

# MEMORANDUM

Agenda Item No. 11(A)(3)

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**TO:** Honorable Chairman Dennis C. Moss  
and Members, Board of County Commissioners

**DATE:** January 22, 2009

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

**SUBJECT:** Resolution to submit an amendment of the County's application for the disposition and rehabilitation of twenty-six public housing units located in Opa-locka

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The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan.

  
\_\_\_\_\_  
R. A. Cuevas, Jr.  
County Attorney

RAC/up



**MEMORANDUM**  
(Revised)

**TO:** Honorable Chairman Dennis C. Moss  
and Members, Board of County Commissioners

**DATE:** January 22, 2009

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

**SUBJECT:** Agenda Item No. 11(A) (3)

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)(3)  
1-22-09

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

RESOLUTION AUTHORIZING THE MAYOR OR THE MAYOR'S DESIGNEE TO SUBMIT AN AMENDMENT OF THE COUNTY'S APPLICATION FOR THE DISPOSITION AND REHABILITATION OF TWENTY-SIX PUBLIC HOUSING UNITS LOCATED IN THE OPA-LOCKA A PUBLIC HOUSING DEVELOPMENT TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) IN ORDER TO PERMIT THE COUNTY TO CONVEY SAID UNITS TO HABITAT FOR HUMANITY OF GREATER MIAMI, INC.; AUTHORIZING THE MAYOR OR THE MAYOR'S DESIGNEE TO EXECUTE ANY NECESSARY AGREEMENTS AND ANY OTHER DOCUMENTS REQUIRED BY HUD; AND AUTHORIZING THE MAYOR, SUBJECT TO HUD'S FINAL APPROVAL OF THE AMENDMENT TO THE DISPOSITION APPLICATION, TO EXECUTE A COUNTY DEED FOR SAID PURPOSE

**WHEREAS**, this Board adopted Resolution No. R-999-05, which authorized the County Manager to submit an application to the United States Department of Housing and Urban Development ("HUD") for the disposition of the Opa-locka Public Housing Development for purpose of rehabilitating twenty-six (26) public housing units to create homeownership opportunities for eligible low income families; and

**WHEREAS**, on October 2, 2007, the County Manager submitted a report to this Board, which is attached hereto as Exhibit A and incorporated by reference, in which he advised that no agreement on the disposition of these public housing units was reached between the County and HUD; and

**WHEREAS**, the County Manager further proposed to rescind the County's original Section 32 Plan and submit a Section 18 disposition request to HUD, which would permit the conveyance of the development to a non-profit entity through a ground lease; and

**WHEREAS**, on April 25, 2008, HUD approved the County's disposition application subject to certain conditions described in their correspondence to the County, which is attached hereto as Exhibit B and incorporated by reference; and

**WHEREAS**, one of the conditions set forth by HUD is that the County must dispose of the 26 public housing units to a non-profit agency through a competitive bidding process; and

**WHEREAS**, the public housing units still have not been rehabilitated; and

**WHEREAS**, it is essential that these public housing units be rehabilitated in order to create additional homeownership opportunities for low income families in Miami-Dade County; and

**WHEREAS**, since 1989 Habitat for Humanity of Greater Miami, Inc. ("Habitat for Humanity") has successfully built affordable homes in Miami-Dade County in partnership with low-income families in need of such housing; and

**WHEREAS**, Habitat for Humanity has expressed an interest in rehabilitating these 26 public housing units to be sold to low income families; and

**WHEREAS**, the County cannot convey these properties to Habitat for Humanity because of HUD's requirement that the project be competitively bid,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that this Board hereby authorizes:

Section 1. The Mayor or the Mayor's designee to submit to HUD an amendment to the County's application for the disposition of 26 public housing units located in the Opa-locka public housing development in order to permit the County to convey these units to Habitat for Humanity to rehabilitate and sell to low income families.

Section 2. The Mayor or the Mayor's designee to enter into any contracts or agreements and to prepare and execute the necessary documents to accomplish same.

Section 3. The Mayor, subject to HUD's final approval of the amendment to the disposition application, to execute a County Deed, in substantially the form attached hereto and made a part hereof as Exhibit C.

