MEMORANDUM Agenda Item No. 11(A)(4)

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

DATE: June 21, 2011

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

SUBJECT: Resolution directing County Mayor or designee to file a zoning application to permit County-owned property located at Bird Road and SW 89th Avenue to be utilized as a Farmers Market operated on a temporary basis on weekends; requesting the Florida Department of Transportation to issue a corrective quitclaim deed on the property in order to allow this use, and to take any additional steps necessary to utilize the property for this temporary use and for the development of affordable, elderly, housing on the site

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The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Senator Javier D. Souto.

R. A. Cuevas, Jr.
County Attorney

RAC/cp

MEMORANDUM

(Revised)

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

DATE: June 21, 2011

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

SUBJECT: Agenda Item No. 11(A)(4)

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)(4)
6-21-11

RESOLUTION NO. _____

RESOLUTION DIRECTING MAYOR OR DESIGNEE TO FILE A ZONING APPLICATION TO PERMIT COUNTY-OWNED PROPERTY LOCATED AT BIRD ROAD AND SW 89TH AVENUE TO BE UTILIZED AS A FARMERS MARKET OPERATED ON A TEMPORARY BASIS ON WEEKENDS; REQUESTING THE FLORIDA DEPARTMENT OF TRANSPORTATION TO ISSUE A CORRECTIVE QUITCLAIM DEED ON THE PROPERTY IN ORDER TO ALLOW THIS USE, AND TO TAKE ANY ADDITIONAL STEPS NECESSARY TO UTILIZE THE PROPERTY FOR THIS TEMPORARY USE AND FOR THE DEVELOPMENT OF AFFORDABLE, ELDERLY, HOUSING ON THE SITE

WHEREAS, the Florida Department of Transportation ("FDOT") conveyed property located at Bird Road and 89th Avenue (the "Senator Villas Site") to Miami-Dade County ("County") for the purpose of developing affordable elderly housing pursuant to the request of Senator Javier D. Souto; and

WHEREAS, pursuant to Resolution No. R-289-02, the County conveyed the Senator Villas Site to the MDHA Development Corporation ("Development Corporation") for development of the Bird Road Park and Ride Elderly Housing Project (the "Senator Villas Project") and pursuant to a contract, subsequently disbursed $1.5 million dollars of documentary surtax funding to the Development Corporation, in the amount of $2.8 million dollars to fund the development of the Senator Villas Project; and

WHEREAS, the Development Corporation never developed or built the Senator Villas Project; and

WHEREAS, following an audit of the Development Corporation by the Miami-Dade County Audit and Management Services Department dated June 27, 2007, the County terminated

its agreement with the Development Corporation and recaptured remaining funds, and the Development Corporation conveyed the Senator Villas Project back to the County, in accordance with the terms of a Transitional Agreement between the County and the Development Corporation dated April 21, 2008; and

WHEREAS, subsequent efforts are underway to develop the Senator Villas Site, including the Board's approval of $1 million in General Obligation Bonds ("GOB") funding to develop this project, following Senator Javier D. Souto's allocation of this funding to the project and the administration's preparation of a Request for Information to begin the process of assessing developer interest in developing the Senator Villas Site, as directed by County Resolution No. R-262-10; and

WHEREAS, additional funding is needed to fund this development to help meet the need for affordable, elderly housing in Miami-Dade County; and

WHEREAS, there is also a need to provide healthy, fresh, affordable food to nearby residents and such purpose would be met by the County operating a farmers market on the Senator Villas Site on weekends pending the development of the Senator Villas Site; and

WHEREAS, proceeds realized from the operating of the farmers market could be used to supplement funding needs for the development of the Senator Villas Project; and

WHEREAS, a zoning application must be filed to consider the use of the property for a farmers market on a temporary basis, and modification of a deed restriction requiring the property to be used only for affordable housing purposes must be obtained in order for the County to operate a temporary farmers market on the Senator Villas Site; and

WHEREAS, the Board is desirous of directing the staff to take all necessary steps to realize the goal of developing affordable, elderly housing on the Senator Villas Site, as well as

the temporary weekend use of the property as a farmers market, until such time as the construction of the Senator Villas Project commences,

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

Section 1. The foregoing recitals are incorporated herein by reference.

Section 2. The Mayor or the Mayor's designee is hereby directed to file a zoning application on the county-owned property described in attachment A to this resolution which would permit this property to be utilized as a farmers market operated on weekends on a temporary basis.

Section 3. The Mayor or the Mayor's designee is directed to take all steps necessary to procure a modification of the deed restriction on the property, including requesting that the FDOT issue a corrective quitclaim deed for the Senator Villas Site in order to provide for and allow the temporary operation of a farmers market on weekends, pursuant to the provisions of this resolution.

Section 5. The Mayor or the Mayor's designee is directed to take all necessary steps, including but not limited to obtaining zoning approval and the requested corrective deed, to implement the goal of this resolution; issuing permits for persons to make available and sell fresh produce and groceries; charging and receiving fees from vendors who sell fresh produce and groceries on the site; establishing an escrow account for deposit of proceeds from such sales and taking necessary steps leading to the ultimate development of elderly affordable housing on the Senator Villas site.

