MEMORANDUM Agenda Item No. 11(A)(2)

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

DATE: October 5, 2010

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

SUBJECT: Resolution authorizing the County Mayor to take any and all appropriate actions to negotiate the acquisition of property located at the South Miami-Dade Busway between SW 184 Street and SW 186 Street from Transordev, LLC and Quail Roost Station–P4, LLC for use as a park and ride lot

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

R. A. Cuevas, Jr.
County Attorney

RAC/cp

RESO 2078

MEMORANDUM

(Revised)

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

DATE: October 5, 2010

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

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

Please note any items checked.

_____ **"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**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous_____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(2)
10-5-10

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO TAKE ANY AND ALL APPROPRIATE ACTIONS TO NEGOTIATE THE ACQUISITION OF PROPERTY LOCATED AT THE SOUTH MIAMI-DADE BUSWAY BETWEEN SW 184 STREET AND SW 186 STREET FROM TRANSORDEV, LLC AND QUAIL ROOST STATION–P4, LLC FOR USE AS A PARK AND RIDE LOT

WHEREAS, there is a current need for additional park-and-ride parking to serve Transit patrons using the South Miami-Dade Busway; and

WHEREAS, this Board previously approved Resolution R-692-08, which exchanged County property at 12035 SW 186th Street with Quail Roost Station – P4, LLC, which together with adjacent properties owned by Transordev, LLC (collectively with Quail Roost Station – P4, LLC, the "Developers"), was to be developed as a Transit-Oriented Development ("TOD") located between SW 184th Street and SW 186th Street at their intersection with the South Miami-Dade Busway; and

WHEREAS, pursuant to the terms of the agreement approved by R-692-08, this Board approved an Exchange Agreement ("Agreement") with the Developers which required the Developers to build a TOD with certain minimum housing requirements, including 25% of the total number of residential units to consist of independent senior housing and/or affordable housing units (with a minimum of 50 independent senior housing and/or affordable housing units) or, in the alternative, 20% of the total number of residential units to consist of workforce housing units (with a minimum of 40 workforce housing units); and

WHEREAS, the Agreement also required the Developers to provide the County with a minimum credit of $990,787.89, plus interest (the "Credit"), towards the acquisition of a park-and-ride lot within the TOD; and

WHEREAS, the Agreement also required the Developers to record a Supplemental Declaration of Restrictions ("Declaration") in the public records which encumbers all four parcels owned by the Developers and which restricts the use of the four parcels in accordance with the Agreement and Declaration; and

WHEREAS, the economic downturn has led to a delay in the construction of the TOD; and

WHEREAS, the Developers have now offered to convey to the County a portion of the TOD site to allow the construction of a park-and-ride lot in substantially the size and shape depicted in the sketch attached hereto as Exhibit A, and have also agreed to reduce the purchase price by the amount of the Credit; and

WHEREAS, there is federal funding earmarked for the acquisition and construction of such a park-and-ride lot, and such funding would be required for this acquisition and construction,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. This Board ratifies and adopts these matters set forth in the foregoing recitals.

Section 2. Subject to first obtaining federal funding and approval for the acquisition and construction of a park-and-ride lot at this location, this Board authorizes the County Mayor or County Mayor's designee to take any and all appropriate actions to acquire a portion of the

Developers' property located at the South Miami-Dade Busway between SW 184th Street and SW 186th Street for use as a park-and-ride, including but not limited to hiring appraisers and negotiating with the Developers.

Section 3. This Board authorizes the County Mayor or County Mayor's designee to prepare and execute any additional necessary documents in connection therewith, including any conveyance documents, after review and approval for legal sufficiency of same by the County Attorney's Office, and including amending and/or supplementing the Agreement and Declaration to remove any property acquired by the County from the terms of the Agreement and Declaration while ensuring that the minimum requirements of the TOD set forth in R-692-08 are still met on the Developers' remaining property.

Section 4. Pursuant to Resolution R-974-09, this Board (a) directs the County Mayor or County Mayor's designee to record any instruments executed in connection herewith which create or reserve a property interest in favor of the County, in the Public Records of Miami-Dade County, Florida; and to provide a recorded copy of instruments to the Clerk of the Board within thirty (30) days of execution of said instruments; and (b) directs the Clerk of the Board to attach and permanently store a recorded copy of said instruments together with this resolution.

The Prime Sponsor of the foregoing resolution is Chairman Dennis C. Moss. 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
Carlos A. Gimenez
Barbara J. Jordan
Dorrin D. Rolle
Katy Sorenson
Sen. Javier D. Souto
Audrey M. Edmonson
Sally A. Heyman
Joe A. Martinez
Natacha Seijas
Rebeca Sosa

The Chairman thereupon declared the resolution duly passed and adopted this 5th day of October, 2010. 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.

