

MEMORANDUM

Agenda Item No. 8(C)(1)

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

DATE: November 6, 2024

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution approving terms of a Declaration of Restrictive Covenants for conservation purposes in favor of the Florida State Historic Preservation Office for a term of 15 years in exchange for a federal Save America's Treasures Grant in the amount of \$500,000.00, to be used by Vizcaya Museum and Gardens Trust, Inc. for renovations to the Vizcaya Museum and Gardens Superintendent's House, located at 3250 South Miami Avenue, Miami, Fl 33129; and authorizing and directing the County Mayor to execute the Declaration of Restrictive Covenants for and on behalf of Miami-Dade County, exercise all provisions contained therein and record same in the public records of Miami-Dade County

**RESCINDED BY RESOLUTION
NO. R-471-26 AT THE BOARD
OF COUNTY COMMISSIONER'S
MEETING OF JUNE 2, 2026**

Resolution No. R-983-24

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



Geri Bonzon-Keenan
County Attorney

GBK/ks

MDC001

Memorandum



Date: November 6, 2024

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

From: Daniella Levine Cava
Mayor 

Subject: Resolution Authorizing Execution and Recordation of a Declaration of Restrictive Covenants for the County-owned Vizcaya Museum and Gardens Superintendent's House; Authorizing the County Mayor or the County Mayor's Designee to Execute Same for and on Behalf of Miami-Dade County; and Authorizing the County Mayor or the County Mayor's Designee to Exercise Any and All Other Rights Conferred Therein

Executive Summary

This item is requesting that the Board of County Commissioners grant the County Mayor or the County Mayor's designee the authority to execute a Declaration of Restrictive Covenants on the Vizcaya Museum and Gardens, in support of a \$500,000 grant from National Park Service of the United States Department of the Interior appropriated from the Historic Preservation Fund for the Save America's Treasures Grant Program and managed by the Florida State Historic Preservation Office, to support renovations to the property's Superintendent's House.

Recommendation

It is recommended that the Board of County Commissioners (Board) grant the County Mayor or the County Mayor's designee the authority to execute a Declaration of Restrictive Covenants on the Vizcaya Museum and Gardens (Vizcaya) Superintendent's House as required by a grant from the National Park Service of the United States Department of the Interior appropriated from the Historic Preservation Fund for the Save America's Treasures Grant Program in support of Vizcaya Museum and Gardens Trust, Inc.'s (the Trust) in the amount of \$500,000.00. This grant will be used to support renovations to the property's Superintendent's House, which is important culturally, historically and architecturally and is a contributing resource to Vizcaya's National Historic Landmark designation.

Scope

The impact of this agenda item is countywide. Vizcaya Museum and Gardens is located at 3251 South Miami Avenue Miami, FL 33129, which is in County Commission District 7, represented by Commissioner Raquel Regalado. The Superintendent's House is located within the Vizcaya Museum and Gardens with an address of 3250 South Miami Avenue Miami, FL 33129. Since 1953, Vizcaya Museum and Gardens has serviced the entire community.

Fiscal Impact/Funding Source

The County owns the land and buildings that make up the Vizcaya Museum and Gardens and has an Operating and Management Agreement with the Trust to operate and maintain the facility. Receipt of the Florida State Historic Preservation Office grant by the Trust will be used to support renovations to the Superintendent's House. The grant requires matching funds in the amount of \$500,000. Building Better Communities General Obligation Bond funds allocated to Vizcaya via GOB Project # 290-3002048 will be used for the required match.

Delegation of Authority

The County Mayor or Mayor's designee is delegated the authority to execute the grant agreement and to take all actions to comply with the requirements of the grant agreement and the purpose for which the funds were granted to the County.

Track Record/Monitor

The Trust will oversee the implementation, compliance, and the use of the grant funds. The Miami-Dade County Department of Cultural Affairs, led by Director Marialaura Leslie, is managing the BBC GOB allocation to Vizcaya. Both the Department and the Trust have track records of successfully implementing grants and capital projects.

