

111<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 3175

To direct the Secretary of Agriculture to convey to Miami-Dade County certain federally owned land in Florida, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 10, 2009

Mr. LINCOLN DIAZ-BALART of Florida introduced the following bill; which was referred to the Committee on Agriculture

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## A BILL

To direct the Secretary of Agriculture to convey to Miami-Dade County certain federally owned land in Florida, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. DEFINITIONS.**

4       As used in this Act:

5               (1) COUNTY.—The term “County” means  
6       Miami-Dade County in the State of Florida.

7               (2) SECRETARY.—The term “Secretary” means  
8       the Secretary of Agriculture.

9               (3) PROPERTY.—The term “Property” means  
10       approximately 2.0 acres, more or less, of the feder-

1       ally owned land comprising the Subtropical Horti-  
2       culture Research Station in Miami-Dade County,  
3       Florida, as described in section 2(b).

4   **SEC. 2. LAND CONVEYANCE.**

5       (a) IN GENERAL.—Upon receipt of the consideration  
6       and cost reimbursement provided herein, the Secretary  
7       shall convey and quitclaim to the County, all right, title,  
8       and interest of the United States in the Property, subject  
9       to easements and rights-of-way of record and such other  
10      terms and conditions as the Secretary may prescribe.

11      (b) PROPERTY DELINEATION.—Of the federally  
12      owned land comprising the Subtropical Horticulture Re-  
13      search Station, the Secretary and the authorized rep-  
14      resentative of the County shall mutually delineate 2.0  
15      acres, more or less, fronting on SW 67th Avenue for con-  
16      veyance as the Property.

17      (c) CONSIDERATION.—

18           (1) IN GENERAL.—As consideration for the con-  
19      veyance of the Property, the County shall pay to the  
20      Secretary an amount in cash equal to the market  
21      value of the property.

22           (2) DETERMINATION OF VALUE.—To determine  
23      the market value of the property, the Secretary shall  
24      have the Property appraised in conformity with the  
25      Uniform Appraisal Standards for Federal Land Ac-

1       quisitions. The approved appraisal shall at all times  
2       be the property of the United States.

3       (d) SURVEY.—The County shall, at its cost, survey  
4 the exterior boundaries of the Subtropical Horticulture  
5 Research Station and the Property to Federal survey  
6 standards to the satisfaction of the Secretary, and shall  
7 provide to the Secretary certified originals with signature  
8 and raised seal.

9       (e) RELEASE.—The County, by a recordable instru-  
10 ment satisfactory to the Secretary, shall release the United  
11 States Department of Agriculture from that instrument  
12 dated September 8, 2006, titled “Unity of Title”.

13       (f) TIME OF CONVEYANCE.—The Secretary shall con-  
14 vey the Property to the County not later than 120 days  
15 after the date on which the County deposits the consider-  
16 ation with the Department of Agriculture.

17       (g) CORRECTIONS.—With the agreement of the  
18 County, the Secretary may make minor corrections or  
19 modifications to the legal description of the Property.

20 **SEC. 3. COSTS.**

21       (a) TRANSACTION COSTS.—At closing for the convey-  
22 ance of the Property under this Act, the County shall pay  
23 or reimburse the Secretary, as appropriate, for the reason-  
24 able transaction and administrative personnel costs associ-  
25 ated with the conveyance authorized by this Act, including

1 the transaction costs of appraisal, title, hazardous sub-  
2 stances examination, and closing costs.

3 (b) ADMINISTRATIVE COSTS.—In addition to trans-  
4 action costs under subsection (a), the County shall pay  
5 administrative costs in the liquidated amount of \$50,000.

6 (c) ATTORNEYS' FEES.—The County and the Sec-  
7 retary shall each bear their own attorneys' costs.

#### 8 **SEC. 4. RECEIPTS.**

9 The Secretary shall deposit the consideration and re-  
10 ceipts for costs into the Treasury of the United States to  
11 be credited to the appropriation for the Agricultural Re-  
12 search Service, and such sum shall be available to the Sec-  
13 retary until expended, without further appropriation, for  
14 the operation, upkeep, and maintenance of the Subtropical  
15 Horticulture Research Station.

#### 16 **SEC. 5. MISCELLANEOUS PROVISIONS.**

17 (a) SECURITY FENCING.—On or before closing for  
18 the conveyance of the Property under this Act, the County  
19 shall, at its cost, contract for the construction of a security  
20 fence located on the boundary between the Property and  
21 the adjacent land administered by the Secretary. The  
22 fence shall be of materials and standards approved in ad-  
23 vance by the Secretary. The Secretary may approve tem-  
24 porary security structures for use during construction  
25 phases.

1           (b) OTHER TERMS.—The Secretary and the County  
2 may otherwise effect the purpose of this Act on such addi-  
3 tional terms as are mutually acceptable and which are not  
4 inconsistent with the provisions of this Act.

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