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Title: A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, EXPRESSING OPPOSITION TO A PROPOSED COUNTY ORDINANCE RELATING TO PERMIT FEES AND OTHER REQUIREMENTS FOR WORK ON COUNTY RIGHT-OF-WAY; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.

Sponsors:

Indexes:

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Attachments: 1. Manager Memo-Expressing Opposition to County ROW Ordinance, 2. Resolution-Expressing Opposition to County ROW Ordinance

Date	Ver.	Action By	Action	Result
7/29/2020	1	Town Council	adopted	Pass

MEMORANDUM

To: Honorable Mayor and Members of the Town Council

From: Rafael G. Casals, ICMA-CM, CFM, Town Manager

Date: July 29, 2020

Re: Opposing the County Code Amendment Preventing Municipalities from Requiring Right of Ways Permits on County Owned Roads

REQUEST

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, EXPRESSING OPPOSITION TO A PROPOSED COUNTY ORDINANCE RELATING TO PERMIT FEES AND OTHER REQUIREMENTS FOR WORK ON COUNTY RIGHT-OF-WAY; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.

BACKGROUND AND ANALYSIS

On February 20, 2018, the Town Council adopted Resolution No. 08-11, approving a Road Transfer Agreement (“Agreement”) between the Town of Cutler Bay (“Town”) and Miami-Dade County (“County”). The Agreement transferred the underlying title and responsibility for the operation, maintenance, planning, design, and construction for the road segments (excluding stormwater drainage related functions) from the County to

the Town. As a result of the Agreement, various right-of-way medians, swales, and cul-de-sacs, which were previously maintained by the County, are now maintained by the Town's Public Works Department.

On June 2, 2020, the County Board of County Commissioners heard the first reading of an ordinance amending Sections 2-103.1 and 2-103.4 of the County Code. The proposed ordinance aims to prohibit municipalities from charging any fees, imposing any requirements, or requiring any permits for work on any county-owned or county-maintained right-of-way or easements within municipalities. This ordinance's prohibitions would include, without limitation, maintenance of traffic requirements, and requirements that any permit be obtained for any construction, maintenance, or improvements done by any person, corporation, partnership, association, governmental agency, or other legal entity on any county-owned or county-maintained rights of way or easements within the Town.

The proposed Ordinance will prohibit the Town from requiring right-of-way permits and reduce its ability to regulate construction work. Without requirements for right-of-way permits, the Town would not have advance warning of construction work, which may impede, hinder, or restrain traffic. In addition, the Ordinance would diminish the Town's ability to enforce the preservation of right-of-ways located within the Town's jurisdictional boundaries.

RECOMMENDATION

It is recommended that the Town Council adopt the attached Resolution, which opposes proposed amendments to Sections 2-103.1 and 2-103.4 of the County Code relating to permit fees and other requirements on Miami-Dade County rights-of-ways and easements within municipalities.