

MEMORANDUM

Agenda Item No. 8(F)(15)

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

DATE: October 5, 2021

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution declaring as surplus County-owned property known as Solano Prado Park containing 13,508 square feet of land located south of 275 Solano Prado, Coral Gables, Florida (Folio No. 03-5105-008-0290); authorizing conveyance to the City of Coral Gables pursuant to section 125.38, Florida Statutes, for the purposes of improving and maintaining it as a neighborhood park; authorizing the Chairperson or Vice-Chairperson of the Board to execute a County Deed, and authorizing the County Mayor to take all actions necessary to effectuate such conveyance and to enforce the provisions set forth in the County Deed

Resolution No. R-900-21

The accompanying resolution was prepared by the Internal Services Department and placed on the agenda at the request of Prime Sponsor Commissioner Raquel A. Regalado.



Geri Bonzon-Keenan
County Attorney

GBK/jp

Memorandum



Date: October 5, 2021

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

From: Daniella Levine Cava
Mayor

A handwritten signature in blue ink that reads "Daniella Levine Cava".

Subject: Resolution Declaring as Surplus and Authorizing the Conveyance of a County-owned Open Space Parcel Located in the Right-of-Way Located South of 275 Solano Prado, Coral Gables, Florida
Folio No.: 03-5105-008-0290

Recommendation

It is recommended that the Board of County Commissioners (Board) approve the resolution declaring as surplus County-owned open space property located in the right-of-way along the Solano Prado roadway and authorizing conveyance to the City of Coral Gables for the purposes of improving and maintaining it as a local mini park.

- The Parks, Recreation and Open Spaces Department is seeking to convey Solano Prado Park for the perpetual public park use.
- The 0.31-acre open space property is located within the road right-of-way and serves as a landscape median within the roadway.
- This parcel remaining on the County property inventory while all other local open space parcels were conveyed to the City of Coral Gables at the time of incorporation.
- This parcel is maintained by the City of Coral Gables and they have requested transfer of the open space area for the installation of recreational improvements for local use.
- Per Policy ROS-1 of the Recreation and Open Space Element (ROSE) of the Miami-Dade County Comprehensive Development Master Plan, the County does not maintain local open space within municipal areas.
- This property went through the County's surplus process.

More specifically, the resolution does the following:

- Declares as surplus the open space parcel (Folio No.: 03-5105-008-0290) containing 13,508 square feet of land located south of 275 Solano Prado, Coral Gables, Florida (Property);
- Authorizes the conveyance of the Property to the City of Coral Gables (City) for a nominal consideration of \$10.00 for the purposes of improving and maintaining it as a local mini park in accordance with Section 125.38, Florida Statutes; and
- Authorizes the Chairperson or Vice Chairperson of the Board to execute a County Deed (Attachment 1 to the Resolution) and to take all actions necessary to enforce the provisions set forth in the County Deed.
- The County Deed contains a restriction stating that the Property is to be used as a public park in perpetuity by the City and if the public use shall be discontinued, then the Property shall revert to the County, at its option.

Scope

The Property is located in Commission District 7, which is represented by Commissioner Raquel A. Regalado.

Fiscal Impact/Funding Source

There is no fiscal impact associated with the conveyance of the Property. The City of Coral Gables will pay a nominal sum of \$10.00 for the Property and will be responsible for improving and maintaining it as a park.

Track Record/Monitoring

Jessica Gutierrez of the Internal Services Department and Alissa Turtleaub of the Parks, Recreation and Open Spaces Department will manage the conveyance of this Property.

Delegation of Authority

Authorizes the Chairperson or Vice Chairperson of the Board to execute a County Deed and authorizes the County Mayor or the County Mayor's designee to take all actions necessary to enforce the provisions set forth in the County Deed, including but not limited to exercising the County's reversionary interest.

Background

The Parks, Recreation and Open Spaces Department is seeking to convey the open space parcel located within the Solano Prado road right-of-way to the City of Coral Gables. The parcel was dedicated via plat for the perpetual use by the public and is currently a landscaped open space within road right-of-way within the City of Coral Gables. While the County has owned the Property since 1967, the open space parcel is currently maintained by the City. The City has requested conveyance of the Property to the City so that it can be improved and maintained as a local mini park. On June 9, 2020, the City adopted Resolution No. R-2020-125 accepting the transfer of ownership of the Property. Pursuant to Section 125.38, Florida Statutes, the Board can convey property to a municipality when it has been determined by the County that it is not needed for County purposes and will be utilized for public or community interest and welfare.

