

RESOLUTION NO. 2015-5

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAZYNE, FLORIDA, URGING THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA TO PASS AND ADOPT THE ATTACHED RESOLUTION LIMITING THE USE OF MARINE STADIUM; PROVIDING FOR TRANSMITTAL AND FOR AN EFFECTIVE DATE.

WHEREAS, The Village Council of the Village of Key Biscayne finds that the restrictions contained within the March 12, 1963 County Deed from Miami-Dade County (the "County") to the City of Miami (the "City") for Marine Stadium serve a critical public purpose; and

WHEREAS, the City has abandoned the Marine Stadium and the allied uses on the property and has now commenced the process of converting the use of the property to an alternate commercial use; and

WHEREAS, the proposed use is incompatible with the area and poses a threat to the citizens of the County; and

WHEREAS, the Board of County Commissioners is charged with protecting the citizens of the County from adverse development and preserving the quality of public park lands.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF KEY BISCAZYNE, FLORIDA AS FOLLOWS:

Section 1. Recitals Adopted. That each of the recitals stated above are hereby adopted and confirmed.

Section 2. Adoption of Resolution. The Village Council hereby urges the Board of County Commissioners to adopt and implement the resolution attached as Exhibit "A."

Section 3. Transmittal. The Village Council is hereby directed to transmit a copy of this resolution to each of the members of the Board of County Commissioners of Miami-Dade

County.

Section 3. Effective Date. This resolution shall be effective immediately upon adoption.

PASSED AND ADOPTED this 27th day of January, 2015.


MAYOR MAYRA PEÑA LINDSAY

ATTEST:


CONCHITA H. ALVAREZ, MMC, VILLAGE



APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

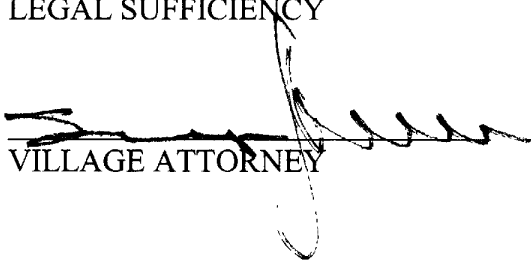

VILLAGE ATTORNEY

EXHIBIT "A"

RESOLUTION NO. _____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA RE-AFFIRMING THE RESTRICTIONS CONTAINED IN THE MARCH 12, 1963 COUNTY DEED TO THE CITY OF MIAMI FOR MARINE STADIUM AND DIRECTING THE MAYOR AND COUNTY ATTORNEY TO TAKE ALL ACTION NECESSARY TO STRICTLY ENFORCE THE TERMS OF SAID DEED; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Virginia Key consists of over 800 acres of mostly government-owned land used primarily for park and recreation purposes; and

WHEREAS, Miami-Dade County (the "County") has designated virtually all of Virginia Key as "Park and Recreation" on its Future Land Use Plan Map; and

WHEREAS, a 61.8+/- acre portion of Virginia Key located along the Rickenbacker Causeway (the "Site") was transferred by the County to the City of Miami (the "City") on March 12, 1963 to establish a waterfront amphitheater appropriately named "Marine Stadium" in order to provide an outdoor cultural arts venue for the residents of the County; and

WHEREAS, the deed of conveyance by the County to the City restricts the use of the Site to a "Marine Stadium and allied purposes;" and

WHEREAS, the City constructed the amphitheater and used it primarily as a performing arts venue until approximately 1992, when it was abandoned and all uses on the Site ceased; and

WHEREAS, recent efforts by the City have been initiated to convert most of the Site to a venue for commercial exhibition events, which are inconsistent with the well-established park and

recreation land uses established for Virginia Key and the surrounding area, including Key Biscayne; and

WHEREAS, the City's intended use with up to 800,000 square feet of exhibition space and \$16,000,000 of permanent infrastructure, including the resurfacing much of the Site with solid impervious surfaces is contrary to the park and recreation environment the County wishes to maintain for all of Virginia Key; and

WHEREAS, the proposed use will interfere with the use and enjoyment of the natural environment existing on Key Biscayne, Virginia Key and all the areas in and around the Rickenbacker Causeway, including all of Crandon Park and Bill Baggs State Park; and

WHEREAS, the County Commission finds it in the best interest of the public that the Site be used for a Marine Stadium and allied purposes only, and not as a site for the establishment of any other use unless it is directly and necessarily supportive of and associated with the Marine Stadium;

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

Section 1. Recitals Adopted. That each of the recitals stated above are hereby adopted and confirmed.

Section 2. Reaffirmation of Restrictions, The restrictions contained in the March 12, 1963 County Deed are hereby reaffirmed and shall be strictly complied with by the City.