The Prime Sponsor of the foregoing resolution is Commissioner Barbara J. Jordan. It 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:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 22<sup>th</sup> day of January, 2009. 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.



Terrence A. Smith

EXHIBIT A

Memorandum



**Date:** October 2, 2007

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

**From:** George M. Burgess  
County Manager

**Subject:** Status Report on Opa-Locka Public Housing Development Disposition

Agenda Item No. 12(B)5

The following is an update on the disposition of 26 public housing units located within the Opa-Locka Public Housing Development (Opa-Locka development) site.

**Background**

The Board of County Commissioners (BCC) approved Resolution R-999-05, which authorized the County Manager to submit an application to U.S. Department of Housing and Urban Development (US HUD) for the disposition of the Opa-Locka development in order to rehabilitate the 26 public housing units in order to provide homeownership opportunities to eligible low income families. This homeownership plan can only be achieved if U.S. HUD approves the disposition application, and U.S. HUD releases the property from the Declaration of Trust which is recorded against each public housing development, and the Annual Contributions Contract.

On October 17, 2005, the County, through Miami-Dade Housing Agency (MDHA), submitted an application for a Section 32 Homeownership Plan (Section 32 Plan) to US HUD, which was preliminarily approved by US HUD on April 17, 2006. The approval is conditioned on the County executing a Section 32 Implementing Agreement, which was transmitted for U.S. HUD's review and approval on July 27, 2006.

To date, US HUD has not returned an executed Agreement, delaying the County's ability to proceed with the required renovations and eventual sale of the public housing units. MDHA has been in contact with both the US HUD field office in Miami and the Special Applications Center (SAC) in Chicago, which is responsible for reviewing and approving disposition projects. US HUD has advised MDHA that the Agreement and other documents could not be located in either the field office or the SAC.

**Revised Strategy for Homeownership Units**

In May 2007, a revised strategy was envisioned to address the redevelopment of the property. In order to continue the successful efforts in providing homeownership opportunities to former Scott-Carver families, it was determined that the County should utilize a strategy similar to the one that was successful in moving Phase 1 of the Scott-Carver redevelopment project forward. It is contemplated that a not-for-profit entity, would either renovate, or demolish and rebuild the Opa-Locka development units for eventual sale to former Scott-Carver residents and other public housing residents, without any additional costs, if any, to the County.

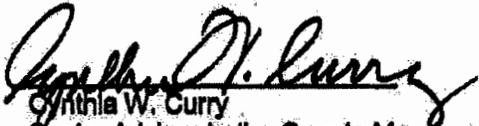
After discussions with US HUD concerning the change in approach, and under advisement of the SAC, MDHA requested to rescind its original Section 32 Plan and the County will re-submit a Section 18 disposition request to US HUD. The Section 18 disposition request would permit the conveyance of the development to a non-profit entity through a ground lease, which will protect the County's interest in the land until the sale of the homes to eligible low income families by the non-profit entity. In other words, the County would convey the land to the homebuyer only at the time of the sale of the homes.

X  
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Honorable Chairman Bruno A. Barreiro  
and Members, Board of County Commissioners  
Page 2

The SAC has verbally concurred with the new plan to dispose of the site to a 501(c)3 and upon US HUD's rescission of the Section 32 Plan, MDHA will submit a Section 18 disposition request which complies with the existing authorization under R-999-05.

Following the approval of the Section 18 disposition application, MDHA will present an item for Board consideration to convey the Opa-Locka development property and to execute the ground lease with the not-for-profit entity chosen by the County.

  
Cynthia W. Curry  
Senior Advisor to the County Manager

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# EXHIBIT B



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Special Applications Center  
77 W. Jackson Blvd., Room 2401  
Chicago, Illinois 60604-3507  
Phone: (312) 886-9754 Fax: (312) 886-6413

OFFICE OF PUBLIC HOUSING

APR 25 2008

APR 28 2008

Mr. Kris Warren  
Executive Director  
Miami Dade Housing Authority  
1401 NW 7<sup>th</sup> Street  
Miami, FL 33125-3601

Dear Mr. Warren:

The Department has reviewed the Miami Dade Housing Authority's (MDHA) application for the disposition of 22 dwelling buildings containing 26 units and 2.25 acres of underlying land at Opa Locka/Biscayne Plaza. The Special Applications Center (SAC) received this application on October 10, 2007, via the Public and Indian Housing Information Center (PIC). Application DDA00002801. Supplemental information was received through March 6, 2008.