Background

In 1952 and 1955, the heirs of James Deering conveyed Vizcaya's main house, gardens and the Vizcaya Village to Miami-Dade County. For several decades, Vizcaya was operated as a subdivision of the County's Parks and Recreation Department, steered through a Policy Committee. Following Vizcaya's achievement of accreditation by the American Alliance of Museums and its designation as a National Historic Landmark in 1998, the Board passed Ordinance 98-112, making Vizcaya a freestanding County agency Vizcaya later engaged in a strategic planning process that resulted in the recommendation for Vizcaya to advance its role as a vital community resource by streamlining its operations through a dedicated non-profit structure to strengthen Vizcaya's capabilities of raising private-sector support and facilitating enhancements to its preservation and educational programming. In 2017, the Board passed Ordinance 17-42 approving an Operating and Management Agreement between Miami-Dade County and the Vizcaya Museum and Gardens Trust, Inc., a Florida not-for-profit corporation, for the operation of Vizcaya.

The Trust applied for and received financial assistance from the National Park Service of the United States Department of the Interior appropriated from the Historic Preservation Fund for the Save America's Treasures Grant Program in the amount of \$500,000.00. The restrictive covenant agreement with the Florida State Historic Preservation Office is entered into for the purpose of preserving the Vizcaya Museum and Gardens Superintendent's House for fifteen (15) years as a condition of eligibility for this grant and is included as Attachment A herein.



Cathy Burgos, LCSW
Chief Community Services Officer

Memorandum



Date: September 24, 2024
To: Eugene Love, Agenda Coordinator
From: Cathy Burgos, Chief Community Services Officer
Subject: Request to Process Late Departmental Agenda Items

I am requesting that the following item be placed on the October Committee Cycle.

RESOLUTION APPROVING TERMS OF A DECLARATION OF RESTRICTIVE COVENANTS FOR CONSERVATION PURPOSES IN FAVOR OF THE FLORIDA STATE HISTORIC PRESERVATION OFFICE FOR A TERM OF 15 YEARS IN EXCHANGE FOR A FEDERAL SAVE AMERICA'S TREASURES GRANT IN THE AMOUNT OF \$500,000.00, TO BE USED BY VIZCAYA MUSEUM AND GARDENS TRUST, INC. FOR RENOVATIONS TO THE VIZCAYA MUSEUM AND GARDENS SUPERINTENDENT'S HOUSE, LOCATED AT 3250 SOUTH MIAMI AVENUE, MIAMI, FL 33129; AND AUTHORIZING AND DIRECTING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE THE DECLARATION OF RESTRICTIVE COVENANTS FOR AND ON BEHALF OF MIAMI-DADE COUNTY, EXERCISE ALL PROVISIONS CONTAINED THEREIN AND RECORD SAME IN THE PUBLIC RECORDS OF MIAMI-DADE COUNTY

It is important that the item be heard at the October Committee cycle in order for Vizcaya Museum and Gardens to finalize the grant materials required by the Florida State Historic Preservation Office to complete the facility's Federal Save America's Treasures grant.

I am aware that this item is subject to approval for placement on the agenda by the appropriate committee chairperson as well as the BCC Chairperson, and review by the Office of the County Attorney. Therefore, please process the item notwithstanding that the 3-day rule may be applicable to these items.

A handwritten signature in black ink, appearing to read "C. Burgos".

Approved by Mayor or Mayor's Designee
Signature

Cathy Burgos
Print Name

A handwritten signature in blue ink, appearing to read "Nicole Tallman".

Approved by Legislative Affairs Director
Signature

Nicole Tallman
Print Name

Eugene Love

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Gerald Sanchez, First Assistant County Attorney
Jess McCarty, Executive Assistant County Attorney
CAOagenda@miamidade.gov



MEMORANDUM

(Revised)

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

DATE: November 6, 2024

FROM: 
Glen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 8(C)(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 ____, majority plus one ____, 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) ____, 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(C)(1)
11-6-24

