

MEMORANDUM

Agenda Item No. 11(A)(1)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: December 12, 2023

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution designating the County Park located at 8951 NW 58th Street and the County property located at 8795 NW 58th Street as areas or facilities 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 Park and undeveloped property shall not be annexed into an existing municipality or incorporated as part of a new municipality

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Juan Carlos Bermudez.


Geri Bonzon-Keenan
County Attorney

GBK/gh

MDC001



MEMORANDUM
(Revised)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: December 12, 2023

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 11(A)(1)

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)(1)
12-12-23

RESOLUTION NO. _____

RESOLUTION DESIGNATING THE COUNTY PARK LOCATED AT 8951 NW 58TH STREET AND THE COUNTY PROPERTY LOCATED AT 8795 NW 58TH STREET AS AREAS OR FACILITIES 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 PARK AND UNDEVELOPED PROPERTY SHALL NOT BE ANNEXED INTO AN EXISTING MUNICIPALITY OR INCORPORATED AS PART OF A NEW MUNICIPALITY

WHEREAS, the County owns property located at 8951 NW 58TH Street (currently identified as Folio No. 30-3016-000-0012) (the “Park”) in unincorporated Miami-Dade County; and

WHEREAS, the Parks, Recreation and Open Spaces Department is seeking to develop the approximately 47 acres for use as a regional soccer park; and

WHEREAS, the County also owns property located at 8795 NW 58th Street (the “Adjacent Property”) (currently identified as Folio No. 30-3016-000-0010) in unincorporated Miami-Dade County that is currently maintained by the Department of Solid Waste Management; and

WHEREAS, the Adjacent Property is the site of a former landfill; and

WHEREAS, there are many beautiful parks throughout the United States that have been built on former landfill sites; and

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 Park and Adjacent Property are shown on the map attached as Exhibit A; and

WHEREAS, the Park is of importance to the County because there are currently plans to develop the park for use as an area-wide park for the use and enjoyment of all residents of Miami-Dade County; and

WHEREAS, the Adjacent Property is of importance to the County because of its close proximity to the Park and the possibility of developing the Adjacent Property into additional park land; and

WHEREAS, in order to help carry out the County's vision for the Park as a legacy project with the goal of transforming the area and providing significant benefits for generations to come; this Board wishes to retain all of its regulatory powers over this area so that the Board maintains its current authority to address any and all impacts or issues concerning the Park and the Adjacent Property; and

WHEREAS, the Board finds that the Park and Adjacent Property meet the criteria in sections 20.8.6 and 20-28.1 and that these properties are susceptible to substantial change and development that will detrimentally affect the Park and Adjacent Property; 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 designating the Park and Adjacent Property to be areas of Countywide significance that shall remain under County regulatory control, it is the policy of this Board that the Park and Adjacent Property, because of their Countywide significance, the Park and Adjacent Property 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 Park located at 8951 NW 58th Street (currently identified as Folio No. 30-3016-000-0012) and the Adjacent Property located at 8795 NW 58th Street (currently identified as Folio No. 30-3016-000-0010), both as shown on Exhibit A, are hereby designated as “Areas or Facilities of Countywide Significance.” In addition, it is the policy of this Board that the Park and Adjacent Property 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 Juan Carlos Bermudez. 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:

Oliver G. Gilbert, III, Chairman	
Anthony Rodríguez, Vice Chairman	
Marleine Bastien	Juan Carlos Bermudez
Kevin Marino Cabrera	Sen. René García
Roberto J. Gonzalez	Keon Hardemon
Danielle Cohen Higgins	Eileen Higgins
Kionne L. McGhee	Raquel A. Regalado
Micky Steinberg	

The Chairperson thereupon declared this resolution duly passed and adopted this 12th day of December, 2023. 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

