

Memorandum



Date: November 15, 2022

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

Agenda Item No. 8(H)(1)

From: Daniella Levine Cava
Mayor

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

Resolution No. R-1100-22

Subject: Resolution Approving Execution of a License Agreement between Miami-Dade County and the State of Florida Department of Transportation for Improvement and Harmonization at the Northern Boundary of SW 8th Street Right-of-Way and Ludlam Trail, on a Portion of Folio 30-4002-000-0111

Executive Summary

The purpose of this item is to gain authorization by the Board of County Commissioners (Board) to approve the attached resolution authorizing execution of a license agreement with the State of Florida Department of Transportation (FDOT) to allow for improvement and harmonization at the northern boundary of SW 8th Street right-of-way and Ludlam Trail. The location of the work is within the southern boundary of Folio No. 30-4002-000-0111, a portion of the Ludlam Trail, owned by the County and managed by the Miami-Dade County Parks, Recreation and Open Spaces (PROS) Department.

Recommendation

It is recommended that the Board approve the attached resolution authorizing execution of a license agreement with FDOT to allow for improvement and harmonization between the SW 8th Street right-of-way and the adjacent Ludlam Trail, attached herein as Exhibit A.

Delegated Authority

The County Mayor or County Mayor’s designee shall have the authority to execute the license agreement and exercise all rights therein including termination.

Scope

The subject property is located within a portion of Folio 30-4002-000-0111, owned by Miami-Dade County and managed by PROS. The site is located on the north side of SW 8th Street, between SW 69th Avenue and SW 70th Avenue, within the Ludlam Trail. This property is located in County Commission District 6, which is represented by Rebeca Sosa.

Fiscal Impact/Funding Source

There is no fiscal impact to the County with respect to the approval and execution of the license agreement with FDOT.

Track Record/Monitor

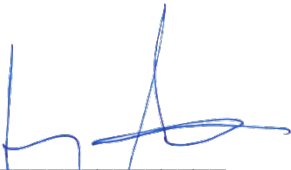
Alissa Turteltaub, Park Planning Section Supervisor at PROS will track and monitor these agreements and will monitor the agreement.

Background

The agreement is in support of FDOT’s Resurfacing, Restoration and Rehabilitation (RRR) project on SW 8th Street. The License Agreement authorizes FDOT to perform work including harmonization of sod adjacent to concrete sidewalk on the north side of the SW 8th Street right-of-way, and for sloping, harmonization, grading, tying in, and reconnecting existing features of the subject property. The term of this license agreement shall commence as of December 20, 2022 and continue until completion of the Licensee’s project but shall terminate no later than December 5, 2023.

The soils throughout the Ludlam Trail including the subject property are a former railroad corridor and have documented contamination. Any action by FDOT must be in accordance with all applicable regulations.

Attachments



Jimmy Morales
Chief Operations Officer



MEMORANDUM

(Revised)

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

DATE: November 15, 2022

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 8(H)(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. 8(H)(1)
11-15-22

RESOLUTION NO. R-1100-22

RESOLUTION APPROVING EXECUTION OF A LICENSE AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION FOR IMPROVEMENT AND HARMONIZATION AT THE NORTHERN BOUNDARY OF SW 8TH STREET RIGHT-OF-WAY AND LUDLAM TRAIL, ON A PORTION OF FOLIO 30-4002-000-0111 AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL RIGHTS CONTAINED THEREIN INCLUDING TERMINATION

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:

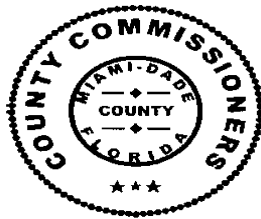
Section 1. Incorporates and approves the foregoing recital as if fully set forth herein.

Section 2. Approves and authorizes the County Mayor or County Mayor's designee to, in substantially the form attached hereto as Exhibit A, execute the license agreement between the County and Florida Department of Transportation (FDOT) authorizing FDOT to perform improvements and harmonization work between the SW 8th Street right-of way and the County-owned portion of Folio 30-4002-000-0111, a portion of the Ludlam Trail as part of FDOT's Resurfacing, Restoration and Rehabilitation (RRR) project at this site and authorizes the County Mayor or County Mayor's designee to exercise all rights contained therein including termination.

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	absent

The Chairperson thereupon declared this resolution duly passed and adopted this 15th day of November, 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.

mjs

Melanie J. Spencer

EXHIBIT A

09-LA.02-05/2000

This instrument prepared by, or under the direction of,
Alicia Trujillo, Esq., District Six Chief Counsel
State of Florida Department of Transportation
1000 N.W. 111th Avenue, Miami, Florida 33172

Parcel No : 904
Item/Segment No. : 443919-1
Managing District : 6

LICENSE AGREEMENT

THIS AGREEMENT, Made the _____ day of _____, 20____, by and between **MIAMI-DADE COUNTY, a political subdivision of the State of Florida**, herein called Licensors, and the **STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT)**, herein called Licensee.