RESOLUTION NO. R-983-24

RESOLUTION APPROVING TERMS OF A DECLARATION OF RESTRICTIVE COVENANTS FOR CONSERVATION PURPOSES IN FAVOR OF THE FLORIDA STATE HISTORIC PRESERVATION OFFICE FOR A TERM OF 15 YEARS IN EXCHANGE FOR A FEDERAL SAVE AMERICA'S TREASURES GRANT IN THE AMOUNT OF \$500,000.00, TO BE USED BY VIZCAYA MUSEUM AND GARDENS TRUST, INC. FOR RENOVATIONS TO THE VIZCAYA MUSEUM AND GARDENS SUPERINTENDENT'S HOUSE, LOCATED AT 3250 SOUTH MIAMI AVENUE, MIAMI, FL 33129; AND AUTHORIZING AND DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE DECLARATION OF RESTRICTIVE COVENANTS FOR AND ON BEHALF OF MIAMI-DADE COUNTY, EXERCISE ALL PROVISIONS CONTAINED THEREIN AND RECORD SAME IN THE PUBLIC RECORDS OF MIAMI-DADE COUNTY

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 hereby approves the terms of the Declaration of Restrictive Covenants for conservation purposes with and in favor of the Florida State Historic Preservation Office, in substantially the form attached to the accompanying memorandum ("Declaration"), for a term of 15 years in exchange for a Save America's Treasures grant, administered by the National Park Service of the United States Department of the Interior and appropriated from the Historic Preservation Fund, to Vizcaya Museum and Gardens Trust, Inc. in the amount of \$500,000.00 for the purpose of preserving the Vizcaya Museum and Gardens Superintendent's House ("subject property") located at 3250 South Miami Avenue, Miami, Florida 33129. The subject property is a building that is important

culturally, historically and architecturally. Further, this Board hereby authorizes and directs the County Mayor, or County Mayor's designee, to: (a) execute the Declaration for and on behalf of Miami-Dade County; (b) exercise all provisions contained therein; (c) record the Declaration in the public records of Miami-Dade County; and (d) provide a recorded copy to the Clerk of the Board within 30 days of the execution of said instrument, and further directs the Clerk of the Board to permanently store the recorded copy along with this resolution.

The foregoing resolution was offered by Commissioner **Danielle Cohen Higgins** , who moved its adoption. The motion was seconded by Commissioner **Marleine Bastien** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared this resolution duly passed and adopted this 6th day of November, 2024. 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: Basia Pruna
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

A handwritten signature in dark ink, appearing to read "MRP", is written over a horizontal line.

Monica Rizo Perez

RESTRICTIVE COVENANTS

For a Historic Preservation Fund Grant to a Historic Subject Property**Project Name: Restoration of Vizcaya Superintendent's House****Grant Number: SAT GA P19AP00365**

THESE COVENANTS are entered into this ____ day of _____, 2024, by Miami-Dade County, hereinafter referred to as the Owner, and Vizcaya Museum and Gardens Trust, Inc. hereinafter referred to as the Grantee, and shall be effective for a period of fifteen years from the date of recordation by the Clerk of the Circuit Court of Miami-Dade County, Florida.

WHEREAS, the Owner is the fee simple titleholder of the Property located at 3250 South Miami Ave., Miami, FL 33129, Miami-Dade County, Florida, as described in Exhibit A, attached to and made a part hereof and

WHEREAS, the Grant Recipient is to receive State Historic Preservation Grant assistance funds administered by the State of Florida, Department of State, Division of Historical Resources, R.A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250, hereinafter referred to as the Department, in the amount of \$500,000, to be used for the restoration and preservation of the property of the Owner as described in Exhibit A, and

WHEREAS, said State funds have been or will be expended for the purpose of preserving the historic qualities of the property or contributing to the historic character of the district in which the property is located,

Now THEREFORE, as part of the consideration for the State grant, the Owner and the Grant Recipient hereby make and declare the following restrictive covenants which shall run with the title to said Property and be binding on the Owner and its successors in interest, if any, for a period stated in the preamble above:

