

MEMORANDUM

Agenda Item No. 11(A)(9)

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

DATE: September 3, 2025

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution directing the County Mayor to retain an easement or other similar rights for the maintenance and construction of water and sewer infrastructure and to meet other current or future needs of the Miami-Dade Water and Sewer Department, when conveying or leasing County-owned property

Resolution No. R-883-25

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



Geri Bonzon-Keenan
County Attorney

GBK/ks



MEMORANDUM

(Revised)

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

DATE: September 3, 2025

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 11(A)(9)

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)(9)
9-3-25

RESOLUTION NO. R-883-25

RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO RETAIN AN EASEMENT OR OTHER SIMILAR RIGHTS FOR THE MAINTENANCE AND CONSTRUCTION OF WATER AND SEWER INFRASTRUCTURE AND TO MEET OTHER CURRENT OR FUTURE NEEDS OF THE MIAMI-DADE WATER AND SEWER DEPARTMENT, WHEN CONVEYING OR LEASING COUNTY-OWNED PROPERTY

WHEREAS, the Miami-Dade Water and Sewer Department ("WASD") maintains over 8,500 miles of underground water lines and approximately 4,100 miles of sewer lines serving 2,300,000.00 residents and thousands of visitors; and

WHEREAS, this Board has taken an active interest in converting septic tanks to sanitary sewer systems in Miami-Dade County; and

WHEREAS, many areas in Miami-Dade County have insufficient WASD infrastructure, or are currently being served by septic tanks; and

WHEREAS, it is essential to support WASD's mission to meet vital County goals for the benefit of the public, including not only septic to sewer conversion, but also protection of water supply, water purification, chemical storage, Everglades restoration, and addressing sea level rise; and

WHEREAS, it is of importance to this Board that WASD maintains sufficient property interests to enable infrastructure growth and maintenance and to utilize County-owned properties now and in the future to protect WASD's mission; and

WHEREAS, historically, WASD has spent years attempting to purchase land to locate and construct this critical infrastructure, underscoring the need to proactively reserve space for future system needs; and

WHEREAS, the County owns a large number of properties which are often the subject of requests by third parties for leases or conveyances to develop projects and for other public purposes; and

WHEREAS, in the event that such County-owned properties are leased or conveyed to third parties, the County is unable to utilize any portions of such properties necessary for current or future WASD purposes, and in the case of conveyances, without repurchasing portions of the property; 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 conducts due diligence as to the viability of the proposed sale or lease, which also includes circulation of the property to County departments to determine whether there is a planned or anticipated need for the property, or if it can be declared as surplus; and

WHEREAS, prior to selling or leasing County-owned property, it is essential for WASD to review the property and the proposed transaction and to provide a recommendation as to whether any portion of such property should be retained, either through retention of an easement or similar interest, or inclusion of a right to utilize a portion of the property in the lease provisions, to meet WASD's current and future needs; and

WHEREAS, in order to preserve the long-term integrity of the County's water and sewer infrastructure planning, any waiver of the requirement to retain an easement or similar interest should require a two-thirds vote of the Board of County Commissioners,

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

Section 1. The foregoing recitals are incorporated herein and are approved.

Section 2. This Board directs the County Mayor or County Mayor's designee, prior to conveying or leasing County-owned property: (1) to confer with WASD to determine if an interest in any portion of the property should be retained for WASD's current or future needs; (2) in the event that a need is identified, to obtain from WASD a description of the area required and nature of the interest to be retained; and (3) to include the retention of such interest, or a right to assert such interest at a future date, in an appropriate document to meet WASD's request.

Section 3. The provisions of this resolution may be waived by a resolution adopted by two-thirds vote of the Board members present.

Section 4. The County Mayor or County Mayor's designee is directed to make all necessary changes to Implementing Order 8-4 in conformance with this directive.

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

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

The Chairperson thereupon declared this resolution duly passed and adopted this 3rd day of September, 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.

A handwritten signature in black ink, appearing to be "Debra Herman", written over a horizontal line.

Debra Herman