

Memorandum



Date: January 17, 2006

CEERC
Agenda Item No. 4 (G)

To: Honorable Chairman Joe A. Martinez and
Members Board of County Commissioners

From: George M. Burgess
County Manager 

Subject: Resolution Authorizing The Conveyance of Fifty-two Parcels of Land to the Habitat For Humanity of Greater Miami, Inc. for Infill Development of Fifty-two Single Family Homes in Sector I of Scott Carver Homes Hope VI Revitalization Program, All of Which Are Intended for Affordable Homeownership by Low- Income to Very Low-Income Families

RECOMMENDATION

It is recommended that the Board approve the attached resolution authorizing the conveyance of fifty-two (52) parcels of land to Habitat for Humanity of Greater Miami, Inc. at a price of ten dollars (\$10) subject to the approval of the United States Department of Housing and Urban Development (USHUD) and Habitat for Humanity's compliance with all requirements of the HOPE VI Program. The lots, more specifically identified (Exhibit "A") in the attached County deeds (Exhibit "B"), are to be utilized by the not-for-profit corporation to construct 52 single family homes in Sector I of Scott Carver Homes HOPE VI Revitalization Program. All 52 homes are intended for affordable homeownership by low-income to very low-income families. The parcels will be conveyed in accordance with Section 125.38, Florida Statutes.

BACKGROUND

On May 2, 2000 the Board approved Resolution No. R-432-00, which authorized the County Manager to establish and implement certain actions and processes necessary to more efficiently administer Miami-Dade County's Infill Housing Initiative. One of these actions included the authorization to continue to transfer ownership of County-owned lots to not-for-profit development corporations that are ready, willing and able to develop housing units, as prescribed under the Miami-Dade County Infill Housing Initiative. In addition, the Board adopted Chapter 17, Article VII of the Code of Miami-Dade County which created a specific methodology for handling infill housing, including identification of property, reversion of title to the County in the event of non-performance, forgiveness of liens, and construction and rehabilitation loan provisions. To further promote its advocacy of affordable housing development, the Board passed Resolution R-754-03 on July 8, 2003. This Resolution directed the County Manager to transfer undesignated real property to MDHA for consideration for affordable housing development prior to circulation as surplus. The identified County parcels will be conveyed to Habitat for Humanity of Greater Miami, Inc.

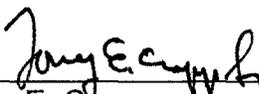
Habitat for Humanity of Greater Miami, Inc. (Habitat for Humanity) is a 501 (c) (3) organization established in 1989 that builds homes in partnership with low-income families in need of an affordable and safe place to live. Habitat for Humanity provides homeownership opportunities to low-income families by building modest homes and providing the purchasers with interest-free loans. Habitat for Humanity also provides volunteer opportunities to all people desiring to work to eliminate poverty housing. Homes are built with partial volunteer labor, local trade subcontractors, and materials purchased with donations from individuals, churches, businesses and foundations. Government funds are accepted for land acquisition, infrastructure, and administrative costs. Habitat for Humanity has built over 426 single-family affordable homes in Miami-Dade County.

Additionally, Resolution R-50-04 conveyed four (4) parcels of Scott/Carver land to Habitat for Humanity for the HOPE VI Redevelopment. In 2005, Habitat for Humanity successfully completed three (3) homes and achieved the HOPE VI goal of returning Scott/Carver residents to the area as homeowners. Two (2) more homes will be completed on the remaining parcels within the next few months.

Because of Habitat for Humanity's proven HOPE VI Revitalization Program success and their commitment to subcontract whenever possible with small and local businesses, thus promoting the participation of the local workforce, their further participation is requested. This resolution will convey fifty-two (52) more parcels for that effort.

Therefore, it is recommended that the Board approve the attached resolution authorizing the County Manager to convey the fifty-two (52) properties described in Exhibit "A" to continue the successful implementation of the Infill Housing Initiative.

Attachments



Tony E. Crapp
Assistant County Manager



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: February 7, 2006

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Agenda Item No.

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

Agenda Item No.

