

Union Calendar No. 140

111TH CONGRESS
1ST SESSION

H. R. 3175

[Report No. 111-252]

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

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

SEPTEMBER 10, 2009

Additional sponsors: Ms. ROS-LEHTINEN, Mr. MARIO DIAZ-BALART of Florida, Ms. WASSERMAN SCHULTZ, and Mr. MEEK of Florida

SEPTEMBER 10, 2009

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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

14 **SEC. 2. LAND CONVEYANCE.**

15 (a) IN GENERAL.—Upon receipt of the consideration
16 and cost reimbursement provided herein, the Secretary
17 shall convey and quitclaim to the County, all right, title,
18 and interest of the United States in the Property, subject
19 to easements and rights-of-way of record and such other
20 terms and conditions as the Secretary may prescribe.

21 (b) PROPERTY DELINEATION.—Of the federally
22 owned land comprising the Subtropical Horticulture Re-
23 search Station, the Secretary and the authorized rep-
24 resentative of the County shall mutually delineate 2.0

1 acres, more or less, fronting on SW 67th Avenue for con-
2 veyance as the Property.

3 (c) CONSIDERATION.—

4 (1) IN GENERAL.—As consideration for the con-
5 veyance of the Property, the County shall pay to the
6 Secretary an amount in cash equal to the market
7 value of the property.

8 (2) DETERMINATION OF VALUE.—To determine
9 the market value of the property, the Secretary shall
10 have the Property appraised in conformity with the
11 Uniform Appraisal Standards for Federal Land Ac-
12 quisitions. The approved appraisal shall at all times
13 be the property of the United States.

14 (d) SURVEY.—The County shall, at its cost, survey
15 the exterior boundaries of the Subtropical Horticulture
16 Research Station and the Property to Federal survey
17 standards to the satisfaction of the Secretary, and shall
18 provide to the Secretary certified originals with signature
19 and raised seal.

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

24 (f) TIME OF CONVEYANCE.—The Secretary shall con-
25 vey the Property to the County not later than 120 days

1 after the date on which the County deposits the consider-
2 ation with the Department of Agriculture.

3 (g) CORRECTIONS.—With the agreement of the
4 County, the Secretary may make minor corrections or
5 modifications to the legal description of the Property.

6 **SEC. 3. COSTS.**

7 (a) TRANSACTION COSTS.—At closing for the convey-
8 ance of the Property under this Act, the County shall pay
9 or reimburse the Secretary, as appropriate, for the reason-
10 able transaction and administrative personnel costs associ-
11 ated with the conveyance authorized by this Act, including
12 the transaction costs of appraisal, title, hazardous sub-
13 stances examination, and closing costs.

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

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

19 **SEC. 4. RECEIPTS.**

20 The Secretary shall deposit the consideration and re-
21 ceipts for costs into the Treasury of the United States to
22 be credited to the appropriation for the Agricultural Re-
23 search Service, and such sum shall be available to the Sec-
24 retary until expended, without further appropriation, for

1 the operation, upkeep, and maintenance of the Subtropical
2 Horticulture Research Station.

3 **SEC. 5. MISCELLANEOUS PROVISIONS.**

4 (a) SECURITY FENCING.—On or before closing for
5 the conveyance of the Property under this Act, the County
6 shall, at its cost, contract for the construction of a security
7 fence located on the boundary between the Property and
8 the adjacent land administered by the Secretary. The
9 fence shall be of materials and standards approved in ad-
10 vance by the Secretary. The Secretary may approve tem-
11 porary security structures for use during construction
12 phases.

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

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