

MEMORANDUM

Agenda Item No. 11(A)(2)

TO: Honorable Chairperson Barbara Carey-Shuler, Ed.D.  
and Members, Board of County Commissioners

DATE: January 20, 2004

FROM: George D. Higgins  
County Manager

SUBJECT: Sale of 4 County-Owned  
Lots for Infill Housing

RECOMMENDATION

It is recommended that the Board approve the attached resolution declaring surplus four County-owned lots, identified in Invitation to Bid No. 5, for sale of County-owned lots under the Infill Housing Initiative; authorizing the sale of four parcels to Personal Paradise Developers, Inc.; and authorizing the Mayor to execute the attached County deed (Exhibit C), which more specifically identifies the properties (Exhibit A). It is further recommended that the Board authorize the County Manager or his designee to release, prior to closing, any County liens that have been placed on the property subsequent to the issuance of the Tax Deed, as authorized by Sections 17-124 and 126 of the County Code. It is also recommended that the Board authorize the release of any additional County liens which were not appropriately filed in the public records, but which may become known subsequent to the passing of this resolution and prior to closing.

BACKGROUND

Commissioner Dr. Barbara M. Carey-Shuler sponsored an ordinance, codified as Sections 17-124 and 126 of the County Code, which created a specific methodology for handling infill housing, including the identification of property and adjacent property; acquisition, transfer and sale of property; reversion of title to the County in the event of non-performance; forgiveness of liens; and, construction and rehabilitation loan provisions. Resolution No. R-432-00, approved by the Board of County Commissioners on May 9, 2000, directed the County Manager to identify lots for the Infill Housing Initiative and sell them to highest bidders through competitive bid. On April 28, 2003, "Invitation to Bid No. 5" was issued for such purpose, offering for sale thirty County-owned lots to the high bidders, subject to the conditions listed below. Failure to comply with any of the conditions will result in the forfeiture of all monetary investments and physical improvements, and title to the properties will revert to Miami-Dade County. The conditions are as follows:

1. That each parcel be developed with an affordable single family home that meets the guidelines of the Infill Housing Initiative. The following maximum sale prices are to be used as a guide only and both are subject to change in accordance with applicable funding source guidelines. Currently, the maximum sales price for projects using Surtax funding is \$145,000. The maximum sales price for projects using SHIP funding is \$119,400 (not to exceed \$89.00 per square foot).
2. Obtain building permits and commence construction of home(s) within six (6) months of acquiring the property.

3. Complete construction and obtain certificate of occupancy of the homes within twelve (12) months of acquiring the property.
4. Build the home(s) to meet or exceed the Minimum Housing Quality Standards for Surtax and SHIP funding.
5. Pay all closing costs to purchase the lots and convey the completed home.

The lots included in Invitation to Bid No. 5 were divided by location into eight groups. Bids for individual lots were not considered unless they were the only lot in the group. No minimum bid amount was set for any of the groups of lots. The Invitation to Bid was advertised in the Miami Daily Business Review during the fourth week in April and first and second weeks of May. Additionally, the Bid was advertised on the Miami-Dade County Web Site. Thirty-four printed bid packages were picked up at GSA and ninety-four were downloaded from the Web. A non-mandatory Pre-Bid Conference was held on May 14, 2003; bids were opened on June 4, 2003.

On November 4, 2003 the Board approved the sale of Groups 1, 2, 3, 4, 6, 7 and 8. Group 5 was not awarded at that time due to the fact that TLMC Enterprises, Inc., the high bidder for that group, withdrew its bid shortly before the item was to be heard by the Board and subsequent to it being presented to the Economic, Development and Human Services Committee at its meeting of October 15, 2003. As provided for in the Bid, if a bidder does not close on the property awarded, then its deposit is forfeited and the bid is awarded to the next highest bidder. The next highest bid for Group 5 was submitted by Personal Paradise Developers, Inc. for \$19,502.

Personal Paradise Developers, Inc. submitted a financial plan detailing how the construction of the homes will be financed, to the satisfaction of Miami-Dade Housing Agency. The following is pertinent background information on this bidder:

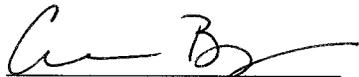
**Personal Paradise Developers, Inc.** was established in 1989 to specialize in the development of residential infill housing. They have been working with Miami-Dade County Special Housing Programs since their inception and have completed infill projects throughout the County under the Surtax and Infill Initiative programs. Personal Paradise, under the direction of its President, Octavio Castellanos, is currently developing twenty-four homes for the Infill Housing program. Ocean Bank is presently funding Personal Paradise's projects.

