

MEMORANDUM

Amended
Agenda Item No. 11(A)(19)

TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

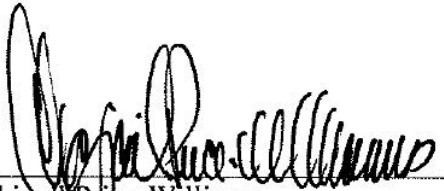
DATE: July 8, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution directing the County Mayor to take all actions necessary to effectuate the purchase of property known as Lincoln Memorial Park Cemetery, located at 3001 N.W. 46th Street in Brownsville, Miami-Dade County, folio nos. 30-3121-005-0010 and 30-3121-010-0010, for the purpose of preserving and maintaining this historic cemetery that is currently in a state of disrepair, including but not limited to performing all necessary due diligence, to identify a legally available funding source, to negotiate and finalize a purchase and sale agreement, and to place a resolution seeking Board approval of same, or alternatively, a status report, directly on this Board's agenda without committee review pursuant to Ordinance No. 14-65

Resolution No. R-682-20

The accompanying resolution was prepared and placed on the agenda at the request of Co-Prime Sponsors Chairwoman Audrey M. Edmonson and Commissioner Dennis C. Moss, and Co-Sponsors Commissioner Daniella Levine Cava, Commissioner Barbara J. Jordan, Commissioner Jean Monestime and Commissioner Xavier L. Suarez.


Abigail Price-Williams
County Attorney

APW/smm



MEMORANDUM

(Revised)

TO: Honorable Chairwoman Audrey M. Edmonson
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Abigail Price-Williams
County Attorney

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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 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 _____	Amended Agenda Item No. 11(A)(19)
Veto _____		7-8-20
Override _____		

RESOLUTION NO. R-682-20

RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR’S DESIGNEE TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE THE PURCHASE OF PROPERTY KNOWN AS LINCOLN MEMORIAL PARK CEMETERY, LOCATED AT 3001 N.W. 46TH STREET IN BROWNSVILLE, MIAMI-DADE COUNTY, FOLIO NOS. 30-3121-005-0010 AND 30-3121-010-0010, FOR THE PURPOSE OF PRESERVING AND MAINTAINING THIS HISTORIC CEMETERY THAT IS CURRENTLY IN A STATE OF DISREPAIR, INCLUDING BUT NOT LIMITED TO PERFORMING ALL NECESSARY DUE DILIGENCE, TO IDENTIFY A LEGALLY AVAILABLE FUNDING SOURCE, TO NEGOTIATE AND FINALIZE A PURCHASE AND SALE AGREEMENT, AND TO PLACE A RESOLUTION SEEKING BOARD APPROVAL OF SAME, OR ALTERNATIVELY, A STATUS REPORT, DIRECTLY ON THIS BOARD’S AGENDA WITHOUT COMMITTEE REVIEW PURSUANT TO ORDINANCE NO. 14-65

WHEREAS, Lincoln Memorial Park Cemetery (“Lincoln Memorial Park”), a 20-acre site located at 3001 N.W. 46th Street, in Brownsville, folio numbers 30-3121-005-0010 and 30-3121-010-0010 (“the property”), is one of the oldest black cemeteries in Miami-Dade County, with ledgers indicating burials dating back to the early 1900s; and

WHEREAS, in 1937, Lincoln Memorial Park was purchased by Kelsey Pharr, a renowned black civic leader and businessman and Miami-Dade County’s first licensed black embalmer and funeral director; and

WHEREAS, Lincoln Memorial Park is the resting place of thousands of people, including many black pioneers and trailblazers who have shaped the landscape of Miami, such as Gwen Cherry, H.E.S. Reeves, Dr. William Sawyer, D.A. Dorsey, as well as 200 veterans who served honorably from the Civil War to the first Gulf War; and

WHEREAS, Lincoln Memorial Park was designated as a historic site by the County's Historic Preservation Board in 1991 and is listed on the National Register of Historic Places; and

WHEREAS, after Kelsey Pharr's death, Lincoln Memorial Park has been transferred to two subsequent owners, and unfortunately, due to inadequate maintenance and upkeep, the property has fallen into disrepair over the years; and

WHEREAS, notwithstanding steps taken in past years by the County and others to facilitate and assist in the cleanup of Lincoln Memorial Park, the Property continues to experience problems as a result of continued lack of adequate maintenance, including desecration of graves, invasive plant overgrowth, and accumulation of trash, often making it difficult, if not impossible, for family members to access the burial sites of their loved ones and ancestors; and

