

# MEMORANDUM

Agenda Item No. 11(A)(9)

**TO:** Honorable Chairman Esteban L. Bovo, Jr.  
and Members, Board of County Commissioners

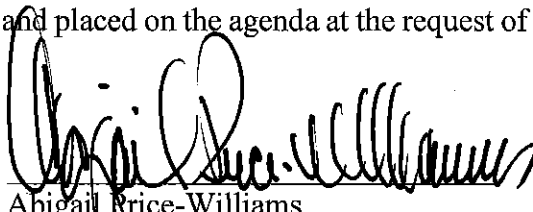
**DATE:** July 24, 2018

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Resolution identifying the site commonly referred to as the "Flagler Site" located between West Flagler Street and NW 1<sup>st</sup> Street and just west of the existing civil and probate courthouse as the location of the new civil and probate courthouse; setting as county policy that, as required by federal law, annual payments be made to the Miami-Dade Transportation and Public Works Department for the operation and maintenance of the Transit System in exchange for the use of the Flagler Site for the new courthouse; setting as County policy that the Children's Courthouse site, including its associated parking lot, be maintained and used solely for its current use and for other children's programs and services; directing the county mayor to take all necessary actions for the development of the new civil and probate courthouse consistent with the policy set forth in this resolution

Resolution No. R-799-18

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

  
Abigail Price-Williams  
County Attorney

APW/lmp

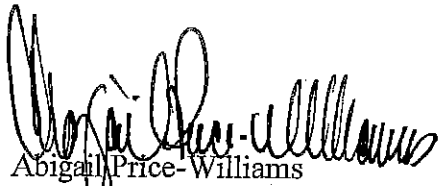


# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Esteban L. Bovo, Jr.  
and Members, Board of County Commissioners

**DATE:** July 24, 2018

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Abigail Price-Williams  
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 \_\_\_\_\_, 3/5's \_\_\_\_\_, unanimous \_\_\_\_\_) 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)  
7-24-18

RESOLUTION NO. R-799-18

RESOLUTION IDENTIFYING THE SITE COMMONLY REFERRED TO AS THE "FLAGLER SITE" LOCATED BETWEEN WEST FLAGLER STREET AND NW 1<sup>ST</sup> STREET AND JUST WEST OF THE EXISTING CIVIL AND PROBATE COURTHOUSE AS THE LOCATION OF THE NEW CIVIL AND PROBATE COURTHOUSE; SETTING AS COUNTY POLICY THAT, AS REQUIRED BY FEDERAL LAW, ANNUAL PAYMENTS BE MADE TO THE MIAMI-DADE TRANSPORTATION AND PUBLIC WORKS DEPARTMENT FOR THE OPERATION AND MAINTENANCE OF THE TRANSIT SYSTEM IN EXCHANGE FOR THE USE OF THE FLAGLER SITE FOR THE NEW COURTHOUSE; SETTING AS COUNTY POLICY THAT THE CHILDREN'S COURTHOUSE SITE, INCLUDING ITS ASSOCIATED PARKING LOT, BE MAINTAINED AND USED SOLELY FOR ITS CURRENT USE AND FOR OTHER CHILDREN'S PROGRAMS AND SERVICES; DIRECTING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO TAKE ALL NECESSARY ACTIONS FOR THE DEVELOPMENT OF THE NEW CIVIL AND PROBATE COURTHOUSE CONSISTENT WITH THE POLICY SET FORTH IN THIS RESOLUTION

**WHEREAS**, Miami-Dade County's civil courthouse has been present at its current location on Flagler Street for over one-hundred years- since 1904; and

**WHEREAS**, initially, the civil courthouse was a smaller building constructed of limestone but by 1924, there was a need for a much larger facility to serve the growing South Florida community; and

**WHEREAS**, the existing Miami-Dade County Civil and Probate Courthouse (the "Courthouse") was constructed between 1925-1928 and is Miami-Dade County's first skyscraper and first high-rise building and was the tallest building in all of Florida for many years; and

**WHEREAS**, the Courthouse is on the National Register of Historic Places and is one of the most valuable historic structures in Miami-Dade County; and

**WHEREAS**, for over a century, the Courthouse has served as the western anchor of Flagler Street and downtown Miami, serving as a catalyst for attorneys, court reporters, mediators and other businesses associated with legal services to establish their offices in close proximity to the Courthouse; and