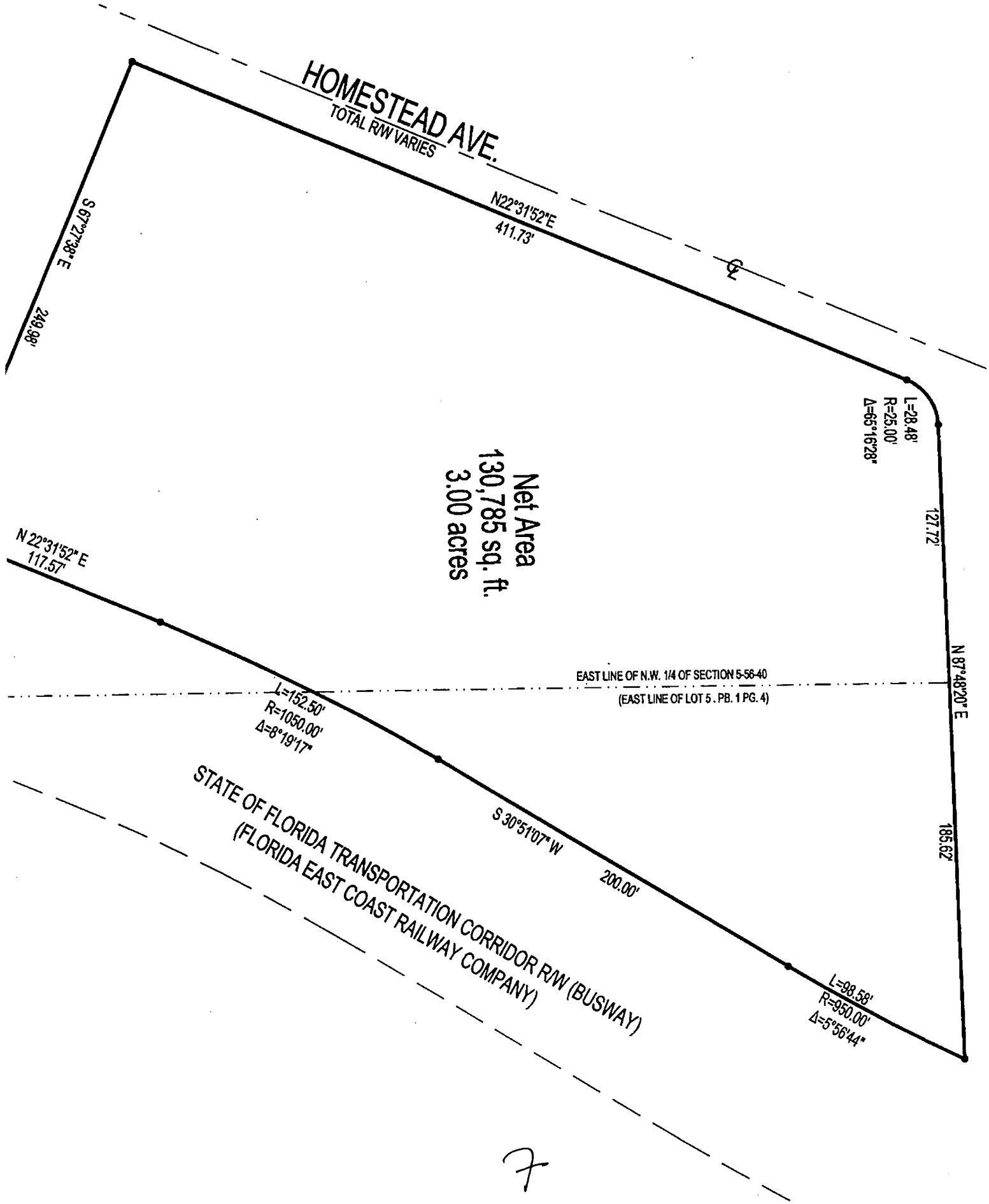
MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By:_____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Jorge Martinez-Esteve


HOMESTEAD AVE.
TOTAL R/W VARIES
N22°31'52"E
411.73'
S 67°27'38" E
249.98'
L=28.48'
R=25.00'
Δ=65°16'28"
127.72'
N 87°48'20" E
185.62'
L=98.58'
R=950.00'
Δ=5°56'44"
S 30°51'07" W
200.00'
L=152.50'
R=1050.00'
Δ=8°19'17"
N 22°31'52" E
117.57'
Net Area
130,785 sq. ft.
3.00 acres
EAST LINE OF N.W. 1/4 OF SECTION 5-56-40
(EAST LINE OF LOT 5 . PB. 1 PG. 4)
STATE OF FLORIDA TRANSPORTATION CORRIDOR R/W (BUSWAY)
(FLORIDA EAST COAST RAILWAY COMPANY)

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