MEMORANDUM Agenda Item No. 11(A)(3)

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

DATE: March 3, 2009

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

SUBJECT: Resolution authorizing the conveyance of one (1) parcel of land to City of Opa-locka for the expansion of a park and recreational area in Magnolia Northside Neighborhood

This resolution was amended by the Recreation, Culture & Tourism Committee to add the words underlined, as indicated in the item.

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/cp

MEMORANDUM

(Revised)

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

DATE: March 3, 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 Mayor'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)
3-3-09

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE CONVEYANCE OF ONE (1) PARCEL OF LAND TO THE CITY OF OPA-LOCKA FOR THE EXPANSION OF A PARK AND RECREATIONAL AREA IN THE MAGNOLIA NORTHSIDE NEIGHBORHOOD; AUTHORIZING THE COUNTY MAYOR TO EXECUTE A COUNTY DEED FOR SAID PURPOSE; AND AMENDING RESOLUTION NO. R-81-09 TO CORRECT COUNTY DEED TO HABITAT FOR HUMANITY

WHEREAS, there is an area located within the boundaries of the City of Opa-locka ("City") commonly known as the Magnolia Northside Neighborhood ("Magnolia") (formerly the Opa-locka Triangle); and

WHEREAS, Miami-Dade County ("County") owns certain vacant land located at 1801 Ali Baba Avenue, Opa-locka, Florida ("Property"), which is within the boundaries of Magnolia; and

WHEREAS, the Property is located adjacent to the City's park known as James Street Tot Lot ("Park"); and

WHEREAS, the City's Mayor sent a letter, which is attached hereto as Exhibit A, requesting that the County donate the Property to the City for the purpose of expansion of the park and recreational facilities; and

WHEREAS, this Board finds that it is in the best interest of the City and the County to redevelop the Property as a park in order to provide a safe environment for the all children residing in the County >>; and

WHEREAS, on January 22, 2009, the Board adopted Resolution No.81-09, which authorized the Mayor or the Mayor's designee to submit an amendment to the Opa-locka Public Housing Development disposition application to seek the United States Department of Housing and Urban Development's approval to convey the property described therein to Habitat for Humanity without a competitive process; and

WHEREAS, that resolution also approved a County Deed, which is attached to said resolution as Exhibit C; and

WHEREAS, the proposed County Deed inadvertendly included Folio Number 08-2122-003-1690 also know as MAGNOLIA SUB PB 40-80 LOTS 23 & 24 BLK 10; and

WHEREAS, this parcel of land is the same parcel of land to be conveyed to the City; and

WHEREAS, this Board desires to amend Resolution No. 81-09 to delete from the County Deed reference to that certain parcel of land described herein,<<[1]

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board hereby approves the conveyance of one (1) parcel of land, legally described in the attached County Deed, to the City for the expansion of the Park and recreational facilities in the Magnolia; authorizes the County Mayor to execute a County Deed, in substantially the form attached hereto as Exhibit B and made a part hereof >>; and amends Resolution No. 81-09 to delete the parcel of land described as Folio No. 08-2122-003-1690 also known as MAGNOLIA SUB PB 40-80 LOTS 23 & 24 BLK 10.<<

[1] Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

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 3rd day of March, 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
" THE GREAT CITY "

City of OPA-LOCKA Florida

JOSEPH L. KELLEY
Mayor

COMMISSIONER
BARBARA J. JORDAN

(305) 688-4611
Fax: (305) 953-2834

SEP 23 2008

19306 DISTRICT #1

August 25, 2008

The Honorable Barbara Jordan
Commissioner – District 1
Miami-Dade County Board of Commissioners
Miami Dade County – District Office
2780 NW 167th Street
Miami Gardens, Florida 33056

Re: Request for Action to Dedicate County Land

Dear Commissioner Jordan:

As the City continues its efforts toward "livable neighborhoods" and an improved Magnolia North neighborhood community, attention is focused toward the much needed expansion of park and recreational facilities in the area.

Therefore and in reference to the County's vacant property adjacent to the City's James Street Tot Lot, this correspondence request the County's donation of Folio. No. 08-2122-003-1690, to expand the tot lot; the preamble to a proposed County resolution being; *to approve a land dedication agreement with the City of Opa-locka and authorizing the execution in support of and encouragement for improvements within the Magnolia North Neighborhood Area.*

The Magnolia North Neighborhood (formerly the "Triangle) is on the crux of a renaissance, with collective law enforcement, social services and City resources being specifically directed toward eliminating unacceptable actions or behaviors that foster crime pockets and preclude beautification and tranquility characteristically known in livable neighborhoods.

We ask that this request be received favorably and subsequently to the dedication, that you will join the City in the formal re-opening of an expanded and improved James Street Tot Lot, at an agreed upon date.

Thank you and we look forward to your response.

Sincerely,

Joseph L. Kelley
Mayor

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: 08-2122-003-1690

COUNTY DEED

THIS DEED, made this day of 2008, 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 Street, Suite 2460, Miami, Florida 33128-1963, and the **CITY OF OPA-LOCKA**, whose address is 780 Fisherman Street, Opa-Locka, FL 33054, party of the second part, whose address is.

WITNESSETH:

That the said party of the first part, for no consideration and in accordance with Florida Statute 197.592(3) has granted, bargained, and conveyed as is, 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:

LEGAL DESCRIPTION

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

The CITY shall: a) maintain the property in perpetuity as a public park, b) agree to govern itself, in regards to the subject property, in accordance with Article 6 of the County Charter, c) allow all unincorporated residents equal access and use of the park and not discriminate in program registration, pricing and other policies.