In consideration of the benefits, the parties agree as follows:

Licensors hereby grants to Licensee a License to occupy and use, subject to all of the terms and conditions hereof, the following described premises, herein called Licensed Property:

Parcel 904

FIN No. 443919-1

A 99.00 foot wide strip of land lying 3.00 feet North of the South line of the property located at: A portion of section 11, 2 and portion of Government Excess Lot 2, Township 54, Range 40 East.
Folio Number: 30-4002-000-0111.

The Licensed Property may be used and improved by Licensee solely for harmonization of sod behind proposed concrete sidewalk on the north side of the SW 8th Street right of way, and for sloping, harmonization, grading, tying in, and reconnecting existing features of the Licensors' property (collectively, the "Work") with the Licensee's improvements which are to be constructed together with incidental purposes related thereto during the period beginning with the date first above written and continuing until completion of the Licensee's project. The term of this license agreement shall commence as of **December 20, 2022**, and continue until completion of the Licensee's project but shall terminate no later than **December 05, 2023**. The Licensee estimates the improvements on the Licensed Property shall take approximately 2 weeks. Such work may be commenced and completed at any point during the term of this license.

Licensee shall provide the Licensors with a schedule prior to commencement of the Work and notice of the date the Work is completed within ten (10) business days of such completion. Licensee and its contractors shall coordinate the onsite work with Deallo Johnson, PROS Regional Parks Manager, by phone at (305) 755-5470 or by email at deallo.johnson@miamidade.gov, who shall be notified immediately upon any unforeseen impacts to the Licensed Property or adjacent County-owned Ludlam Trail property as a result of Licensee's work. Licensee shall notify PROS Park Planning Section Supervisor, Alissa Turtletaub, at Alissa.Turtletaub@miamidade.gov at Work commencement and at Work completion. No hazard to the public or open trench is to remain unfenced within the Licensed Property boundary.

The soils throughout the Ludlam Trail, including the Licensed Property, are a former railroad corridor and have documented soil contamination. Any action by FDOT must be in accordance with all applicable regulations. FDOT shall notify Miami-Dade County DERM Pollution Remediation Division prior to any work on the Licensed Property. Contaminated soils will be disposed of in accordance with all applicable laws and regulations. FDOT shall identify any sub-grade utility or irrigation infrastructure within the Licensed Premises prior to commencement of Work. If irrigation lines, utility lines, or other infrastructural service connections are disrupted, FDOT shall immediately coordinate with service providers to restore service connections within 24 hours.

Licensee shall be required to provide replacement of contaminated soils with clean fill and sod to restore the site where impacted, and to provide restoration of the Licensed Property perimeter fence along the property boundary line, if impacted by the Work. Once completed, areas of the Licensed Property affected by the Work shall be returned to a condition equal to or better than that which existed at project commencement.

The Department shall require its construction contractor to maintain, at all times during the construction, Commercial General Liability insurance providing continuous coverage for all work or operations performed upon Licensor's property. Such insurance shall be no more restrictive than that provided by the latest occurrence form edition of the standard Commercial General Liability Coverage Form (ISO Form CG 00 01) as filed for use in the State of Florida. The limits of coverage shall not be less than \$1,000,000 for each occurrence and not less than a \$5,000,000 annual general aggregate, inclusive of amounts provided by an umbrella or excess policy, in accordance with the Department's Standards and Specifications for Road and Bridge Construction. The Department shall further cause its Contractor to name Licensor as an additional insured party on the afore-stated policies, and to provide evidence of Workers' Compensation Insurance in accordance with the laws of the State of Florida and in amounts sufficient to secure the benefit of the Florida Workers' Compensation law for all employees.

Licensee or its contractors shall provide a certificate(s) of insurance delivered to PROS no less than 30 days prior to commencement of construction via email to PROS Park Planning Section Supervisor, Alissa Turtletaub, at Alissa.Turtletaub@miamidade.gov, naming Miami-Dade County as an additional insured.

The FDOT Construction Project Manager shall schedule a pre-Work construction site visit with PROS Planning Section Supervisor Alissa Turtletaub alissa.turtletaub@miamidade.gov, and shall also schedule a final walkthrough of the site upon Work completion. Any work determined at the final walkthrough to be needed to fully restore the Licensed Premises to the same or better condition as it was prior to this License Agreement shall be completed by FDOT within 30 days of receiving notice from PROS.