I am pleased to approve your request for disposition, as described in the application and identified below.

Opa Locka/Biscayne Plaza, FL005074 Buildings: 22, Units 26, Acres: 2.25			
Total Units to be Redeveloped 26	Less than 80% of Area Median Income		Market Rate
	ACC	Non-ACC	
For Sale	0	26	0
Acquiring Entity	Competitive Bid - Non-Profit Agency to be Selected		
Method of Sale	Ground Lease		
Lease Price	Nominal Sum		
Purpose	Rehabilitate 18- Single-family Homes and 4-Duplexes to Create Affordable Homeownership		

The approval requires that the disposition documents include a reversion clause stipulating that the property will revert to the MDHA, if the purpose for which this disposition was approved is not met. In that case, the property ownership reverts to the MDHA.

Approval of your application is based on the Department's understanding of your submission, as outlined in the enclosed memorandum from me to the HUD Miami Field Office

The HUD Miami Field Office has been informed of this approval. Its staff is available to provide any technical assistance necessary for your agency to proceed with the disposition.

24 CFR, Part 970.31 eliminated the requirement for one-for-one replacement of public housing units. Therefore, the MDHA is not required to provide for replacement housing, and the Department is under no obligation to fund replacement housing.

The disposition of these units will affect the MDHA's operating subsidy eligibility significantly. Please contact the HUD financial analyst in the HUD Miami Field Office for additional information on how to apply these criteria to the MDHA's particular case.

If the MDHA is interested in applying for housing choice vouchers for relocation in connection with the units approved for disposition, it will need to submit an application to the HUD Miami Field Office. The MDHA should submit its application in response to HUD Notice 2007-10, or HUD's current Notice outlining the application procedures.

In accordance with 24 CFR, Part 970.35 of the regulation, your agency is required to inform the HUD Miami Field Office of the status of the project (i.e., delays, actual disposition or other problems). When the disposition has been achieved, please submit a report to the HUD Miami Field Office confirming the action and certifying compliance with all applicable requirements. Files must be maintained which are sufficient for audit purposes and must be made available upon request.

The MDHA must enter the "actual" dates of disposition directly into the Inventory Removals sub-module in PIC, for the Miami Field Office approval so that the status of the units in PIC is changed to "removed from inventory." For land, the disposition dates and number of acres should also be recorded by the MDHA in the Inventory Removals sub-module. after this feature is made operational in PIC in an upcoming release. This applies to the disposition of vacant land as well as to land with public housing units.

As the MDHA starts the process of implementation, I urge you to continue to maintain an open dialogue with your residents and local officials. If you have to modify your plans, the HUD Miami Field Office stands ready to assist you.

Sincerely,



Ainars Rodins, P.E.  
Director

Enclosure



APR 2 8 2008

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Special Applications Center  
77 W. Jackson Blvd., Room 2401  
Chicago, Illinois 60604-3507  
Phone: (312) 886-9754 Fax: (312) 886-6413

OFFICE OF PUBLIC HOUSING

APR 2 5 2008

MEMORANDUM FOR: Victor Rocher, Acting Director, Office of Public Housing, 4DPH

FROM: Ainars Rodins, P.E., Director, Special Applications Center (SAC), PIA

SUBJECT: Approval for the Miami Dade Housing Authority's (MDHA) Request for the Disposition of 22 Dwelling Buildings Containing 26 Units and 2.25 Acres of Underlying Land at Opa Locka/Biscayne Plaza, FL005074

The SAC received this application October 25, 2007, via the Public and Indian Housing Information Center (PIC), DDA0002801. Supplemental information was received through April 24, 2008. The Environmental Assessment was completed by the HUD Miami Field Office on November 14, 2007, in accordance with 24 CFR, Part 50.

