

MEMORANDUM

Amended
Substitute
Agenda Item No. 11(A)(7)

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

DATE: July 1, 2025

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution authorizing the County Mayor to convey non-exclusive utility easements on certain County-owned property, including property which is part of the designated facilities of the Public Health Trust, for the purpose of providing utility services to developments located thereon within certain parameters, to execute the easement conveyance documents, to take all actions to effectuate same, and to exercise all provisions contained therein; and directing the County Mayor to include such delegation in all future legislation approving the leasing of County-owned property, including property which is part of the designated facilities of the Public Health Trust, for developments thereon

Resolution No. R-684-25

This substitute differs from the original version in that it broadens the scope of the directive and makes conforming changes to the title. .

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Eileen Higgins and Co-Sponsor Commissioner Juan Carlos Bermudez.


Geri Bonzon-Keenan
County Attorney

GBK/ks



MEMORANDUM

(Revised)

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

DATE: July 1, 2025

FROM: 
Glen Bonzon-Keenan
County Attorney

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Substitute
SUBJECT: Agenda Item No. 11(A)(7)

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 _____

Amended
Substitute
Agenda Item No. 11(A)(7)
7-1-25

RESOLUTION NO. R-684-25

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO CONVEY NON-EXCLUSIVE UTILITY EASEMENTS ON CERTAIN COUNTY-OWNED PROPERTY, INCLUDING PROPERTY WHICH IS PART OF THE DESIGNATED FACILITIES OF THE PUBLIC HEALTH TRUST, FOR THE PURPOSE OF PROVIDING UTILITY SERVICES TO DEVELOPMENTS LOCATED THEREON WITHIN CERTAIN PARAMETERS, TO EXECUTE THE EASEMENT CONVEYANCE DOCUMENTS, TO TAKE ALL ACTIONS TO EFFECTUATE SAME, AND TO EXERCISE ALL PROVISIONS CONTAINED THEREIN; AND DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO INCLUDE SUCH DELEGATION IN ALL FUTURE LEGISLATION APPROVING THE LEASING OF COUNTY-OWNED PROPERTY, INCLUDING PROPERTY WHICH IS PART OF THE DESIGNATED FACILITIES OF THE PUBLIC HEALTH TRUST, FOR DEVELOPMENTS THEREON

WHEREAS, Miami-Dade County ("County") leases County-owned properties to developers for the purpose of developing facilities that provide benefits to the public and to the County's residents as well as essential services to the community ("public projects"); and

WHEREAS, moreover, the provision of affordable and workforce housing in the County is a priority for the Board of County Commissioners (the "Board"); and

WHEREAS, public projects, including affordable or workforce housing developments, may require the installation of infrastructure for essential utilities, such as electricity and telecommunications, in order to serve future residents and those who utilize such projects; and

WHEREAS, this Board has approved the development of many public projects, including but not limited to affordable and workforce housing projects, without delegating the authority to

grant utility easements that will inevitably be required to allow for the provision of utility services to those projects; and

WHEREAS, the conveyance of non-exclusive utility easements on County-owned properties requires Board approval, which in some instances, may cause delays to the installation of this essential infrastructure and to the completion of vital projects, including housing development; and

WHEREAS, for example, the 36-unit Jose Marti Villas Garden affordable housing development located in District 5 is currently awaiting the Board's approval of legislation granting a utility easement necessary for the development of that project to proceed; and

WHEREAS, this Board routinely approves the conveyance of non-exclusive utility easements for the purpose of providing electricity and other utilities to developments on County-owned properties; and

WHEREAS, this Board's approval of this resolution would negate the need for further legislation approving the conveyance of non-exclusive utility easements on public projects, including at least 20 affordable or workforce housing projects which are currently the subject of development leases with the County, thereby avoiding unnecessary delays to those projects; and