No other uses of the Licensed Property, including but not limited to staging unrelated to the work on the Licensed Property, are permitted. Licensee's use of the Licensed property shall in no way interfere with Licensor's use of such land consistent with the rights granted to Licensee as set forth herein, and Licensor retains the right to use the Licensed property in any manner not inconsistent with the rights herein granted to Licensee. During Licensee's use of the Licensed property, Licensee shall ensure access to the remainder property at all times

The Department shall require its construction Contractor to provide a Payment and Performance Bond per State Statute 337.18. The Contractor shall also maintain Commercial Auto Liability with limits of coverage in an amount no less than \$1,000,000 per combined single limit.

Licensor makes no representations as to the condition of the Licensed Property or the suitability of the Licensed property for the use intended hereunder. Licensee agrees that any and all Work performed within the Licensed property shall be done in a good, safe, workmanlike manner and in accordance with applicable federal, state, and local statutes, rules, regulations and ordinances. All Work that Licensee performs shall match the aesthetic conditions then-existing prior to the performance of any such Work, and Licensee shall restore to their original conditions, excepting elevation changes as per the plans, any areas of the Licensed Premises and/or the property impacted by Licensee's performance of the Work.

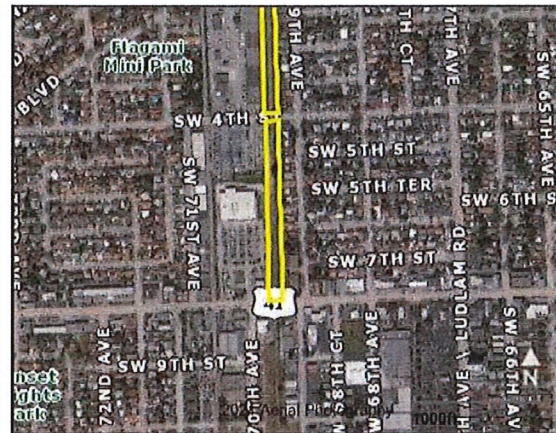
The making, execution, and delivery of this agreement by Licensor has been induced by no representations, statements, warranties, or agreements other than those contained herein. This agreement embodies the entire understanding of the parties and there are no further or other agreements or understandings, written or oral, in effect between the parties relating to the subject matter hereof.

ATTACHMENTS:

Exhibit A: Trail Property Description**OFFICE OF THE PROPERTY APPRAISER****Summary Report**

Generated On : 10/25/2021

Property Information	
Folio:	30-4002-000-0111
Property Address:	
Owner	MIAMI DADE COUNTY PARKS AND RECREATION
Mailing Address	275 NW 2 ST 4TH FL MIAMI, FL 33128 USA
PA Primary Zone	8900 INTERIM-AWAIT SPECIFIC ZO
Primary Land Use	8080 VACANT GOVERNMENTAL : VACANT LAND - GOVERNMENTAL
Beds / Baths / Half	0 / 0 / 0
Floors	0
Living Units	0
Actual Area	0 Sq.Ft
Living Area	0 Sq.Ft
Adjusted Area	0 Sq.Ft
Lot Size	519,235 Sq.Ft
Year Built	0



Assessment Information			
Year	2021	2020	2019
Land Value	\$519,235	\$519,235	\$519,235
Building Value	\$0	\$0	\$0
XF Value	\$0	\$0	\$0
Market Value	\$519,235	\$519,235	\$519,235
Assessed Value	\$519,235	\$519,235	\$519,235

Benefits Information				
Benefit	Type	2021	2020	2019
County	Exemption	\$519,235	\$519,235	\$519,235

Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).