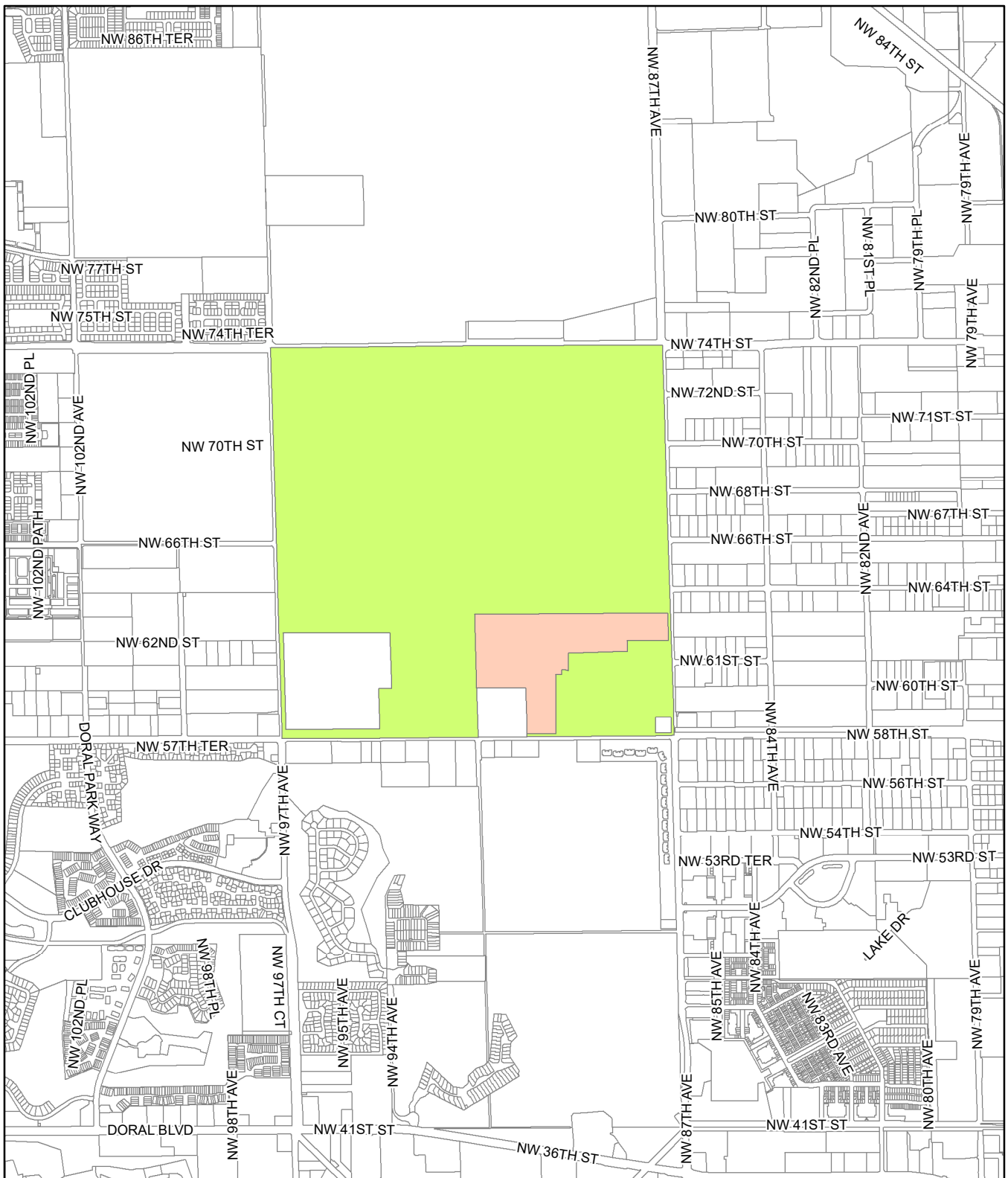
JUAN FERNANDEZ-BARQUIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



MJS

Melanie J. Spencer



Legend

Folio

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-  303016000012