In accordance with Objective ROS-1 of the Recreation and Open Space Element (ROSE) of the Miami-Dade County Comprehensive Development Master Plan, the County provides local park service to unincorporated areas of Miami-Dade County. Per Policy ROS-1D(vi) of the ROSE, "At its discretion, the County can divest itself of mini-parks, neighborhood parks, single-purpose parks and community parks by transferring title to a municipality, subject to the applicable provisions of Article 7 of the Home Rule Charter and the conditions listed in Paragraph v., above." This parcel is remaining on the County property inventory while other local open space parcels were conveyed to the City of Coral Gables at the time of incorporation.

The County Deed contains a restriction stating that the Property is to be used as a public park in perpetuity by the City and if the public use shall be discontinued, the Property shall revert to the County, at its option. In compliance with Resolution No. R-333-15 requiring disclosure of market value when conveying County-owned property, the Property was appraised in June 2019 and valued at \$540,000.



Edward Marquez
Chief Financial Officer



MEMORANDUM

(Revised)

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

DATE: October 5, 2021

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 8(F)(15)

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. 8(F)(15)
10-5-21

RESOLUTION NO. _____ R-900-21

RESOLUTION DECLARING AS SURPLUS COUNTY-OWNED PROPERTY KNOWN AS SOLANO PRADO PARK CONTAINING 13,508 SQUARE FEET OF LAND LOCATED SOUTH OF 275 SOLANO PRADO, CORAL GABLES, FLORIDA (FOLIO NO. 03-5105-008-0290); AUTHORIZING CONVEYANCE TO THE CITY OF CORAL GABLES PURSUANT TO SECTION 125.38, FLORIDA STATUTES, FOR THE PURPOSES OF IMPROVING AND MAINTAINING IT AS A NEIGHBORHOOD PARK; AUTHORIZING THE CHAIRPERSON OR VICE-CHAIRPERSON OF THE BOARD TO EXECUTE A COUNTY DEED, AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE SUCH CONVEYANCE AND TO ENFORCE THE PROVISIONS SET FORTH IN THE COUNTY DEED

WHEREAS, the Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference; and

WHEREAS, Solano Prado Park, containing 13,508 square feet of land located south of 275 Solano Prado, Coral Gables, FL with Folio No. 03-5105-008-0290 (the "Property") was dedicated to the perpetual use of the public for proper purposes pursuant to the plat entitled Old Cutler Bay Section 4, as recorded in Plat Book 82, at Page 34, of the Public Records of Miami-Dade County, Florida; and

WHEREAS, on April 25, 1967, the City of Coral Gables (the "City") accepted the Old Cutler Bay Section 4 plat pursuant to Ordinance No. 1597; and

WHEREAS, on May 16, 1967, Miami-Dade County (the "County") also accepted the plat pursuant to Resolution R-589-67; and

WHEREAS, notwithstanding that the Property was located within the incorporated area of the City of Coral Gables when it was platted and dedicated for the perpetual use of the public, the County became the owner of record; and

WHEREAS, it is the desire of the County to transfer ownership of Solano Prado Park to the City of Coral Gables to improve it and maintain it as a neighborhood park; and

WHEREAS, the City of Coral Gables on June 9, 2020, passed and adopted Resolution R-2020-125 accepting the transfer of the Property to the City of Coral Gables to improve and maintain it as a neighborhood park in perpetuity; and

WHEREAS, Alissa Turtletaub from the Parks, Recreation and Open Spaces Department shall be responsible for the ongoing monitoring of the Property for compliance with the deed restrictions as related to the Property being utilized for only park purposes; and

WHEREAS, the Board finds that the Property is not needed for County purposes and its conveyance to the City of Coral Gables is in the best interest of the public,

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

Section 1. That the foregoing recitals are incorporated in this resolution and are approved.

Section 2. This Board declares the Property as surplus, and authorizes the conveyance of the Solano Prado Park to the City of Coral Gables by County Deed in substantially the form attached hereto and made a part hereof as Attachment 1 for nominal consideration of \$10.00, pursuant to Section 125.38, Florida Statutes, subject to the deed restriction stating that the property shall be used by the City as a public park in perpetuity.