**WHEREAS**, additionally, restaurants, cafes and stores have cropped up along Flagler Street and in the immediate vicinity of the Courthouse to service all those visitors to and employees of the Courthouse; and

**WHEREAS**, in seeking to identify sites for the much-needed construction of a new civil and probate courthouse (“New Courthouse”) to replace the existing Courthouse, the County Mayor and the administration have recommended that the New Courthouse be constructed adjacent to the Children’s Courthouse on what is currently the surface parking for the Children’s Courthouse (“Children’s Courthouse Site”); and

**WHEREAS**, however, other community stakeholders, including judges, lawyers, and business owners, have expressed a desire to have the New Courthouse constructed on Flagler Street; and

**WHEREAS**, specifically, the site that has been identified as a potential site for the construction of the New Courthouse is the property that is located between West Flagler Street and NW 1st Street, immediately west of the Courthouse (“Flagler Site”), and which was acquired using federal transit funds; and

**WHEREAS**, recently, the Downtown Development Authority (“Miami DDA”) adopted a resolution urging Miami-Dade County prioritize Flagler Street as the location for construction of the New Courthouse; and

**WHEREAS**, the Miami DDA’s resolution stated that if the New Courthouse were relocated away from Flagler Street, then, “without adequate replacement, the absence of the employment activity would disturb the economic vitality of the Flagler District;” and

**WHEREAS**, additionally, constructing the New Courthouse at a location other than Flagler Street would dishonor the historic legacy of the existing Courthouse; and

**WHEREAS**, conversely, erecting the New Courthouse at the Flagler Site would honor the historic Courthouse and its legacy on South Florida by the adjacency of its location and would spur redevelopment of the west side of downtown Miami and attract new businesses to the area; and

**WHEREAS**, accordingly, this Board desires to identify the Flagler Site as the site where the New Courthouse is to be constructed; and

**WHEREAS**, this Board also desires to reserve and maintain the Children’s Courthouse Site for its current use as parking for the Children’s Courthouse and for the provision of other children’s programs and services; and

**WHEREAS**, further, and as required by federal law, this Board desires to have annual rent payments made to the Department of Transportation and Public Works (“DTPW”) for the use of the Flagler Site for the New Courthouse,

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

**Section 1.** This Board hereby identifies, and sets as County policy, that the Flagler Site shall be the location for the construction of the New Courthouse.

**Section 2.** This Board sets as County policy that, as required by federal law, annual payments shall be made in the appropriate amounts to DTPW for the use of the Flagler Site for the New Courthouse and said payments shall be used by DTPW for the operation and maintenance of the County's transit system.

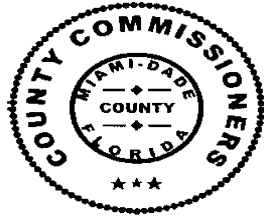
**Section 3.** This Board sets as County policy that the Children's Courthouse Site shall be maintained and used solely for its current use as parking for the Children's Courthouse and for the provision of other children's programs and services.

**Section 4.** This Board directs the County Mayor or Mayor's designee to take all actions and steps necessary for the development of the New Courthouse consistent with the policy set forth in this resolution.

The Prime Sponsor of the foregoing resolution is Commissioner Sally A. Heyman. It was offered by Commissioner **Sally A. Heyman**, who moved its adoption. The motion was seconded by Commissioner **José "Pepe" Diaz** and upon being put to a vote, the vote was as follows:

Esteban L. Bovo, Jr., Chairman	<b>aye</b>		
Audrey M. Edmonson, Vice Chairwoman	<b>absent</b>		
Daniella Levine Cava	<b>aye</b>	Jose "Pepe" Diaz	<b>aye</b>
Sally A. Heyman	<b>aye</b>	Eileen Higgins	<b>aye</b>
Barbara J. Jordan	<b>aye</b>	Joe A. Martinez	<b>absent</b>
Jean Monestime	<b>aye</b>	Dennis C. Moss	<b>aye</b>
Rebeca Sosa	<b>aye</b>	Sen. Javier D. Souto	<b>absent</b>
Xavier L. Suarez	<b>aye</b>		

The Chairperson thereupon declared the resolution duly passed and adopted this 24<sup>th</sup> day of July, 2018. 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: **Christopher Agrippa**  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.

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

Monica Rizo Perez