

## MEMORANDUM

Agenda Item No. 11(A)(5)

**TO:** Honorable Chairman Anthony Rodriguez  
and Members, Board of County Commissioners

**DATE:** February 19, 2025

**FROM:** Geri Bonzon-Keenan  
County Attorney

**SUBJECT:** Resolution directing the County Mayor to: (1) prioritize conveyances and leases of County property significantly burdened with utilities easements (over 75 percent of the square footage) to another local government; and (2) to first offer such properties for sale or lease to the municipality in which such property lies prior to disposition to private third parties; and (3) to include language in the instrument conveying or leasing such encumbered properties prohibiting uses or improvements that potentially interfere with the utilities easements or utilities thereon

Resolution No. R-185-25

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

  
Geri Bonzon-Keenan  
County Attorney

GBK/uw

MDC001



## MEMORANDUM

(Revised)

**TO:** Honorable Chairman Anthony Rodriguez  
and Members, Board of County Commissioners

**DATE:** February 19, 2025

**FROM:**   
Gen Bonzon-Keenan  
County Attorney

**SUBJECT:** Agenda Item No. 11(A)(5)

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. 11(A)(5)  
2-19-25

RESOLUTION NO. \_\_\_\_\_ R-185-25

RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO: (1) PRIORITIZE CONVEYANCES AND LEASES OF COUNTY PROPERTY SIGNIFICANTLY BURDENED WITH UTILITIES EASEMENTS (OVER 75 PERCENT OF THE SQUARE FOOTAGE) TO ANOTHER LOCAL GOVERNMENT; AND (2) TO FIRST OFFER SUCH PROPERTIES FOR SALE OR LEASE TO THE MUNICIPALITY IN WHICH SUCH PROPERTY LIES PRIOR TO DISPOSITION TO PRIVATE THIRD PARTIES; AND (3) TO INCLUDE LANGUAGE IN THE INSTRUMENT CONVEYING OR LEASING SUCH ENCUMBERED PROPERTIES PROHIBITING USES OR IMPROVEMENTS THAT POTENTIALLY INTERFERE WITH THE UTILITIES EASEMENTS OR UTILITIES THEREON

**WHEREAS**, the efficient and consistent provision of utilities to the general public of Miami-Dade County is of utmost importance; and

**WHEREAS**, this Board takes an active interest in the safe, consistent and efficient provision and maintenance of utility services within the County; and

**WHEREAS**, numerous County-owned properties are substantially encumbered by utilities easements and utilities that are integral in maintaining critical utilities infrastructure to provide services to the residents and visitors of Miami-Dade County; and

**WHEREAS**, to ensure that utilities facilities on County property are safely and successfully maintained, it is critical for the County to maintain public ownership, control, oversight and maintenance of properties significantly burdened with utilities easements and facilities, defined as properties that have at least 75 percent of their square footage encumbered by utilities easements ("Easement Properties"); and

**WHEREAS**, prior to the sale or lease of County-owned property, pursuant to Implementing Order 8-4, the County Mayor or County Mayor's designee circulates the property to all County departments to determine whether there is a planned or anticipated need for the property, or if it can be declared surplus ("property circulation") and therefore disposed of by sale or lease; and

**WHEREAS**, this Board desires to limit future uses and improvements on Easement Properties, and to restrict, upon disposition, improvements and uses within the utilities easements on such properties that potentially interfere with the operation of such utilities facilities, such as the placement of temporary or permanent buildings and structures, barns, sheds, pools, enclosed patios, or fences; and

**WHEREAS**, in light of the importance of maintaining the safety and integrity of existing utilities infrastructure on Easement Properties, the preservation of such infrastructure should be prioritized, and accordingly, Easement Properties should not be sold or leased to private third-party entities unless: (1) they are first offered for sale or lease to the municipality in which the property lies; and (2) the deed, lease, or other instrument disposing of the Easement Property prohibits the construction of uses or improvements that potentially interfere with the operation of the existing or future infrastructure within the utilities easements,

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

**Section 1.** This Board hereby 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 prioritize, in accordance with Section 3 below, the disposition of Easement Properties to other local governments before conveying or leasing such properties to private third-party entities, provided that such prioritization is in accordance with applicable law and is otherwise consistent with County requirements.

**Section 3.** This Board directs the County Mayor or County Mayor's designee, prior to the sale or lease of Easement Properties to private third-party entities, and after applicable property circulation, to first offer such properties for sale or lease to the municipality in which the Easement Property lies, provided that such disposition is in accordance with applicable law and other County requirements, unless a substantially compelling reason exists not to do so. This Board further directs the County Mayor or County Mayor's designee to include language in all deeds, leases, or other instruments conveying or leasing Easement Properties to private third parties or municipalities, prohibiting all improvements and uses on such properties that could potentially interfere with the operation of the utilities facilities, such as the placement of temporary or permanent buildings or structures, barns, sheds, pools, enclosed patios, or fences within areas encumbered by such easements, as applicable.

**Section 4.** This Board directs the County Mayor or County Mayor's designee to make all conforming changes to Implementing Order 8-4 to comply with the directives in this resolution.

**Section 5.** The provisions set forth herein shall not apply to any properties that already have been circulated pursuant to Implementing Order 8-4 in connection with a proposed disposition, sale, or lease.

The Prime Sponsor of the foregoing resolution is Commissioner Raquel A. Regalado. It was offered by Commissioner **Kionne L. McGhee** , who moved its adoption. The motion was seconded by Commissioner **Marleine Bastien** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared this resolution duly passed and adopted this 19<sup>th</sup> day of February, 2025. 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.

Debra Herman