1. The Owner and the Grant Recipient agree to maintain the property in accordance with good preservation practices and the Secretary of the Interior's Standards for Rehabilitation.
2. The Owner and the Grant Recipient agree that no modifications will be made to the Property, other than routine repairs and maintenance, without advance review and approval of the plans and specifications by the Department's Bureau of Historic Preservation.
3. The Owner and the Grant Recipient agree that every effort will be made to design any modifications to the Property in a manner consistent with the Secretary of the Interior's Standards for Rehabilitation.
4. The Owner and the Grant Recipient agree that the Department, its agents and its designees shall have the right to inspect the Property at all reasonable times in order to ascertain whether the conditions of the Grant Award Agreement and these covenants are being observed.
5. The Owner and the Grant Recipient agree that these restrictions shall encumber the property for a period of fifteen years from the date of recordation, and that if the restrictions are violated within the ten-year period, the Department shall be entitled to liquidated damages pursuant to the following schedule:
 - a. If the violation occurs within the first five years of the effective date of these covenants, the Department shall be entitled to return of the entire grant amount.
 - b. If the violation occurs after the first five years, the Department shall be entitled to return of the entire grant amount, less 10% for each year past the first five. For instance, if the violation occurs after the sixth anniversary of the effective date of these covenants, but prior to the seventh anniversary, the Department shall be entitled to return of 80% of the original grant amount.
6. The Owner agrees to file these covenants with the Clerk of the Circuit Court of Miami-Dade County, Florida, and shall pay any and all expenses associated with their filing and recording.
7. The Owner and Grant Recipient agree that the Department shall incur no tax liability as a result of these restrictive covenants.

IN WITNESS WHEREOF, the Owner and Grant Recipient have read these Restrictive Covenants and have hereto affixed their signatures.

WITNESSES:

Witness Signature Miami-Dade County
OWNER

Witness Name Typed/Printed 111 NW 1st Street
Owner's Address

Witness Signature Miami, FL 33128
City State Zip

Witness Name Typed/Printed

The State of Florida
County of Miami-Dade

I certify that on this date before me, an officer duly authorized in the state and county named above to take acknowledgments, that _____ personally

(Name)

appeared as _____ for _____

(Officer)

(Name of Corporation/Partnership)

known to me to be or who proved to my satisfaction that he/she is the person described in and who executed the foregoing instrument.

Type of Identification Produced _____

Executed and sealed by me at _____, Florida on _____, 20____.

Notary Public in and for

The State of _____

My commission expires: _____

[SEAL]

Witness Signature Vizcaya Museum and Gardens Trust, Inc.
GRANT RECIPIENT

Witness Name Typed/Printed 3251 South Miami Ave.
Grant Recipient's Address

Witness Signature Miami FL 33129
City State Zip

Witness Name Typed/Printed

The State of Florida
County of Miami-Dade

I certify that on this date before me, an officer duly authorized in the state and county named above to take
acknowledgments, that _____ personally
(Name)

appeared as _____ for _____
(Officer) (Name of Corporation/Partnership)

known to me to be or who proved to my satisfaction that he/she is the person described in and who executed the
foregoing instrument.

Type of Identification Produced _____

Executed and sealed by me at _____, Florida on _____, 20__.

Notary Public in and for

The State of _____

My commission expires: _____

[SEAL]