The CITY agrees that it will make every good faith effort to develop, operate and maintain the Park in a manner that provides appropriate active and passive recreational opportunities to park users consistent with normal and customary park and recreation policies.

Upon failure of the CITY to abide by any of the restrictions listed in (a) through (c) above, the County shall provide the CITY with written notice of the alleged violations including a statement "The County will exercise its reversionary interest in the property if the violation is not cured." Within 45 days of receipt of the notice, the CITY shall cure the violation. If the violation is of a type that cannot be cured within this time period, the CITY shall notify the County in writing specifying the reason and the additional time required to cure the violation. However, in no event shall the time to cure exceed 90 days, unless such time period is extended by action of the County Commission. Failure of the CITY to comply with all of the terms of the paragraph, after thirty days written notice, shall cause the title to automatically revert to Miami-Dade County.

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:	MIAMI-DADE COUNTY, FLORIDA BY ITS BOARD OF COUNTY COMMISSIONERS
HARVEY RUVIN, CLERK	
By: _____ Deputy Clerk	By: _____ Mayor

Approved for legal sufficiency: _____

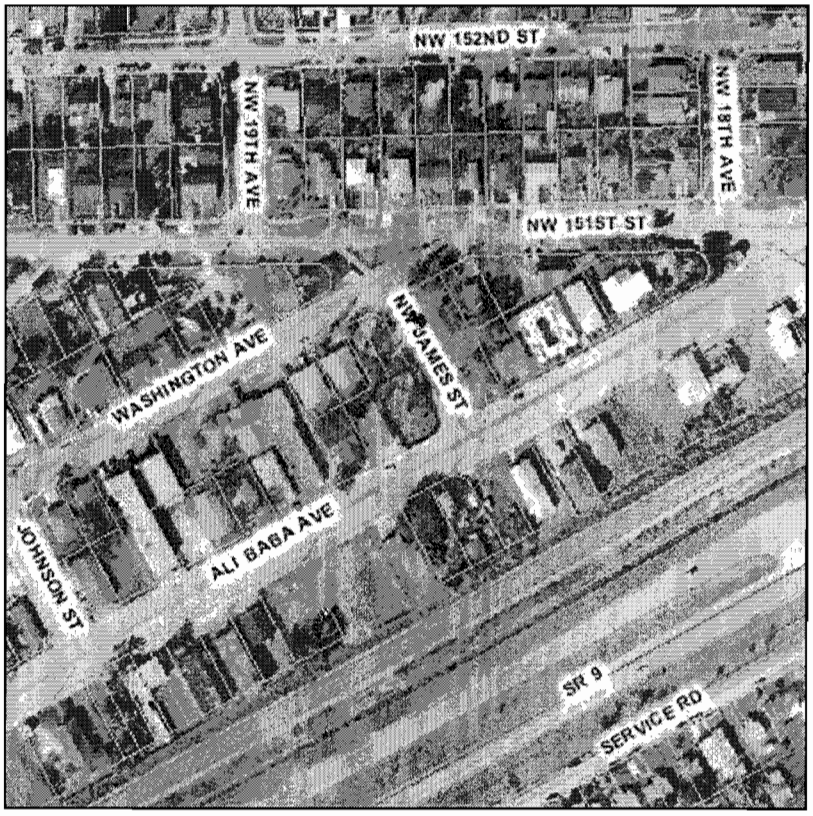
The foregoing was authorized and approved by Resolution No. R-_____ of the Board of County Commissioners of Miami-Dade County, Florida, on the _____ day of _____, 2008.

My Home
Miami-Dade County, Florida

miamidade.gov

MIAMI-DADE

Property Information Map



Digital Orthophotography - 2007 0 111 ft

This map was created on 12/9/2008 1:45:26 PM for reference purposes only.

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Close

Summary Details:

Folio No.:	08-2122-003-1690
Property:	1801 ALI BABA AVE
Mailing Address:	MIAMI-DADE COUNTY GSA R/E MGMT 111 NW 1 ST STE 2460 MIAMI FL 33128-1929

Property Information:

Primary Zone:	0100 SINGLE FAMILY RESIDENCE
CLUC:	0080 VACANT LAND-GOVERNMENTAL
Beds/Baths:	0/0
Floors:	0
Living Units:	0
Adj Sq Footage:	0
Lot Size:	5,280 SQ FT
Year Built:	0
Legal Description:	MAGNOLIA SUB PB 40-80 LOTS 23 & 24 BLK 10 LOT SIZE IRREGULAR OR 20332-3789 0302 3

Sale Information:

Sale O/R:	13551-1207
Sale Date:	1/1988
Sale Amount:	$35,000

Assessment Information:

Year:	2008	2007
Land Value:	$36,531	$34,907
Building Value:	$0	$0
Market Value:	$36,531	$34,907
Assessed Value:	$36,531	$34,907

Taxable Value Information:

Year:	2008	2007
Taxing Authority:	Applied Exemption/ Taxable Value:	Applied Exemption/ Taxable Value:
Regional:	$36,531/$0	$34,907/$0
County:	$36,531/$0	$34,907/$0
City:	$36,531/$0	$34,907/$0
School Board:	$36,531/$0	$34,907/$0

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