#### LIST OF PRINCIPALS OF HIGH BIDDER

Company	Principal (s)	Ownership %
Personal Paradise Developers, Inc. 9980 SW 62 Street Miami, FL 33173 305-271-0397	Octavio Castellanos, President	100%

Honorable Chairperson Barbara Carey-Shuler, Ed.D.  
and Members, Board of County Commissioners  
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The County acquired all of the properties that are the subject of this bid for Infill Housing via tax deed. Pursuant to Section 197.502(8) F.S., all tax certificates and liens, which predate the issuance of the tax deed to the County, are cancelled and have no further legal force or effect. Subsequent to the title conveyance to the County by tax deed, various liens have been placed against those properties, which require specific Board authorization to release. A list of liens identified on the properties to-date, as well as a sample of the Release of Lien Relative to Infill Housing Initiative of Miami-Dade County, can be found in Exhibit "B" of the resolution.

  
Assistant County Manager



# MEMORANDUM

(Revised)

**TO:** Hon. Chairperson Barbara Carey-Shuler, Ed.D.  
and Members, Board of County Commissioners

**DATE:** January 20, 2004

**FROM:** Robert A. Ginsburg  
County Attorney

**SUBJECT:** Agenda Item No. 11(A)(2)

**Please note any items checked.**

- "4-Day Rule" ("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
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 11(A)(2)  
1-20-04

RESOLUTION NO. \_\_\_\_\_

RESOLUTION DECLARING FOUR COUNTY-OWNED LOTS, IDENTIFIED IN INVITATION TO BID NO. 5 FOR SALE OF COUNTY-OWNED LOTS UNDER THE INFILL HOUSING INITIATIVE, SURPLUS; AUTHORIZING THE SALE OF LOTS IN GROUP 5 TO PERSONAL PARADISE DEVELOPERS, INC.; AUTHORIZING THE WAIVER OF ALL COUNTY LIENS PURSUANT TO SECTION 17-126 OF THE CODE; AUTHORIZING THE COUNTY MANAGER TO TAKE ALL ACTIONS NECESSARY TO ACCOMPLISH SAME; AND AUTHORIZING EXECUTION OF COUNTY DEEDS FOR SUCH PURPOSE

WHEREAS, this Board passed Resolution No. R-432-00 on May 9, 2000 directing the County Manager to identify lots for the Infill Housing Initiative and offer them for sale to the highest responsive bidder in accordance with Florida Statute 125.35; and

WHEREAS, Invitation to Bid No. 5 For Sale of County-owned Lots Under the Infill Housing Initiative was issued offering the sale of thirty County-owned lots divided into eight groups to the high bidder with development restrictions; and

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, for the properties described in the accompanying County Deeds, copies of which are incorporated herein by reference,

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NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA that this Board hereby declares surplus thirty County-owned lots described in the attached County Deeds, pursuant to Section 125.35 Florida Statutes; authorizes the sale of lots in Group 5 to Personal Paradise Developers, Inc.; authorizes the waiver of all County liens pursuant to Section 17-126 of the Code; authorizes the County Manager to take all actions necessary to accomplish the sale and conveyance of said property; and authorizes the Mayor to execute said County Deeds, in substantially the form attached hereto as Exhibit "C".

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:

- |  |                   |
|--|-------------------|
| Barbara Carey-Shuler, Ed.D., Chairperson |                   |
| Katy Sorenson, Vice Chairperson          |                   |
| Bruno A. Barreiro                        | Jose "Pepe" Diaz  |
| Dennis C. Moss                           | Betty T. Ferguson |
| Dorrin D. Rolle                          | Sally A. Heyman   |
| Natacha Seijas                           | Joe A. Martinez   |
| Rebeca Sosa                              | Jimmy L. Morales  |
| Senator Javier D. Souto                  |                   |

The Chairperson thereupon declared the resolution duly passed and adopted this 20th day of January, 2004. This resolution shall become effective 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.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