WHEREAS, the County has filed liens against the property arising from non-compliance with the County Code, and additionally has filed a court action against the owner of the Property to enforce Code compliance ("the County's lawsuit"); and

WHEREAS, while multiple court orders have compelled the current property owner to maintain the property, it nevertheless remains in a state of disrepair; and

WHEREAS, after a judgment is obtained by the County in the County's lawsuit, the property may potentially be sold at a public auction, the timing of which would be initiated by the County; and

WHEREAS, it is in the best interests of the County to acquire ownership rights to Lincoln Memorial Park either by a willing buyer-willing seller conveyance from the current owner, or, if unsuccessful, by purchasing the property at a public auction; and

WHEREAS, the Miami City Cemetery provides an example of a historic cemetery dating back to 1897, owned and maintained by the City of Miami, and allowing visitors to access and appreciate pioneer families in Miami, and including graves of local black leaders such as Rev. Theodore Gibson and Judge L.E. Thomas, in a park like setting open to the public; and

WHEREAS, by acquiring the property, the County will be able to restore, preserve, and properly maintain this historic gem and ensure that those buried there are afforded dignity in their final resting place; and

WHEREAS, County acquisition of Lincoln Memorial Park will allow family members of the pioneers buried there to visit them in a setting that affords proper dignity and grace, and will provide the public with access to learn about, and pay their respects to, those who form a vital part of the County's rich history; and

WHEREAS, accordingly, this Board wishes to authorize the County Mayor or County Mayor's designee to take all necessary actions to acquire the property so as to ensure that Lincoln Memorial Park will be properly cared for and maintained for posterity,

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

Section 1. This Board incorporates and approves the foregoing recitals as if fully set forth herein.

Section 2. This Board directs the County Mayor or County Mayor's designee to take all steps necessary to effectuate the purchase of the property, including (i) performing all necessary due diligence in accordance with County Administrative Order No. 8-1, (ii) identifying legally available funding sources, (iii) negotiating and finalizing a purchase and sale agreement with the current owner, and (iv) placing a resolution, including the proposed purchase and sale agreement,

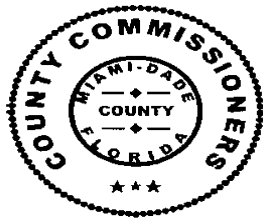
directly on the first available full Board agenda for consideration by this Board without the necessity of committee review. Such agreement may consider and include an offset or settlement of liens and any judgments held by the County.

Section 3. No later than the earlier of the first available full Board meeting subsequent to August 1, 2020, or upon determination by the County Mayor or County Mayor's designee that no funding source is available, legal impediments exist, or that negotiations are at an impasse, this Board further directs the County Mayor or County Mayor's designee to submit a status report to the Board, and to place such report directly on an agenda of this Board pursuant to Ordinance No. 14-65 without the necessity of committee review. Such report shall, at a minimum, (i) identify any legal obstacles to the conveyance, (ii) identify whether legally available funding sources were identified, (iii) describe the status of the negotiations and any issues which have arisen; and (iv) provide recommendations for further action, including but not limited to a proposal for County participation in any public sale or auction of the Property arising from the County's lawsuit.

The Co-Prime Sponsors of the foregoing resolution are Chairwoman Audrey M. Edmonson and Commissioner Dennis C. Moss, and the Co-Sponsors are Commissioner Daniella Levine Cava, Commissioner Barbara J. Jordan, Commissioner Jean Monestime and Commissioner Xavier L. Suarez. It was offered by Commissioner **Audrey M. Edmonson**, who moved its adoption. The motion was seconded by Commissioner **Dennis C. Moss** and upon being put to a vote, the vote was as follows:

Audrey M. Edmonson, Chairwoman	aye
Rebeca Sosa, Vice Chairwoman	aye
Esteban L. Bovo, Jr.	
Jose "Pepe" Diaz	aye
Eileen Higgins	aye
Joe A. Martinez	aye
Dennis C. Moss	aye
Xavier L. Suarez	aye
Daniella Levine Cava	aye
Sally A. Heyman	aye
Barbara J. Jordan	aye
Jean Monestime	aye
Sen. Javier D. Souto	aye

The Chairperson thereupon declared this resolution duly passed and adopted this 8th day of July, 2020. 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: Melissa Adames
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

A handwritten signature in black ink, appearing to be "DS", is written over a horizontal line.

Debra Herman
David Sherman
James Eddie Kirtley