Veto _____

Override _____

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE CONVEYANCE OF FIFTY-TWO (52) PARCELS OF LAND TO HABITAT FOR HUMANITY OF GREATER MIAMI, INC., FOR INFILL DEVELOPMENT AT A PRICE OF TEN DOLLARS (\$10), IN ACCORDANCE WITH SECTION 125.38, FLORIDA STATUTES; AUTHORIZING THE COUNTY MANAGER TO TAKE ALL ACTIONS NECESSARY TO ACCOMPLISH SAME; AUTHORIZING EXECUTION OF COUNTY DEEDS FOR SUCH PURPOSE; AND AUTHORIZING AMENDMENT TO ANNUAL CONTRIBUTION CONTRACT WITH THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (USHUD)

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board pursuant to section 125.38 Florida Statutes, hereby authorizes the conveyance of fifty-two (52) parcels of land to Habitat for Humanity of Greater Miami, Inc. for infill housing development at a price of ten (\$10) dollars; execute such contracts and agreements as are required by this governmental body following their approval by the county attorney; authorizes the County Manager to take all actions necessary to accomplish the conveyances of said property; authorizes the Mayor to execute said County Deeds, in substantially the form attached hereto as Exhibit "B";

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and the County Manager is authorized to execute an amendment to the Annual Contributions Contract to be prepared by the Area Counsel of the USHUD, and the Clerk of the Board is direct to impress and attest the official seal of Miami-Dade County, Florida, following approval by the County Attorney's Office.

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:

Joe A. Martinez, Chairman	
Dennis C. Moss, Vice-Chairman	
Bruno A. Barreiro	Jose "Pepe" Diaz
Audrey M. Edmonson	Carlos A. Gimenez
Sally A. Heyman	Barbara J. Jordan
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 7th day of February, 2006. This Resolution and contract, if not vetoed, shall become effective in accordance with Resolution No. R-377-04.

MIAMI-DADE COUNTY, FLORIDA
BY IT'S BOARD OF COUNTY
COMMISSIONERS

HARVEY RUVIN, CLERK

Approved by County Attorney as
to form and legal sufficiency.



By _____

Deputy Clerk

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Habitat for Humanity of Greater Miami, Inc.
Exhibit "A"

Current Folio Number: 30-3110-063-0010

Current Legal Description: 10 & 15 53 41 14.263 AC PB 57-47 PUBLIC
HOUSING PROJECT FLA 5-4 AREA B TRS 5
TO 9 & TRS 11 THRU 13 & 16 THRU 19 INC
LESS S65 FT OF W65FT TR 9

UNRECORDED REPLAT OF PORTIONS OF TRACTS 11 AND 12 OF PUBLIC
HOUSING PROJECT FLORIDA 5-4 AREA "B", PLAT BOOK 57, PAGE 47, OF THE
PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA LYING IN SECTIONS
10 & 15, TOWNSHIP 53 SOUTH, RANGE 41 EAST MIAMI-DADE COUNTY,
FLORIDA

BLOCK 1 LOTS 1 THROUGH 26, BLOCK 2 LOTS 1 THROUGH 8, BLOCK 3 LOTS
1 THROUGH 18 OF REPLAT #21599 OF THE LEONARD C. FREEMAN
SUBDIVISION

Exhibit "B"

Instrument prepared under the direction of
Terrence A. Smith, Assistant County Attorney
111 N.W. 1 Street, 28 Floor
Miami, Florida 33128-1907

Folio No: 30-3110-063-0010

COUNTY DEED

THIS DEED, made this _____ day of _____, 2006 AD. 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 Street Suite 17-202, Miami, Florida 33128-1963, and Habitat for Humanity of Greater Miami, Inc., party of the second part, whose address is 9350 S. Dadeland Blvd., Fl. 33156.

WITNESSETH:

That the said party of the first part, for and in consideration of the sum of Ten Dollars and No/100 (\$ 10.00) 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 Miami-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 affordable housing which may be either a single family home or such housing as may be allowed under zoning applicable to the parcel and shall meet the guidelines of the Infill Housing Initiative.
2. Build the home(s) to meet or exceed the Minimum Housing Quality Standards for Surtax and SHIP funding.
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.
6. The property cannot be transferred prior to obtaining the Certificate of Occupancy of the home without the prior written permission of the Miami-Dade Housing Agency.

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 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 revert 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 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. _____
of the Board of County Commissioners of Miami-Dade County, Florida, on the
_____ day of _____, 2006