HARVEY RUVIN, CLERK

Approved by the County Attorney as  
to form and legal sufficiency. MGC  
Marcia G. Cooke

By: \_\_\_\_\_  
Deputy Clerk

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**Exhibit "A"**

**Property List  
Infill Housing Bid No. 5**

Group No.	Folio Number	Address	Lot Size	Size Units	Zoning	Assessed Value	Commissioner District
5	30-3115-004-0740	Adjacent (West) 1832 NW 59 St	5,080	S.F.	RU-2	\$8,842	3
	30-3115-027-1410	Adjacent (East) of 1980 NW 60 St	6,345	S.F.	RU-2	\$10,268	3
	30-3115-028-0040	2479 NW 57 ST	5,350	S.F.	RU-2	\$9,845	2
	30-3115-035-0250	Adjacent (East) of 2232 NW 61 St	5,848	S.F.	RU-1	\$9,700	3

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# EXHIBIT C

Instrument prepared by and return to:

Jeff Cutt

Miami-Dade County GSA

111 N.W. 1 Street, Suite 2460

Miami, Florida 33128-1907

Folio No. 30-3115-004-0740, 30-3115-027-1410,

30-3115-028-0040, 30-3115-035-0250

## COUNTY DEED

THIS DEED, made this \_\_\_\_ day of \_\_\_\_\_, 2003 A.D. by MIAMI-DADE COUNTY, FLORIDA, a Political Subdivision of the State of Florida, party of the first part, whose address is: Stephen P. Clark Center, 111 N.W. 1<sup>st</sup> Street Suite 17-202, Miami, Florida 33128-1963, and PERSONAL PARADISE DEVELOPERS, INC., party of the second part, whose address is 9980 SW 62 Street, Miami, FL 33173:

### *WITNESSETH:*

That the said party of the first part, for and in consideration of the sum of \_\_\_\_\_ Dollars and No/100 (\$ \_\_\_\_\_) 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, his/her heirs and assigns forever, the following described land lying and being in Dade County, Florida (the "Property"):

### **As legally described in Exhibit "A" attached hereto and made a part hereof**

This conveyance is made subject to the following restrictions:

1. Each parcel shall be developed with an affordable single family home that meets the guidelines of the Infill Housing Initiative. The following maximum sale prices are to be used as a guide only and both are subject to change in accordance with applicable funding source guidelines. Currently, the maximum sales price for projects using Surtax funding is \$145,000. The maximum sales price for projects using SHIP funding is \$119,400 (not to exceed \$89.00 per square foot).
2. Build the home(s) to meet or exceed the Minimum Housing Quality Standards for Surtax and Ship funding (See Appendix 4).
3. The property shall be reasonably developed or rehabilitated with affordable housing within one year of conveyance.
4. The Party of the Second Part shall pay all closing costs to purchase the lots and to convey the completed home.
5. That the home shall remain as affordable housing for at least ten (10) years.

The Party of the Second Part (or Successor in Interest), shall pay real estate taxes and assessments on the property or any part thereof when due. Party of the Second Part shall not suffer any levy or attachment to be made, or any material or mechanic's lien, or any unauthorized encumbrance or lien to attach, except:

- a) Any mortgage(s) in favor of any institutional lender for the purpose of financing any hard costs or soft costs relating to the construction of the single family home in an amount(s) not to exceed the value of the Improvements as determined by an appraiser; and
- b) Any mortgage(s) in favor of any institutional lender refinancing any mortgage of the character described in clause a) hereof; in an amount(s) not to exceed the value of the Improvements as determined by an appraiser.
- c) The recordation, together with any mortgage purporting to meet the requirements of clauses (a) or (b) above, of a statement of value by a Member of the American Institute of Real Estate Appraisers (MAI), (or member of any similar or successor organization), stating the value of the single family home is equal to or greater than the amount of such mortgages(s), shall constitute conclusive evidence that such mortgage meets such requirements, and that the right of any re-entry hereunder shall be subject to and limited by, and shall not defeat, render invalid, or limit in any way, the lien of such mortgage. For purposes of this paragraph an "institutional lender" shall mean any bank, savings and loan association, insurance company, foundation or other charitable entity, real estate or mortgage investment trust, pension funds, the Federal National Mortgage Association, agency of the United States Government or other governmental agency. In any event, the term "Institutional lender" shall be deemed to include Miami-Dade County and its respective successors and assigns.

