the County. The effectiveness of such reverter shall take place immediately upon notice being provided by the County, regardless of the deed back to the County by the City. The County retains such reversionary interest in the property, which right may be exercised by the County, at the option of the County, in accordance with this Deed. Upon such reversion, the County may file a Notice of Reversion or similar instrument evidencing same in the public records of Miami-Dade County.

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.

Deed as of the day and year first above written.

Signed, sealed and delivered in the presence of:

ATTEST:

HARVEY RUVIN, CLERK  
Clerk of the Board

MIAMI-DADE COUNTY  
A political subdivision  
of the State of Florida

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

By: \_\_\_\_\_  
Chairman or Vice-Chairman

Approved for legal sufficiency:

By: \_\_\_\_\_  
Assistant County Attorney

The foregoing instrument was authorized by Resolution No. R-\_\_\_\_\_ approved by the Board of County Commissioners of Miami-Dade County, Florida on the \_\_\_\_ day of \_\_\_\_\_, 2021.



Approved and accepted by Resolution No. \_\_\_\_\_ approved by the City Commission of the City of Opa-Locka, Florida on the \_\_\_\_ day of \_\_\_\_\_, 2021.