

MEMORANDUM

Agenda Item No. 8(N)(2)

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

DATE: October 18, 2022

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution approving a covenant for maintenance of improvements within Miami-Dade County right-of-way between the City of North Miami Beach and Miami-Dade County for the installation of patterned crosswalks along Harriet Tubman Highway from NE 164 Street to NE 173 Street; and authorizing the County Mayor to execute the same and exercise the provisions contained therein

Resolution No. R-1005-22

The accompanying resolution was prepared by the Transportation and Public Works Department and placed on the agenda at the request of Prime Sponsor Commissioner Jean Monestime.



Geri Bonzon-Keenan
County Attorney

GBK/ks

Memorandum



Date: October 18, 2022

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

From: Daniella Levine Cava
Mayor 

Subject: Resolution Approving Covenant for Maintenance between Miami-Dade County and the City of North Miami Beach for Certain Improvements within Miami-Dade County Right-of-Way

Executive Summary

The purpose of this item is to approve a resolution authorizing the execution of a Covenant for Maintenance between Miami-Dade County and the City of North Miami Beach for certain improvements within Miami-Dade County right-of-way. The City of North Miami Beach requested for the installation of patterned crosswalks via the Department of Transportation and Public Works (DTPW) project along Harriet Tubman Highway. The improvements requested by the City of North Miami Beach are estimated to cost \$113,526.00 and will be funded solely by the City of North Miami Beach and built by the County under project 20140020 – Harriet Tubman Highway from NE 164 Street to NE 173 Street in RIF District Three. The City of North Miami Beach will provide maintenance operations upon completion of the Project.

Recommendation

It is recommended that the Board of County Commissioners approve the attached resolution authorizing the execution of a Covenant for Maintenance between Miami-Dade County and the City of North Miami Beach for certain improvements within Miami-Dade County Right-of-Way.

Delegated Authority

In accordance with Section 2-8.3 of the Miami-Dade Code related to identifying delegation of Board authority, there are no authorities beyond that specified in the resolution which includes authority for the Mayor and Mayor’s designee to execute the agreement and receive and expend these and any additional funds should they become available.

Scope

The impact of this item is project-specific in nature and limited to the project location. The Project is located within District 2, which is represented by Commissioner Jean Monestime, and District 4, which is represented by Commissioner Sally A. Heyman.

Fiscal Impact/Funding Source

There is no fiscal impact to the County for this Project. The improvements requested by the City of North Miami Beach are estimated to cost \$113,526.00 and will be funded solely by the City of North Miami Beach and built by the County under project 20140020 – Harriet Tubman Highway from NE 164 Street to NE 173 Street in RIF District Three. The City of North Miami

Honorable Chairman Jose “Pepe” Diaz
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Beach will provide maintenance operations upon completion of the Project within the County’s right-of-way.

Track Record/Monitor

The Project will be assigned to Rene Idarraga, P.E., Chief, Construction Division, DTPW, who will be responsible for monitoring this Project for the County.

Background

The City of North Miami Beach requested for the installation of patterned crosswalks via the DTPW project along Harriet Tubman Highway from NE 164 ST to NE 173 ST. A patterned crosswalk is not a standard item maintained by the County. Thus, via this covenant, the City of North Miami Beach agrees to fund, operate, and maintain such improvement.



Jimmy Morales
Chief Operations Officer



MEMORANDUM

(Revised)

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

DATE: October 18, 2022

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 8(N)(2)

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 _____

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10-18-22

RESOLUTION NO. _____ R-1005-22

RESOLUTION APPROVING A COVENANT FOR MAINTENANCE OF IMPROVEMENTS WITHIN MIAMI-DADE COUNTY RIGHT-OF-WAY BETWEEN THE CITY OF NORTH MIAMI BEACH AND MIAMI-DADE COUNTY FOR THE INSTALLATION OF PATTERNED CROSSWALKS ALONG HARRIET TUBMAN HIGHWAY FROM NE 164 STREET TO NE 173 STREET; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE SAME AND EXERCISE THE PROVISIONS CONTAINED THEREIN

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

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board approves the covenant for maintenance between Miami-Dade County and the City of North Miami Beach for the special improvements along Harriet Tubman Highway from NE 164 Street to NE 173 Street, in substantially the form attached hereto and made a part hereof; and authorizes the County Mayor or County Mayor's designee to execute same for and on behalf of Miami-Dade County and to exercise the provisions contained therein.

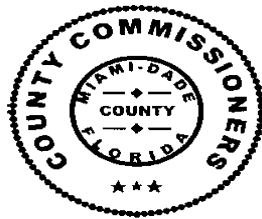
The foregoing resolution was offered by Commissioner **Rebeca Sosa**, who moved its adoption. The motion was seconded by Commissioner **Oliver G. Gilbert, III** and upon being put to a vote, the vote was as follows:

	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	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 18th day of October, 2022. 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: Basia Pruna
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Bruce Libhaber

**COVENANT FOR MAINTENANCE OF CERTAIN IMPROVEMENTS WITHIN
MIAMI-DADE COUNTY RIGHT-OF-WAY BETWEEN THE CITY OF NORTH MIAMI BEACH
AND MIAMI-DADE COUNTY**

WHEREAS, the City of North Miami Beach requests the installation of patterned crosswalks; a special feature, via the Miami Dade County Department of Transportation and Public Work (DTPW) roadway widening project along Harriet Tubman Hwy from NE 164 ST to NE 173 ST within the public road right-of-way (the "Improvements"); and

WHEREAS, the City of North Miami Beach and Miami-Dade County are mutually desirous of providing assurances for the future continued maintenance, repair and replacement of the Improvements; and

WHEREAS, the City of North Miami Beach shall be solely responsible for the funding, operation and maintenance of the Improvements.

NOW, THEREFORE, in consideration of the covenants herein provided, the City of North Miami Beach agrees as follows:

1. The improvements to be installed as part of the Miami Dade County DTPW roadway widening project along Harriet Tubman Hwy and fully funded by the City of North Miami Beach.
2. To maintain repair and replace, when necessary, the Improvements. If it becomes necessary for Miami-Dade County to make repairs, maintain or replace the Improvements including restoration of street, by reason of the City of North Miami Beach's failure to do so, such expense shall be paid by the City of North Miami Beach.
3. To the extent allowed by Florida Statute 786.28, the City of North Miami Beach does hereby agree to indemnify and hold Miami-Dade County harmless from any and all liability for personal injury/property damage that may arise by virtue of the City of North Miami Beach's own negligence which may come from Miami-Dade County permitting the installation of the Improvements within the public right-of-way, or from the City of North Miami Beach's negligent failure to maintain or operate the Improvements.
4. The City of North Miami Beach does hereby agree to remove or relocate the Improvements at the City of North Miami Beach's own expense, within 60 days' notice by the County to do so. Failure to comply with this notice will result in Miami-Dade County causing the Improvements to be removed and all costs incurred in the removal and disposal of the Improvements shall be assessed against the City of North Miami Beach.
5. The undersigned further agrees that these conditions shall be deemed a Covenant between the City of North Miami Beach and Miami-Dade County and shall remain in full force and effect and be binding on the City of North Miami Beach until such time as this

Notary Public, State of _____

My Commission expires: _____