Section 3. Implementation. The Mayor and County Attorney are hereby instructed and directed to take all steps necessary to strictly enforce the use restrictions contained within the March 12, 1963 County Deed, including, if necessary, the commencement of legal

proceedings against the City.

Section 4. Effective Date. This resolution shall be effective immediately upon adoption.

The Prime Sponsor of the foregoing resolution is Commissioner _____.

The foregoing resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Jean Monestine, Chairman	
Esteban L. Bovo, Jr., Vice Chairman	
Bruno A. Barreiro	Daniella Levine Cava
Jose "Pepe" Diaz	Audrey M. Edmonson
Sally A. Heyman	Barbara J. Jordan
Dennis C. Moss	Rebecca Sosa
Sen. Javier D. Souto	Xavier L. Suarez
Juan C. Zapata	

The Chairperson thereupon declared the resolution duly passed and adopted this ____ day of _____, 2015. This resolution shall become effective upon the earlier of (1) ten (10) days after the date of its adoption unless vetoed by the 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: _____
Deputy Clerk

Approved by County Attorney as to form and legal sufficiency.

1

COUNTY DEED

THIS DEED OF CONVEYANCE, made this 2nd day of March, 1963, by DADE COUNTY, a political subdivision of the State of Florida, party of the first part, and THE CITY OF MIAMI, FLORIDA, a municipal corporation, party of the second part,

WITNESSETH:

That the said party of the first part, for and in consideration of the sum of One (\$1.00) Dollar to it in hand paid by the party of the second part, receipt whereof is hereby acknowledged, has granted, bargained and sold to the said party of the second part, its successors and assigns forever, the following described land lying and being in Dade County, Florida, to wit:

Commence at the S. E. Corner Section 17-54-42, thence run N 89° 56' 49" W along the southerly line of said Section 17 for a distance of 2565.05' to a point of intersection with a line which is 200 feet northwesterly of and parallel with the Corporate Boundaries of the City of Miami and the Southwesterly prolongation thereof; thence run North 64° 34' 52" E along said line for a distance of 638.82 feet to the point of beginning of the hereinafter described tract; said point also lying on Corporate Boundaries of the City of Miami; thence run N 45° 22' 07" W along the said Corporate Boundaries, which is 660 feet northeasterly of and parallel with the centerline of the Rickenbacker Causeway for a distance of 1697.97 feet to a point; thence run S 44° 37' 53" W for a distance of 200 feet to a point; thence run N 45° 22' 07" W for a distance of 200 feet to a point; thence run North 44° 37' 53" E for a distance of 200 feet to a point; said point lying on the Corporate Boundaries of the City of Miami (the same being the northwesterly right-of-way of Rickenbacker



Causeway); thence run N 45° 22' 07" W along said northwesterly right-of-way of Rickenbacker Causeway for a distance of 2734.54 feet to a point of curvature; thence run along the arc of a curve to the left having a radius of 2092.40 feet and a central angle of 37° 16' 46" for a distance of 1361.42 feet to a point of intersection with the proposed Bulkhead Line of Virginia Key, (as approved by City of Miami Resolution No. 33127 and Dade County Resolution No. 8108); thence run S 44° 06' 48" W along said proposed Bulkhead Line for a distance of 620.00 feet to a point of intersection with a line which is 200.00 feet northerly of the centerline of said Rickenbacker Causeway; thence run N 89° 06' 48" E along said line that is 200.00 feet northerly of, and parallel with the centerline of said Rickenbacker Causeway for a distance of 138.57 feet to a point of curvature; thence run northeastwardly, eastwardly, and southeastwardly along the arc of a curve to the right, having a radius of 1632.40 feet and a central angle of 45° 31' 05" for a distance of 1296.84 feet to a point of tangency; thence run S 45° 22' 07" E along a line which is 200.00 feet northeasterly of and parallel with the centerline of said Rickenbacker Causeway for a distance of 4465.54 feet to a point of intersection with a line which is 200.00 feet northwesterly of and parallel with the Corporate Boundaries of the City of Miami and the southwesterly prolongation thereof; thence run N 64° 34' 52" E along said line for a distance of 489.37 feet to the Point of Beginning. Bearings shown on the above description are based on the bearing of the centerline of Rickenbacker Causeway as shown on the Metropolitan Dade County Bulkhead Line, as recorded in Plat Book 74 at Page 4 of the Public Records of Dade County, Florida. The above-described tract contains 61.8 1/2 Acres.

This deed of conveyance is made upon the express condition that the land hereby conveyed shall be perpetually used and maintained for the operation of a Marine Stadium and allied purposes only, and in the event the use of said land for such purposes shall be abandoned, then and in such event the title to said land shall revert to the grantor herein.