WHEREAS, in addition, this Board believes that by directing the County Mayor or County Mayor's designee to include the delegation of the authority to convey non-exclusive utility easements in future legislative items approving the development of public projects, including affordable and workforce housing, on County property, it would also render future legislative items granting utility easements for such projects unnecessary, thereby preventing delays to future projects caused by the approval of these easements; and

WHEREAS, this Board believes that by authorizing the County Mayor or County Mayor's designee to approve the conveyance of utility easements for public projects including affordable and workforce housing developments would make the development of these projects more efficient and would expedite their construction; and

WHEREAS, this Board wishes to streamline the development process for these and future projects on County land by delegating to the County Mayor or County Mayor's designee the authority to approve and execute the conveyance of non-exclusive utility easements within certain parameters, thereby avoiding any potential delays,

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 authorizes the County Mayor or County Mayor's designee to approve the conveyance of non-exclusive utility easements at the County-owned properties listed below, which include properties which are part of the designated facilities of the Public Health Trust and which are currently the subject of leases for the development and maintenance of affordable and workforce housing, including, but not limited to, those affordable and workforce housing projects being developed under the Rental Assistance Demonstration or mixed-finance programs as authorized by the United States Department of Housing and Urban Development or any other non-federally subsidized affordable or workforce housing projects:

1. 1175 NW South River Drive (Folio No. 01-3135-031-0010)
2. Brisas del Este (Folio No. 01-3127-079-0010)

3. Culmer Gardens (Folio Nos. 01-0106-090-1010; 01-0106-080-2080; 01-3137-030-0010; 01-3137-030-0020; 01-3137-030-0030; 01-3137-030-0040; 01-3137-030-0050; 01-3137-030-0060)
4. Culmer Place (Folio No. 01-0101-010-2030)
5. Falk Turnkey (Folio No. 01-4102-006-4730)
6. Gallery at Marti Park (Folio No. 01-0203-060-1020)
7. Gibson Plaza (Folio No. 01-4121-007-3850)
8. Gwen Cherry 23 (Folio No. 01-3125-063-0020)
9. Haley Sofge 750 (Folio No. 01-3135-047-0010)
10. Heritage Village South (Folio Nos. 30-6934-013-0010; 30-6934-013-0020; 30-6934-013-0030; 30-6934-013-0040; 30-6934-013-0120; 30-6934-013-0110; 30-6934-013-0050; 30-6934-013-0130; 30-6934-013-0100; 30-6934-013-0060; 30-6934-013-0070; 30-6934-013-0140; 30-6934-013-0090; 30-6934-013-0080; 30-6934-013-0150; 30-6934-013-0180; 30-6934-013-0160; 30-6934-013-0170)
11. Homestead Gardens (Folio Nos. 10-7813-045-0080; 10-7813-043-0270; 10-7814-000-1110)
12. Jackson Medical Towers (Folio Nos. 01-3135-045-0010; 01-3135-045-0020; 01-3135-000-0162)
13. Jose Marti Plaza (Folio No. 01-4103-074-0010)
14. Liberty Square (Folio Nos. 01-3114-002-0014; 01-3114-002-0013; 01-3114-002-0015; 01-3114-002-0016; 01-3114-002-0017; 01-3114-002-0018)

