

# MEMORANDUM

Agenda Item No. 11(A)(2)

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**TO:** Honorable Chairman Bruno A. Barreiro  
and Members, Board of County Commissioners

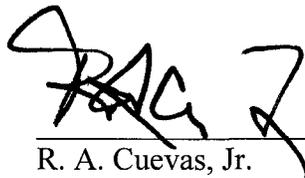
**DATE:** July 10, 2007

**FROM:** R. A. Cuevas, Jr.  
Acting County Attorney

**SUBJECT:** Resolution authorizing the  
County Manager to approve  
the extension of time for  
Miami-Dade County to  
enforce its deed reverter on  
land transferred from Miami-  
Dade County to South Mami  
Heights Community  
Development Corporation,  
Inc.

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The accompanying resolution was prepared and placed on the agenda at the request of  
Commissioner Dennis C. Moss.



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R. A. Cuevas, Jr.  
Acting County Attorney

RAC/jls

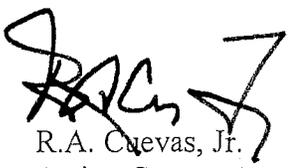


# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Bruno A. Barreiro  
and Members, Board of County Commissioners

**DATE:** July 10, 2007

**FROM:**   
R.A. Cuevas, Jr.  
Acting 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

Agenda Item No. 11(A)(2)

Veto \_\_\_\_\_

07-10-07

Override \_\_\_\_\_

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

RESOLUTION AUTHORIZING THE COUNTY MANAGER TO APPROVE THE EXTENSION OF TIME FOR MIAMI-DADE COUNTY TO ENFORCE ITS DEED REVERTER ON LAND TRANSFERRED FROM MIAMI-DADE COUNTY TO SOUTH MIAMI HEIGHTS COMMUNITY DEVELOPMENT CORPORATION, INC., FOR DEVELOPMENT OF FORTY-FIVE (45) AFFORDABLE SINGLE FAMILY HOUSING UNITS; AND AUTHORIZING THE COUNTY MANAGER TO ACCEPT A QUIT CLAIM DEED FOR THE LAND PENDING MEETING THE EXTENSION OF TIME

**WHEREAS**, South Miami Heights Community Development Corporation, Inc., (SMHCDC) has developed a 16-unit affordable housing project named Pecks Landing in the same area, and has reported that all units have been sold to low- and moderate-income homebuyers by partnering with the Housing Finance Authority; and

**WHEREAS**, on October 6, 1998, through Resolution R-1158-98, the Board authorized the conveyance of 14.7 acres of cleared land bounded by S.W. 203 Street to the North, S.W. 206 Street to the South, S.W. 120 Avenue to the West and S.W. 119 Avenue to the East, in Miami-Dade County, Florida, that was previously part of the Caribbean Gardens public housing site to SMHCDC to develop as the "Caribbean Palms" Development with 45 affordable single family housing units, a childcare facility, and open green space; and

**WHEREAS**, on January 5, 2001, a deed (Attachment A) was executed by Miami-Dade County transferring ownership to SMHCDC, and the deed provides that if the land is not developed as affordable single-family housing and a child day-care facility within five years (by January 5, 2006), the property shall automatically revert to the County; and

**WHEREAS**, from 1995 through 2003, the County has allocated a total of \$1.421 million towards the development and construction of Caribbean Palms with the funding source awarded as follows:

<b>Funding Source</b>	<b>Amount</b>	<b>Activity</b>
Community Development Block Grant	\$812,952	Partially fund removal of existing Water and sewer lines
Hurricane Andrew Trust Fund	75,000	Organizational support
Commission District Funds (General Fund)	50,000	Organizational support
HOME Investment Partnership	484,000	Construction Financing
<b>TOTAL</b>	<b>\$1,421,952</b>	

**WHEREAS**, in 2005, the County recaptured its HOME award of \$484,000.00, since, SMHCDC, did not close on the HOME loan within the required two (2) years pursuant to the Federal HOME guidelines; however, this item does not allocate any additional funds to the Project; and

**WHEREAS**, the land today remains vacant, and SMHCDC has invested \$1.8 million of non-County funds to complete construction of the roads and a sewer pump station, construction of the child daycare center and the 45 homes cannot begin until additional funding of \$5 million is secured, which will come from the private sector, of which no funds are currently in place because they cannot establish clear title to the property because of the reverter; and

**WHEREAS**, the Caribbean Palms is located in Commission District Nine and will increase the available housing stock for low- to moderate-income homebuyers; and

**WHEREAS**, should Miami-Dade County deny the request for the extension of time to December 31, 2007, both private and public financing utilized to complete the infrastructure development would be lost, negatively impacting one of the U.S. Department of Housing and Urban Development's National objectives of developing viable communities by providing decent

housing. At that point, it is possible that US HUD would exercise its authority to deem the awarded CDBG funds as ineligible costs and may require de-obligation of those funds; and