EXHIBIT A

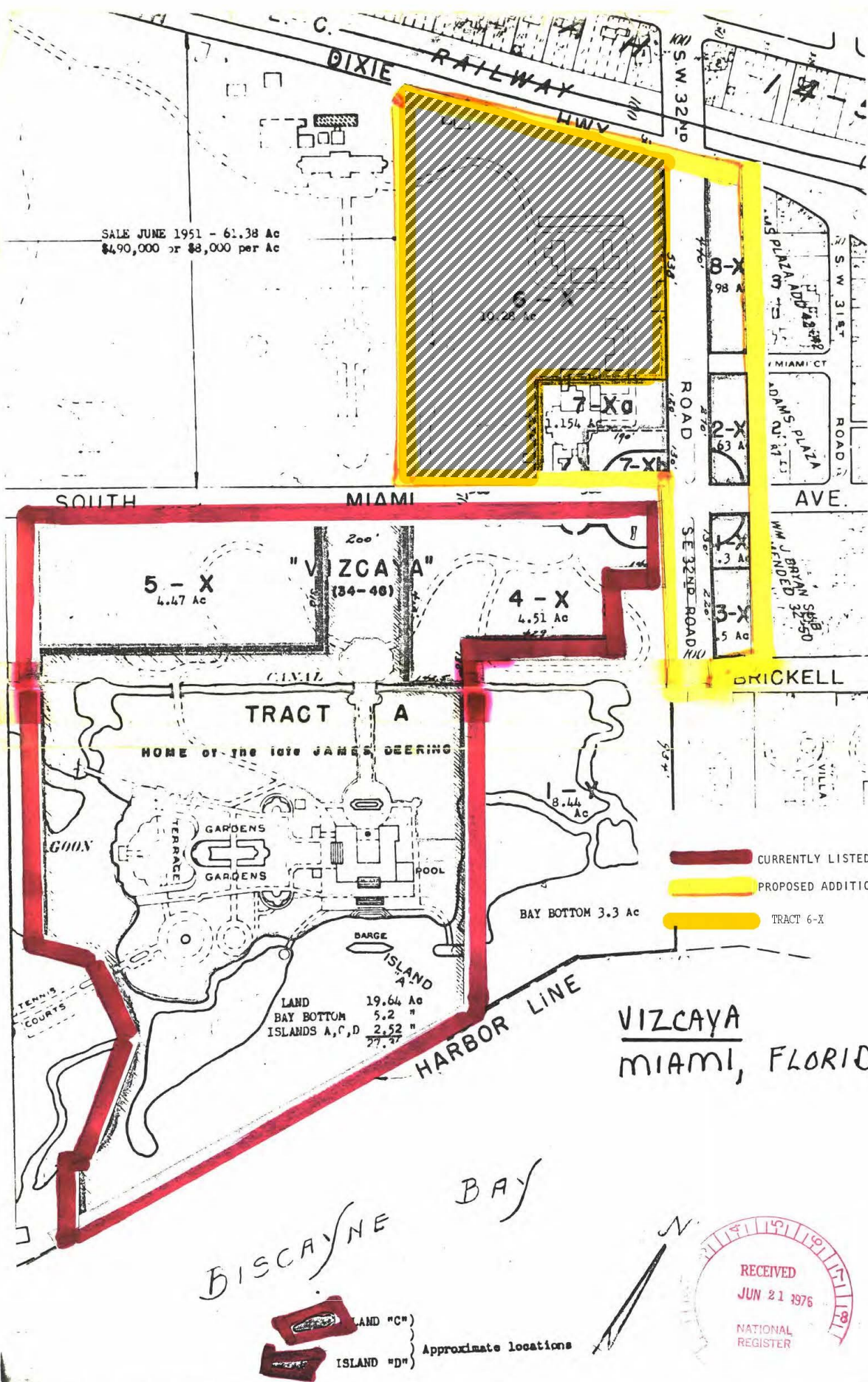
Legal Description of the Subject Property

TRACT 6-X. Commencing at the intersection of the Northwestern boundary line of South Miami Avenue, with the Southwesterly boundary line of Southwest 32nd Road; run thence Southwesterly along said Northwestern boundary line of said South Miami Avenue a distance of 600 feet to a point, which point is the point of beginning; run thence Northwesternly and parallel to said Southwesterly boundary line of said Southwest 32nd Road a distance of 953 feet to a point in the Southerly boundary line of Southwest 1st Avenue (now known as South Dixie Highway); run thence Northeasterly along said Southerly boundary line of said Southwest 1st Avenue (now known as South Dixie Highway) a distance of 682.06 feet to the point of intersection thereof with said Southwesterly boundary line of said Southwest 32nd Road, run thence Southeasterly along said Southwesterly boundary line of said Southwest 32nd Road a distance of 538.83 feet to a point; run thence Southwesterly and parallel to said Northwesternly boundary line of said South Miami Avenue a distance of 300 feet to a point; run thence Southeasterly and parallel to said Southwesterly boundary line of said Southwest 32nd Road a distance of 250 feet to a point in said Northwesternly boundary line of said South Miami Avenue; run thence Southwesterly along said Northwesternly boundary line of said South Miami Avenue a distance of 300 feet to the point of beginning; together with all improvements located thereon, all mechanical, plumbing, air-handling and other built-in systems situated on or within such land and improvements, and any fixtures owned by Grantor and located within the improvements as of the date of this Deed.

Subject to all reservations of easements and restrictions recorded in the Public Records of Miami-Dade County, Florida.

D. EARL WILSON
REAL ESTATE CONSULTANT
MEMBER OF THE FLORIDA REAL ESTATE BOARD

SALE JUNE 1951 - 61.38 Ac
\$4,90,000 or \$8,000 per Ac



DISCAYNE BAY

LAND "C"
ISLAND "D" Approximate locations

RECEIVED
JUN 21 1976
NATIONAL REGISTER