Under 24 CFR, Part 970.7(a)(1), in order for a demolition or disposition application to be approved after November 24, 2006, the effective date of this regulation, a Public Housing Agency (PHA) must provide "A certification that the PHA has described the disposition in the PHA Annual Plan and timetable under 24 CFR part 903 (except in the case of small or high-performing PHAs eligible for streamlined annual plan treatment), and that the description in the PHA Annual Plan is identical to the application submitted pursuant to this part and otherwise complies with Section 18 of the Act (42 U.S.C. 1437p) and this part." On October 10, 2007, the HUD Miami Field Office/ Recovery and Prevention Corps (RPC) approved the MDHA's agency plan, which includes the subject action. The MDHA's current status is under HUD's receivership.

#### Description of Development

The MDHA proposed the disposition of 22 dwelling buildings containing 26 units and 2.25 acres of underlying land at Opa Locka/Biscayne Plaza, FL005074. There has been no other disposition activity at this development. Details of the proposed disposition are as follows:

Opa Locka/Biscayne Plaza, FL005074					
DOFA: 12/31/1985					
Bedroom Size	1-BR	2-BR	3-BR	4+BR	Total
Existing Units	32	20	26		78
Proposed Units			26		26
Existing Land				6.75 Acres	
Proposed Land				2.25 Acres	
Number of Dwelling Buildings Existing					24
Number of Dwelling Buildings Proposed					22
Number of Non-Dwelling Buildings Existing					0
Number of Non-Dwelling Buildings Proposed					0
Number of (Dwelling and Non-Dwelling) ACC Units in PHA's Total Housing Inventory for All Developments					9414
Building Per PIC:					
Lincoln Ave		Washington Ave			
0728#	0729#	0731#	0732#		
0730#	0737#	0735#	0736#		
0738#					
Duval Street		NW 151 Street			
0733#	0734#	0741#	0742#		
0739#	0740#	0743#	0744#		
0745# 0746#					
0747# 0748#					
0749#					

#### Reason for Action (Justification)

The MDHA proposed the disposition based on 24 CFR, Part 970.17, which requires the PHA to certify that the retention of the property is not in the best interests of the residents or the PHA because the PHA has otherwise determined the disposition to be appropriate for reasons that are consistent with the goals of the PHA and the PHA Plan and that are otherwise consistent with the Act.

The MDHA is proposing the disposition of 22 dwelling buildings containing 26 units and 2.25 acres of underlying land. The MDHA will solicit bids from local non-profit agencies in order to select a qualified organization that will rehabilitate the units and then convey them to eligible low-income buyers. The terms of the solicitation will require the non-profit agency to enter into a ground lease with the MDHA until the units are rehabilitated and sold to low-income buyers. The MDHA anticipates conveying the properties to the selected entity at less than FMV for a nominal sum (lease payment). In the application, the MDHA stated that the scattered nature of the units within the community makes it suitable for homeownership. The non-profit organization will market the homes to Opa Locka residents first. If there are no eligible buyers from this pool of applicants, all MDHA residents will be eligible to apply; the last category of eligible applicants will include Opa Locka and the City of Miami Gardens employees.

The 26 units (18 single-family units and 4 duplex buildings) representing a portion of the Opa Locka/Biscayne Plaza was constructed in 1985; the properties are in a mixed predominantly

residential area of Miami-Dade County and the City of Miami Gardens. The units have long-term vacancies, are in disrepair and will need to be substantially rehabbed. The vacant units have a negative impact on the safety and stability of the neighborhoods in which they are located. We concur with the MDHA's determination that the disposition is in the best interests of the residents or the PHA because the homeownership opportunities will provide long-term neighborhood stability and foster economic self-sufficiency in the cities of Opa Locka and Miami Gardens.

### Appraisal

The MDHA submitted an estimate of the Fair Market Value (FMV) with the application. The FMV of \$3,013,263.00 was estimated by J.L. Cobian Appraisal Service. As required by 24 CFR, Part 970.19(d), we have determined that this method of valuation is acceptable to establish an estimate of the FMV for the subject properties.