**WHEREAS**, if the developer fails to receive private financing to cover the additional costs of the project before December 31, 2007, the land will revert back to the County; and

**WHEREAS**, SMHCDC will execute a quit-claim deed to Miami-Dade County free and clear of all liens and encumbrances, such deed to be held in escrow by the County until January 2, 2008; thereafter, the deed will either be filed in the Public Records of Miami-Dade County if the SMHCDC failed to secure private financing by December 31, 2007, or if SMHCDC has secured private financing by December 31, 2007, the deed will be stricken through and returned to SMHCDC,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that this Board directs the County Manager as follows:

**Section 1.** Upon receipt of a quit-claim deed to be held in escrow for the land subject to the reverter, as described on Attachment A, provide an extension of time to South Miami Heights Community Development Corporation, Inc., from January 5, 2006 to December 31, 2007, for the purpose of securing private financing for its Caribbean Palms Project.

**Section 2.** Upon failure of South Miami Heights Community Development Corporation, Inc., to secure said private financing by December 31, 2007, said deed shall be filed in the public records of Miami-Dade County, Florida.

**Section 3.** Upon successfully securing financing by December 31, 2007, said deed shall be stricken through and returned to the developer.

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The foregoing resolution was sponsored by Commissioner Dennis C. Moss and 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:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 10<sup>th</sup> day of July, 2007. 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

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

Approved by County Attorney as  
to form and legal sufficiency.



Thomas Goldstein

Instrument prepared by and return to:  
Elva R. Marin  
Miami-Dade County  
General Services Administration  
111 NW 1st St, Suite 2460  
Miami, FL 33128

01R091982 2001 FEB 27 10:28

DOCSTPDEE 0.60 SURTX 0.00  
HARVEY RUVIN, CLERK DADE COUNTY, FL

Folio No: 30-6912-013-0010  
Grantees' Tax ID#: \_\_\_\_\_

### COUNTY DEED

THIS DEED, made this 5<sup>th</sup> day of January, 2001, between MIAMI-DADE COUNTY, FLORIDA, a political subdivision of the State of Florida, whose address is: Stephen P. Clark Center, 111 N.W. 1 Street Suite 17-202, Miami, Florida 33128-1963, party of the first part, and SOUTH MIAMI HEIGHTS COMMUNITY DEVELOPMENT CORPORATION, a Florida not-for-profit corporation, whose address is: 12195 Quail Roost Drive, Building #3, Miami, Florida, party of the second part.

WITNESSETH, that said party of the first part, for and in consideration of the sum of Ten Dollars (\$10.00), to it in hand paid by party of the second part, receipt whereof is hereby acknowledged, does hereby by grant, bargain and sell to party of the second part, its successors and assigns forever, the following described land, lying and being in Miami-Dade County, Florida, to wit:

**LOTS 1-16 BLOCK 1, LOTS 1-16 BLOCK 2, LOTS 1-4 BLOCK 3,  
LOTS 1-9 BLOCK 4, TRACT B AND TRACT C, CARIBBEAN  
PALMS, AS RECORDED IN PLAT BOOK 156 AT PAGE 70 OF  
THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA**

#### SUBJECT TO:

1. Taxes for the year 2000 and subsequent years.
2. Matters appearing on the plat.
3. Existing zoning ordinances and other governmental regulations. Covenants, conditions, easements and restrictions of record, if any, but this shall not operate to reimpose same.
4. Mortgages and notes provided to Miami-Dade County, rental regulatory agreements, covenants of restriction, covenants, conditions, easements and restrictions of record, if any, but this shall not operate to reimpose same.

ATTACHMENT A

7

10.12

It is the express intention of the party of the second part, South Miami Heights Community Development Corporation, to construct affordable single family homes and a child day-care facility on the Property. If this land is not developed as affordable single family housing and a child day-care facility within five (5) years from the date of this conveyance, the Property shall automatically revert to the party of the first part, Miami-Dade County, its successors and assigns, and Miami-Dade County shall be entitled and have the right to immediate possession thereof.

This grant conveys only the interest of Miami-Dade County and its Board of County Commissioners in the Property herein described and shall not warrant title thereto.

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, and attested by the Clerk or Deputy Clerk, the day and year aforesaid.



ATTEST:  
HARVEY RUVIN, CLERK

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

By: [Signature]  
Deputy Clerk

By: [Signature]  
Alexander Penelas, Mayor

The foregoing was authorized and approved by Resolution No. R-1158-98 of the Board of County Commissioners of Miami-Dade County, Florida, on the 6<sup>th</sup> day of October, 1998.

Approved to form and legal sufficiency [Signature]

RECORDED IN OFFICIAL RECORDS BOOK  
OF DADE COUNTY, FLORIDA  
RECORD VERIFIED  
HARVEY RUVIN  
CLERK CIRCUIT COURT