15. Little Havana Homes (Folio Nos. 01-4103-006-0521; 01-4103-006-0580; 01-4103-006-0600; 01-4103-006-1250; 01-4103-006-1640)
16. Lummus Parc (Folio Nos. 01-0111-020-1080; 01-0111-090-1120)
17. Palm Court (Folio No. 30-3102-000-0240)
18. Palm Tower (Folio No. 30-3102-000-0250)
19. Perrine Phase II (Folio No. 30-5032-035-0010)
20. Quail Roost Transit Village (Folio Nos. 30-6005-001-0090; 30-6005-001-0291; 30-6005-001-0292; 30-6005-001-0290; 30-6005-001-0140; 30-6005-105-0010)
21. Rainbow Village (Folio No. 01-3125-063-0020)
22. South Miami Parc (Folio Nos. 09-4025-063-0010; 09-4025-063-0020)
23. Southside Preparatory (Folio Nos. 01-0206-090-1100; 01-0206-090-1090)
24. West Grove (Folio Nos. 01-4121-007-0610; 01-4121-007-0740; 01-4121-007-0750; 01-4121-007-0770; 01-4121-007-0860; 01-4121-007-0870; 01-4121-007-0880; 01-4121-007-0890)
25. Dolphin Station (Folio Nos. 25-2936-007-0010; 25-3936-000-0104)
26. Palmetto Station (Folio No. 22-3010-010-0010)
27. Northside Metrorail Station (Folio Nos. 30-3109-037-0010; 30-3109-037-0020; 30-3109-037-0015)
28. Brownsville Metrorail Station (Folio Nos. 30-3121-059-0011; 30-3121-059-0015)
29. Douglas Road Metrorail Station (Folio Nos. 01-4120-058-0010; 01-4120-068-0012; 01-4120-068-0017; 01-4120-068-0020)
30. Earlington Heights Metrorail Station (Folio No. 30-4035-000-1052)

31. Caribbean Village (Folio No. 30-6006-067-0010)

32. Block 45 (Across OTV Metrorail Station) (Folio No. 01-0104-050-0010)

33. South Miami Metrorail Station (Folio Nos. 09-4025-076-0012; 09-4025-076-0010)

Section 3. This Board further authorizes the County Mayor or County Mayor's designee to execute documents conveying non-exclusive utility easements for the provision of utility services to the affordable and workforce housing developments listed in section 2 and located on such County-owned properties, including property which is part of the designated facilities of the Public Health Trust, subject to approval for legal form and sufficiency by the County Attorney's Office and the requirements set forth within section 5 herein, to take all actions necessary to effectuate the conveyance of such easements, and to exercise all provisions contained therein.

Section 4. This Board directs the County Mayor or County Mayor's designee to ensure that any future legislative item submitted to this Board for the approval of a lease of County-owned property, inclusive of property which is part of the designated facilities of the Public Health Trust, for the development of any facilities, including but not limited to affordable or workforce housing, shall include a provision delegating to the County Mayor or County Mayor's designee the authority to approve and execute non-exclusive utility easements for the purpose of providing utility services to such development as further set forth herein.

Section 5. All easements authorized under sections 3 and 4 must (1) be non-exclusive; (2) be in compliance with Resolution No. R-504-15, which establishes the County policy of minimizing the negative aesthetic impact to the public created by the installation of utility lines and equipment on County-owned property; (3) be no larger in size or scope than is necessary for

the construction, operation and maintenance of such utilities to service the development located thereon; and (4) not allow the grantee of the easement to grant access to the easement to any other entity or individual other than the grantee.

Section 6. This Board directs the County Mayor or County Mayor's designee, pursuant to Resolution No. R-974-09, to record the easements in the public record, and provide a copy of such recorded instruments to the Clerk of the Board within thirty (30) days of execution and final acceptance. This Board further directs the Clerk of the Board, pursuant to Resolution No. R-974-09, to attach and permanently store a copy of each recorded copy of any instrument provided in accordance herewith.

Section 7. This Board also directs the County Mayor or County Mayor's designee to provide a report if, one year from the effective date of this resolution, any of the projects listed in section 2 still require utility easements for the provision of utility services to those projects. The completed report shall be placed on an agenda of the full Board without committee review pursuant to Rule 5.06(j) of the Board's Rules of Procedure.

The Prime Sponsor of the foregoing resolution is Commissioner Eileen Higgins and the Co-Sponsor is Commissioner Juan Carlos Bermudez.

It was offered by Commissioner **Raquel A. Regalado**, who moved its adoption. The motion was seconded by Commissioner **Marleine Bastein** 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	aye
Sen. René García	aye	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 1st day of July, 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.

SMS

Sophia Guzzo
Richard Appleton