Short Legal Description	
2 54 40 11.92 AC M/L FEC RR R/W 100FT STRIP ACROSS E1/2	

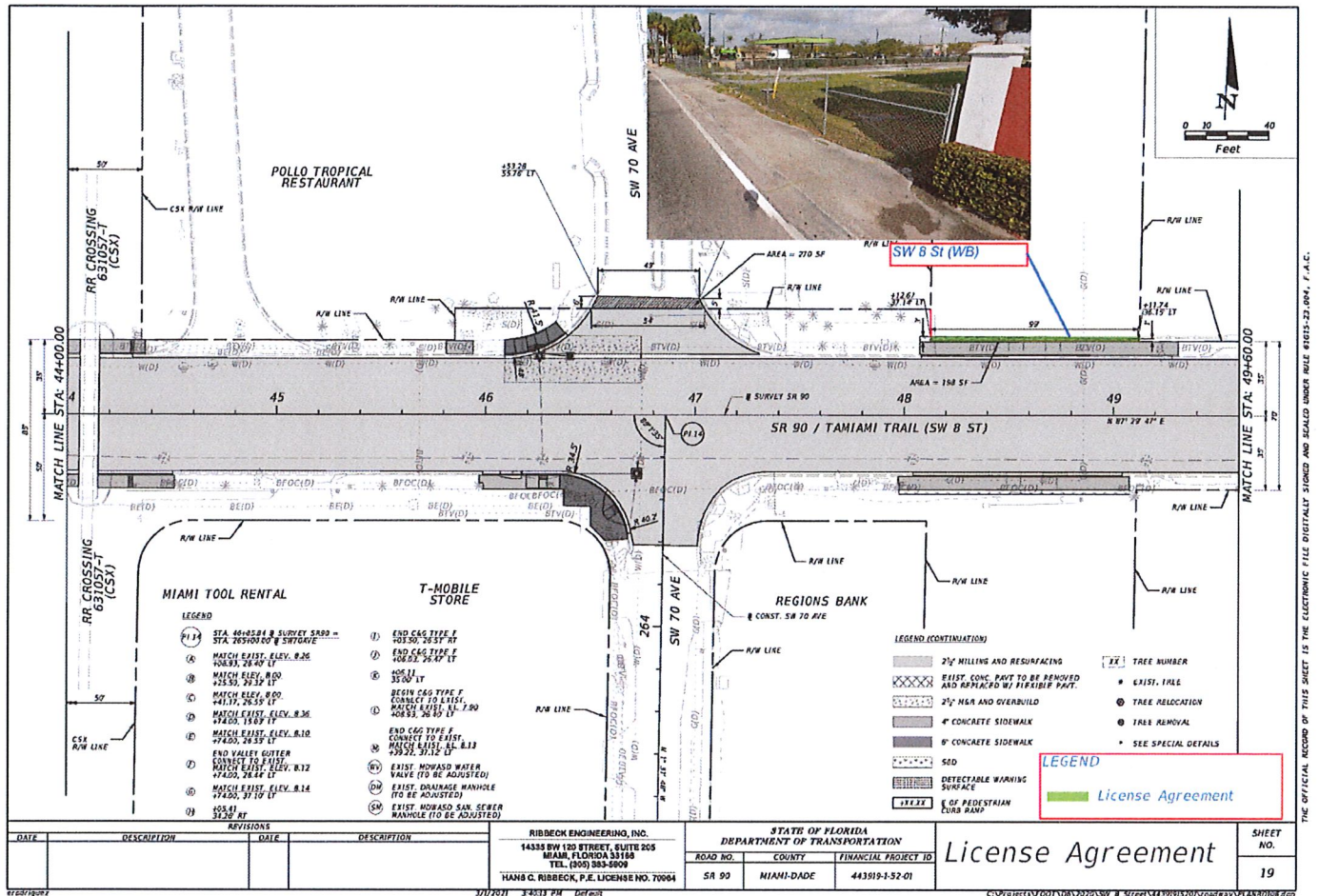
Taxable Value Information			
	2021	2020	2019
County			
Exemption Value	\$519,235	\$519,235	\$519,235
Taxable Value	\$0	\$0	\$0
School Board			
Exemption Value	\$519,235	\$519,235	\$519,235
Taxable Value	\$0	\$0	\$0
City			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$0	\$0	\$0
Regional			
Exemption Value	\$519,235	\$519,235	\$519,235
Taxable Value	\$0	\$0	\$0

Sales Information			
Previous Sale	Price	OR Book-Page	Qualification Description
12/21/2018	\$100	31275-3179	Corrective, tax or QCD; min consideration
12/21/2018	\$5,540,000	31275-3184	Federal, state or local government agency
06/30/2017	\$0	31128-3020	Corrective, tax or QCD; min consideration
06/30/2017	\$8,983,700	30595-1770	Affiliated parties

The Office of the Property Appraiser is continually editing and updating the tax roll. This website may not reflect the most current information on record. The Property Appraiser and Miami-Dade County assumes no liability, see full disclaimer and User Agreement at <http://www.miamidade.gov/info/disclaimer.asp>

Version:

Exhibit B: FDOT project along State Road 90/SW 8 Street and temporary Trail access area (highlighted in green)



IN WITNESS WHEREOF, the Licensor has signed this the day and year as written above.

FOR MIAMI-DADE COUNTY (LICENSOR):

(Official Seal)
ATTEST:

**HARVEY RUVIN,
CLERK OF SAID BOARD**

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

By: _____
Deputy Clerk

By: _____
Title:

Approved by Assistant County Attorney
as to form and legal sufficiency

Signature: _____
Print Name:
Title: Assistant County Attorney

FOR FDOT (LICENSEE):

FLORIDA DEPARTMENT OF TRANSPORTATION,
an agency of the State of Florida:

By: _____
Alicia Trujillo, Esq.
District Six Chief Counsel

FLORIDA DEPARTMENT OF TRANSPORTATION,
an agency of the State of Florida:

By: _____

(Insert Name Here)

(Insert Title Here)