Single-Family (18 units)	FMV- \$2,445,640.00
Duplex (16 units)	FMV- \$ 567,623.00

### Method of Sale

The MDHA will solicit bids from qualified non-profit agencies; the selected non-profit organization will enter into a ground lease with the MDHA until the units are rehabbed and sold to eligible buyers. The ground lease with the non-profit will be for a nominal sum.

### Commensurate Public Benefits

The sale/transfer of 26 units at Opa Locka/Biscayne Plaza, to a non-profit agency for a nominal sum, will create homeownership opportunities for eligible low-income families with incomes at or below 80 percent of Area Median Income. In addition to creating homeownership opportunities, this action will result in the rehabilitation of units that would otherwise remain in a state of disrepair, contributing to neighborhood blight. Therefore, although the negotiated sale price is less than FMV, because of the benefits arising from the negotiated sale, it is in the best interest of the public housing residents and the PHA, and will result in a commensurate public benefit, as required in 24 CFR, Part 970.19.

### Use of Proceeds

According to the Office of the Chief Financial Officer, there is no debt for Opa Locka/Biscayne Plaza, FL005074. The MDHA will not realize proceeds from this disposition.

### Relocation

When the application was developed and transmitted to the Department, 8 units proposed for disposition were occupied. The MDHA has submitted certification regarding relocation as required by 24 CFR, Part 970.21(e)(f). The MDHA estimated the relocation cost for the remaining residents to be \$8,600.00, which includes moving expenses and counseling/advisory

services. The funds for relocation are allocated under Capital fund. The housing resources offered will be housing choice vouchers and other public housing units.

#### **Resident Consultation**

1. Project(s) Specific Resident Organization(s): None
2. PHA-wide Resident Organization: None
3. Resident Advisory Board (RAB) in accordance with 24 CFR, Part 903.13: None

24 CFR, Part 970.9 requires that an application for disposition be developed in consultation with the tenants of the project involved, any tenant organization at the project involved and any PHA-wide organizations that will be affected by the activity. Although, the MDHA does not have a resident organizations in place, resident consultation was achieved through letters and a meeting held on April 21, 2002.

#### **Offer for Sale to the Resident Organization**

24 CFR, Part 970.9(b)(1) of the regulation requires that a public housing agency offer the opportunity to purchase the property proposed for disposition to any eligible resident organization, eligible resident management corporation as defined in 24 CFR, Part 964, or to a nonprofit organization acting on behalf of the residents, if the resident entity has expressed an interest in purchasing the property for continued use as low-income housing. The MDHA has chosen not to provide an opportunity based on the exception found in 24 CFR, Part 970.9(b) (3).

"PHA seeks disposition outside the public housing program to privately finance or otherwise develop a facility to benefit low-income families (e.g., day care center, administrative building, mixed-finance housing under 24 CFR part 941 subpart F, or other types of low-income housing)" We concur with the MDHA's determination that it has complied with the requirements of 24 CFR, Part 970.9.

#### **Board Resolution**

As required by the 24 CFR, Part 970.7(13), the MDHA's Board of Commissioners approved the submission of the application for disposition of the proposed property on September 8, 2005, via Resolution Number R-377-04. The last resident consultation was on April 21, 2002. The consultation with the local government took place on October 4, 2007.

#### **Local Government Consultation**

The Miami Dade County Board of Commissioners request for an update on the MDHA's disposition application. The MDHA submitted a status report to the Miami Dade Board of County Commissioners on October 4, 2007. The Commission suggests if the families did not want to relocate, the County should consider rehabbing those units, which the families occupy.

As required by 24 CFR, Part 970.7 (14), the application package includes a letter of support from the Mr. Bruno A. Barreiro, County Board Chairman of Miami Dade County, dated October 4, 2007, via Resolution Number R-999-05.

### Replacement Housing

24 CFR, Part 970.31 eliminated the requirement for one-for-one replacement of public housing units. Therefore, the MDHA is not required to provide for replacement housing, and the Department is under no obligation to fund replacement housing.

### Approval

We have reviewed the application and find it to be consistent with Section 18 of the Act, and the implementing regulations, 24 CFR, Part 970, including requirements related to resident consultation, relocation and opportunity to purchase the property by the resident organization. Based upon our review, and finding that the requirements of 24 CFR, Part 970 and Section 18 of the Act have been met, the proposed disposition, as described in the application and identified below, is hereby approved.