IN WITNESS WHEREOF, the said party of the first part has

caused these presents to be executed in its name by its Board of County Commissioners acting by the Chairman, and has caused its official seal to be affixed, attested by its Clerk, the day and year first above written.

DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

E. B. LEATHERMAN, CLERK

(OFFICIAL SEAL)

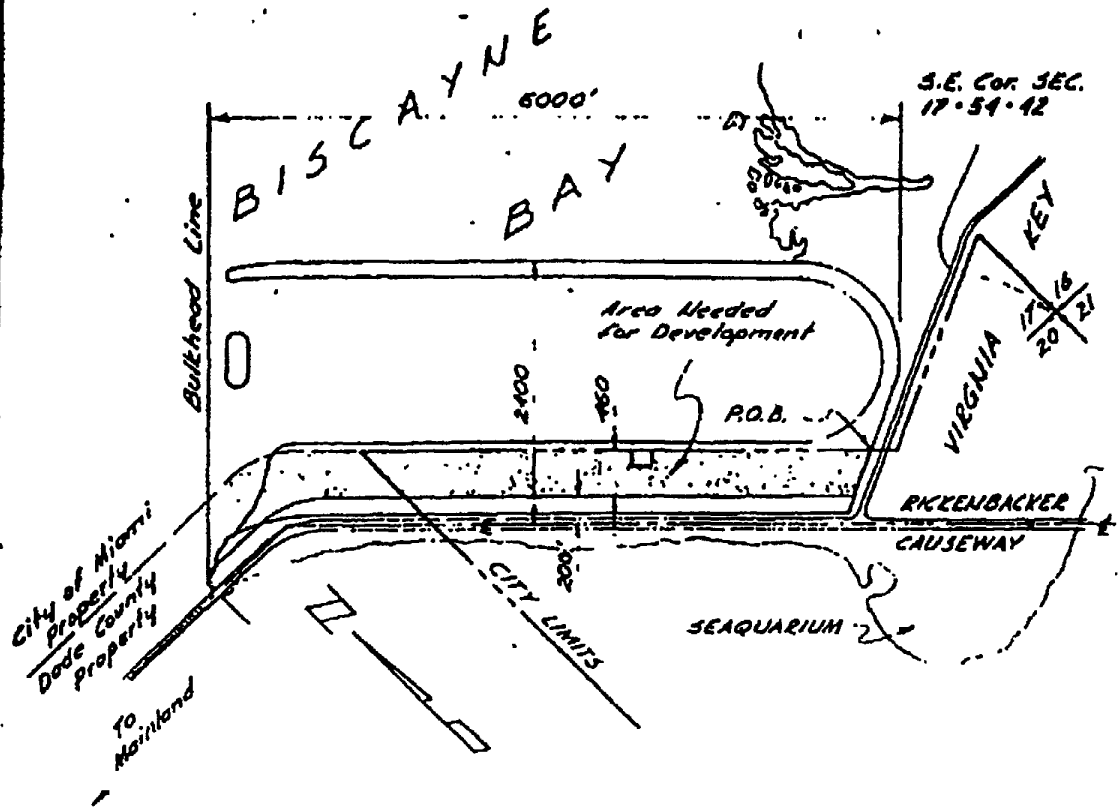
ATTEST:

E. B. LEATHERMAN, CLERK
By: W. F. Russell
W. F. RUSSELL
Deputy Clerk

By: Joseph A. Boyd, Jr.
Joseph A. Boyd, Jr.
Its Chairman

This deed of conveyance has been approved and execution thereof authorized by Resolution No. 8416.

3609-7163



SKETCH SHOWING
COUNTY LAND
NEEDED FOR DEVELOPMENT OF
COMMODORE RALPH MUNROE
MARINE STADIUM

STATE OF FLORIDA }
COUNTY OF DADE } SS:

I, E. B. LEATHERMAN, Clerk of the Circuit Court in and for Dade County, Florida, and Ex-Officio Clerk of the Board of County Commissioners of said County, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. 8416, adopted by the said Board of County Commissioners at its meeting held on March 12, 1963.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this 13th day of March, A. D. 1963.

E. B. LEATHERMAN, Ex-Officio Clerk
Board of County Commissioners
Dade County, Florida

By W. F. Jenkins
Deputy Clerk



SEAL

State of Florida, County of Dade.
This instrument was filed for record the 13 day of Apr
1963 at 2:54 PM, and duly recorded in OFFICIAL RECORDS
Book 3609 on Page 10 File # 632-60686

E. B. LEATHERMAN
Clerk Circuit Court.
By F. B. Jenkins J.C.

Board of County Commissioners
Dade County, Florida