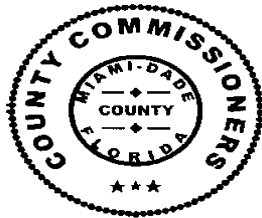
Section 3. This Board authorizes the Chairperson or Vice-Chairperson of the Board to execute the County Deed, and authorizes the County Mayor or the County Mayor's designee to exercise all rights, including the right to exercise the reverter provision, set forth in the County Deed, and to take all actions necessary to effectuate this conveyance.

Section 4. Pursuant to Resolution No. R-974-09, this Board: (a) directs the County Mayor or the County Mayor’s designee to record the instrument of conveyance containing the referenced restriction on the use of the property, with the reservation of the County’s rights in the event such restriction is not observed, in the Public Records of Miami-Dade County and to provide a recorded copy of the instrument to the Clerk of the Board within thirty (30) days of execution of said instrument; and (b) directs the Clerk of the Board to attach and permanently store a recorded copy of the instrument together with the resolution.

The foregoing resolution was offered by Commissioner **Raquel A. Regalado** , who moved its adoption. The motion was seconded by Commissioner **Joe A. Martinez** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared this resolution duly passed and adopted this 5th day of October, 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

Melissa Adames

By: _____
Deputy Clerk

Approved by County Attorney
as to form and legal sufficiency.

Melanie J. Spencer

ATTACHMENT 1

Instrument prepared by:
Jessica Gutierrez
Miami-Dade County Internal Services Department
Real Estate Development Division
111 N.W. 1 Street, Suite 2460
Miami, Florida 33128-1907

Folio No.: 03-5105-008-0290

COUNTY DEED

THIS COUNTY DEED, made this day of , 20____ by **MIAMI-DADE COUNTY, a political subdivision of the State of Florida** (hereinafter "County"), whose address is: Stephen P. Clark Center, 111 N.W. 1 Street, Suite 17-202, Miami, Florida 33128-1963, and the **CITY OF CORAL GABLES, a body politic** (hereinafter "City"), whose address is 405 Biltmore Way, Coral Gables, Florida 33134.

WITNESSETH: That the County, for and in consideration of the sum of Ten Dollars (\$10.00) to it in hand paid by the City, receipt whereof is hereby acknowledged, has granted, bargained and sold to the City, its successors and assigns forever, the following legally described land lying and being in Miami-Dade County, Florida (hereinafter the "Property"):

PARK, OLD CUTLER BAY SECTION 4, according to the Plat thereof, as recorded in Plat Book 82, at Page 34, of the Public Records of Miami-Dade County, Florida.

THIS CONVEYANCE IS SUBJECT TO all zoning, rules, regulations and ordinances and other prohibitions imposed by any governmental authority with jurisdiction over the Property; existing public purpose utility and government easements and rights of way and other matters of record; taxes for the year of closing and subsequent years and the following restrictions:

The conveyance of the Property to the City is subject to the following restrictions, limitations and provisions. The Property shall be utilized as a public park, open to all residents of Miami-Dade County, in perpetuity. The County hereby reserves unto itself a reverter in the Property, to ensure the permitted use of the Property. If, in the sole discretion of the County, the Property ceases to be used solely for the purpose set forth herein by the City, title to the Property shall revert to the County, at the sole option of the County, upon written notice of such failure to utilize the Property

as a public park, open to all residents of Miami-Dade County. The reverter shall immediately become effective upon the date a written notice from the County to the City, is received by the City (the "Effective Reverter Date"). The County, at its sole option, shall have the right to immediate possession of the Property, with any and all improvements thereon, at no cost to the County, on the Effective Reverter Date, and the County may file a Notice of Reverter. In the event the County exercises the reverter, the City, upon written request from the County, shall immediately provide the County with a deed of conveyance of the Property, with any and all rights, back to the County. However, failure of the City to provide such deed of conveyance shall not impact the County's reverter, which shall become effective immediately upon the County providing the written notice to the City.

This grant conveys only the interest of Miami-Dade 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.

IN WITNESS WHEREOF, the said party of the County has caused these presents to be executed in its name by its Board of County Commissioners, acting by the Chairperson or Vice Chairperson of said Board, the day and year aforesaid.

(OFFICIAL SEAL)

ATTEST:

HARVEY RUVIN, CLERK

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

By: _____
Deputy Clerk

By: _____
Jose "Pepe" Diaz, Chairman

Approved for legal sufficiency:

Assistant County Attorney

The foregoing was authorized by Resolution No. R-_____ approved by the Board of County Commissioners of Miami-Dade County, Florida, on the ____ day of _____, 20____.