Upon completion of the constructed housing the Party of the Second Part shall provide the County a copy of the Certificate of Occupancy for the constructed housing. Upon receiving the Certificate of Occupancy and proof of compliance with all the deed restrictions listed above, the County shall furnish the Party of the Second Part an appropriate instrument acknowledging satisfaction with all four deed restrictions listed above. Such satisfaction of deed restrictions shall be in a form recordable in the Office of the Clerk of the Circuit Court of Miami-Dade County, Florida.

The Party of the Second Part, its successors or assigns, covenants to maintain the housing constructed on the property as affordable housing for at least ten (10) years from the date of first occupancy, and any deed of conveyance of the completed housing shall contain a restriction stating that the property shall remain as affordable housing for the requisite number of remaining years left on this restriction.

In the event the Party of the Second Part, its successors or assigns, shall violate or otherwise fail to comply with any of the restrictions and covenants set forth herein, the Party of the Second Part, its successors or assigns, shall correct or cure the default/violation within (30) days of notification of the default by the County. If the Party of the Second Part, its successors or assigns, fails to remedy the default within thirty (30) days, the County shall have the right to re-enter and take possession of the property and to terminate and re-vest in the County the estate conveyed by this Deed to the Party of the Second Part, its successors or assigns, and by such reverter to the County, shall forfeit all monetary investments and improvements without any compensation or right to compensation whatsoever; provided, that any such right of re-entry shall always be subjected to and limited by, and shall not defeat, render invalid, or limit in any way the lien of any valid mortgage or Deed or Trust permitted by this Deed.

This grant conveys only the interest of the County and its Board of County Commissioners in the property herein described and shall not be deemed to warrant the title or to represent any state of facts concerning the same.

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 Mayor of said Board, the day and year aforesaid.

(OFFICIAL SEAL)

ATTEST:

HARVEY RUVIN, CLERK

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Mayor

Approved for legal sufficiency \_\_\_\_\_

The foregoing was authorized and approved by Resolution No. R- \_\_\_\_\_ of the Board of County Commissioners of Miami-Dade County, Florida, on the \_\_\_\_\_ day of \_\_\_\_\_, 2003.

**PERSONAL PARADISE DEVELOPERS, INC.**  
**EXHIBIT A**

Folio # 30-3115-004-0740  
LOT 9 BLK 7 NORMANDY PARK PB 25-15

Folio # 30-3115-027-1410  
LOT 11 BLK 6 RIDGEWAY PB 12-70

Folio # 30-3115-028-0040  
E20FT OF LOT 18 & W30FT LOT 19 BLK 1 SYROLA PINES PB 24-18

Folio # 30-3115-035-0250  
LOT 11 BLK 2 MIDWAY PARK PB 18-44

**As Referenced in EXHIBIT "B"**  
**Infill Housing Liens – Bid # 5**  
**FOLIO NO. 30-3115-028-0040**

Claim of lien for Lot Clearing, recorded 10/19/00 Invoice No.  
2000000701 OR Book 19411 Page 2205.

**BOARD OF COUNTY COMMISSIONERS  
SPECIAL RELEASE OF LIEN RELATIVE  
TO INFILL HOUSING INITIATIVE**

In accordance with Section 17-126, Miami-Dade County Code, any liens placed on a property by the County or any of its agencies may be released by the Board of County Commissioners if the property has been approved for the Infill Housing Initiative.

Resolution No. R-\_\_\_\_\_ passed by the Board of County Commissioners on the \_\_\_\_\_ day of \_\_\_\_\_, 2003 approved for Infill Housing the sale and waiver of County liens identified in Exhibit B attached hereto for property legally described as follows:

Tax Folio No. **30-3115-028-0040**, A/K/A 15-53-41 SYROLA PINES PB 24-18, E20FT OF LOT 18 & W30FT OF LOT 19 BLOCK 1, LOT SIZE 50.000 X 107

Witness: The official seal of Miami- Dade County and the hand of the Deputy Clerk thereof, C/O Team Metro, Miami, Florida. As of \_\_\_\_\_, 2003

\_\_\_\_\_  
**CLAUDIA P. FLORES,**  
Deputy Clerk

Approved for legal sufficiency:  
\_\_\_\_\_