Opa Locka/Biscayne Plaza, FL005074 Buildings: 22, Units 26, Acres: 2.25			
Total Units to be Redeveloped 26	Less than 80% of Area Median Income		Market Rate
	ACC	Non-ACC	
For Sale	0	26	0
Acquiring Entity	Competitive Bid – Non-Profit Agency to be Selected		
Method of Sale	Ground Lease		
Lease Price	Nominal Sum		
Purpose	Rehabilitate 18- Single-family Homes and 4-Duplexes to Create Affordable Homeownership		

The approval requires that the disposition documents include a reversion clause stipulating that if the selected non-profit fails to develop the property as outlined in the application, the property shall revert to the MDHA.

This approval does not imply approval of a request for additional funding, which MDHA must make separately under the program that makes available funding for this purpose.

### Operating Subsidy

The disposition of these units will affect the MDHA's operating subsidy eligibility significantly. The MDHA was advised to contact the HUD financial analyst in the HUD Miami Field Office for additional information on how to apply these criteria to the MDHA's particular case.

### Housing Choice Vouchers

If the MDHA is interested in applying for housing choice vouchers for relocation in connection with the units approved for demolition, it will need to submit an application to the HUD Miami Field Office. The MDHA should submit its application in response to HUD Notice 2007-10, or HUD's current Notice outlining the application procedures.

### PIC and Monitoring

The MDHA must enter the "actual" dates of disposition directly into the Inventory Removals sub-module in PIC, for the Miami Field Office approval so that the status of the units in PIC is changed to "removed from inventory." For land, the disposition dates and number of acres should also be recorded by the MDHA in the Inventory Removals sub-module, after this feature is made operational in PIC in an upcoming release. This applies to the disposition of vacant land as well as to land with public housing units.

It is the HUD Miami Field Office's responsibility to monitor this activity based on its latest risk assessment. The HUD Miami Field Office must verify that the actual data is being entered by the MDHA as the actions occur to ensure the Department is not over paying in operating subsidy, and the Capital Fund formula data is correct.

Upon completion of disposition, the HUD Miami Field Office has the responsibility to amend the Annual Contributions Contract and/or to release the parcel from the Declaration of Trust, as applicable, and update PIC to reflect the approved action as appropriate.

## **EXHIBIT C**

Instrument prepared under the direction of  
Terrence A. Smith, Assistant County Attorney  
111 N.W. 1st Street, 28<sup>th</sup> floor  
Miami, Florida 33128-1907

Folio No.:           08-2122-003-1690; 08-2122-003-1490;  
                          08-2122-003-1500; 08-2122-003-1510;  
                          08-2122-003-1520; 08-2122-003-1530;  
                          08-2122-003-1390

## **COUNTY DEED**

**THIS DEED**, made this \_\_\_\_\_ day of \_\_\_\_\_, 2008, 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, Miami, Florida 33128-1963, party of the first part, and **HABITAT FOR HUMANITY OF GREATER MIAMI, INC.**, 3800 NW 22<sup>nd</sup> Ave., Miami, Florida 33142.

**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 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:

**MAGNOLIA SUB PB 40-80 LOTS 23 & 24 BLK 10**

**MAGNOLIA SUB PB 40-80 LOTS 35 & 36 BLK 9**

**22 52 41 MAGNOLIA SUB PB 40-80 LOT 37 BLK 9**

**22 52 41 MAGNOLIA SUB PB 40-80 LOT 38 BLK 9**

**MAGNOLIA SUB PB 40-80 LOT 39 BLK 9**

**MAGNOLIA SUB PB 40-80 LOT 40 BLK 9**

**22 52 41 MAGNOLIA SUB PB 40-80 LOTS 19 & 20 BLK 9**

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.

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 County.

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 mortgage(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 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 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: \_\_\_\_\_  
Carlos Alvarez, Mayor

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 \_\_\_\_\_, 200\_\_\_\_.

Approved to form and legal sufficiency \_\_\_\_\_

The foregoing was authorized and approved