The Prime Sponsor of the foregoing resolution is Senator Javier D. Souto. 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:

Joe A. Martinez, Chairman
Audrey M. Edmonson, Vice Chairwoman

Bruno A. Barreiro	Lynda Bell
Esteban L. Bovo, Jr.	Jose "Pepe" Diaz
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Rebeca Sosa	Sen. Javier D. Souto
Xavier L. Suarez	

The Chairperson thereupon declared the resolution duly passed and adopted this 21st day of June, 2011. 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.

Debra Herman

Folio 30-4016-002-0010

F.A.P. No.
BA-NA-6138 (B)

LEGAL DESCRIPTION
PARCEL 6122

Lots 1, 2, 3, 4, and 26, Block 1, OLYMPIC HEIGHTS, according to the plat thereof as recorded in Plat Book 10 at Page 2 of the Public Records of Dade County, Florida, lying in the Southeast ¼ of Section 16, Township 54 South, Range 40 East, Dade County, Florida;

LESS:
All that portion of said Lots 1, 2, 3 and 4, Block 1, OLYMPIC HEIGHTS, being more particularly described as follows:

COMMENCE at the Southwest corner of the SE ¼ of said Section 16; thence run N88°09'02"E, along the South line of the SE ¼ of said Section 16, for a distance of 1005.18 feet to a point; thence N01°50'58"W, for a distance of 75.88 feet to a point of curvature of a circular curve concave to the Northeast having a radius of 25.00 feet, said point being on the West line of said Lot 1 and is the POINT OF BEGINNING of the parcel of land hereinafter to be described; thence run Southwesterly, Southerly, Southeasterly, Easterly and Northeasterly along the arc of said circular curve through a central angle of 92°01'32" for a distance of 40.15 feet to the point of tangency and a point on the North line of the South 50.00 feet of the SE ¼ of said Section 16; thence run N88°09'02"E, along said North line of the South 50.00 feet of the SE ¼ of said Section 16, for a distance of 186.98 feet to a point on the East line of said Lot 4; thence run S00°15'36"W, along the East line of said Lot 4, for a distance of 25.02 feet to a point on the South line of said Lot 4; thence run S88°09'02"W, along the South line of said Lots 4, 3, 2 and 1, for a distance of 186.94 feet to the point of curvature of a circular curve concave to the Northeast and having a radius of 25.00 feet; thence run Southwesterly, Westerly, Northwesterly, Northerly and Northeasterly along the arc of said circular curve through a central angle of 92°01'32" for a distance of 40.15 feet to the point of tangency and a point on the West line of Lot 1; thence run N00°10'34"E, along said West line of Lot 1, for a distance of 25.02 feet to the POINT OF BEGINNING.

Containing 23,768 square feet, more or less.

OFF. REC. 17732 PG 1073

REVISION	BY	DATE

FLORIDA DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY SURVEYING AND MAPPING

PARCEL LEGAL

STATE ROAD No. 976 — DADE COUNTY

	BY	DATE
DRAWN	A. J. R.	11/06/1996
TRACED	RODRIGUEZ	
CHECKED	F. Z. GATELL	11/06/1996

LEGAL DESCRIPTION PARCEL 6122

MAPS PREPARED BY: FERNANDO Z. GATELL PLS., INC.

SECTION No. 87044-2501

SECTION 16 - 54S - 40E

FIL: / PG:

SCALE: N.T.S

SHEET 3 OF 3

Exh A

F. A. P. No.
BA-MA-6138 (8)

Folio - 30-4016-002-0050

LEGAL DESCRIPTION
PARCEL 6162

Lot 5, Block 1, OLYMPIC HEIGHTS, according to the plat thereof as recorded in Plat Book 10, at Page 2 of the Public Records of Dade County, Florida, lying in the Southeast ¼ of Section 16, Township 54 South, Range 40 East, Dade County, Florida.

LESS:
All that portion of Lot 5, Block 1, OLYMPIC HEIGHTS, being more particularly described as follows:

COMMENCE at the Southwest corner of the aforementioned Southeast ¼ of Section 16; thence run N88°09'02"E, along the South line of the Southeast ¼ of said Section 16, for a distance of 1216.22 feet to a point; thence run N01°50'58"W, for a distance of 50.00 feet to the point of intersection of the West line of said Lot 5, with the North line of the South 50.00 feet of the Southeast ¼ of said Section 16 and the POINT OF BEGINNING of the hereinafter described parcel of land; thence run N88°09'02"E, along the North line of said South 50.00 feet of the Southeast ¼ of Section 16, for a distance of 38.89 feet to the point of curvature of a circular curve concave to the Northwest, having a radius of 25.00 feet; thence run Northeasterly along the arc of said circular curve through a central angle of 87°53'26" for an arc distance of 38.25 feet to the point of tangency and a point on the East line of said Lot 5; thence run S00°15'36"W, along said East line of Lot 5, for a distance of 25.02 feet to the point of curvature of a circular curve concave to the Northwest, having a radius of 25.00 feet; thence run Southwesterly along the arc of said circular curve, through a central angle of 87°53'26" for an arc distance of 38.35 feet to the point of tangency and a point on the South line of said Lot 5; thence run S88°09'02"W, along said South line, for a distance of 38.89 feet to the Southwest corner of Lot 5 as shown on said plat of OLYMPIC HEIGHTS; thence run N00°15'36"E, along the West line of said Lot 5, for a distance of 25.02 feet to the POINT OF BEGINNING.

Containing 4912 square feet, more or less.

Together with:

OFF. REC. 17732 PG 1074

REVISION	BY	DATE

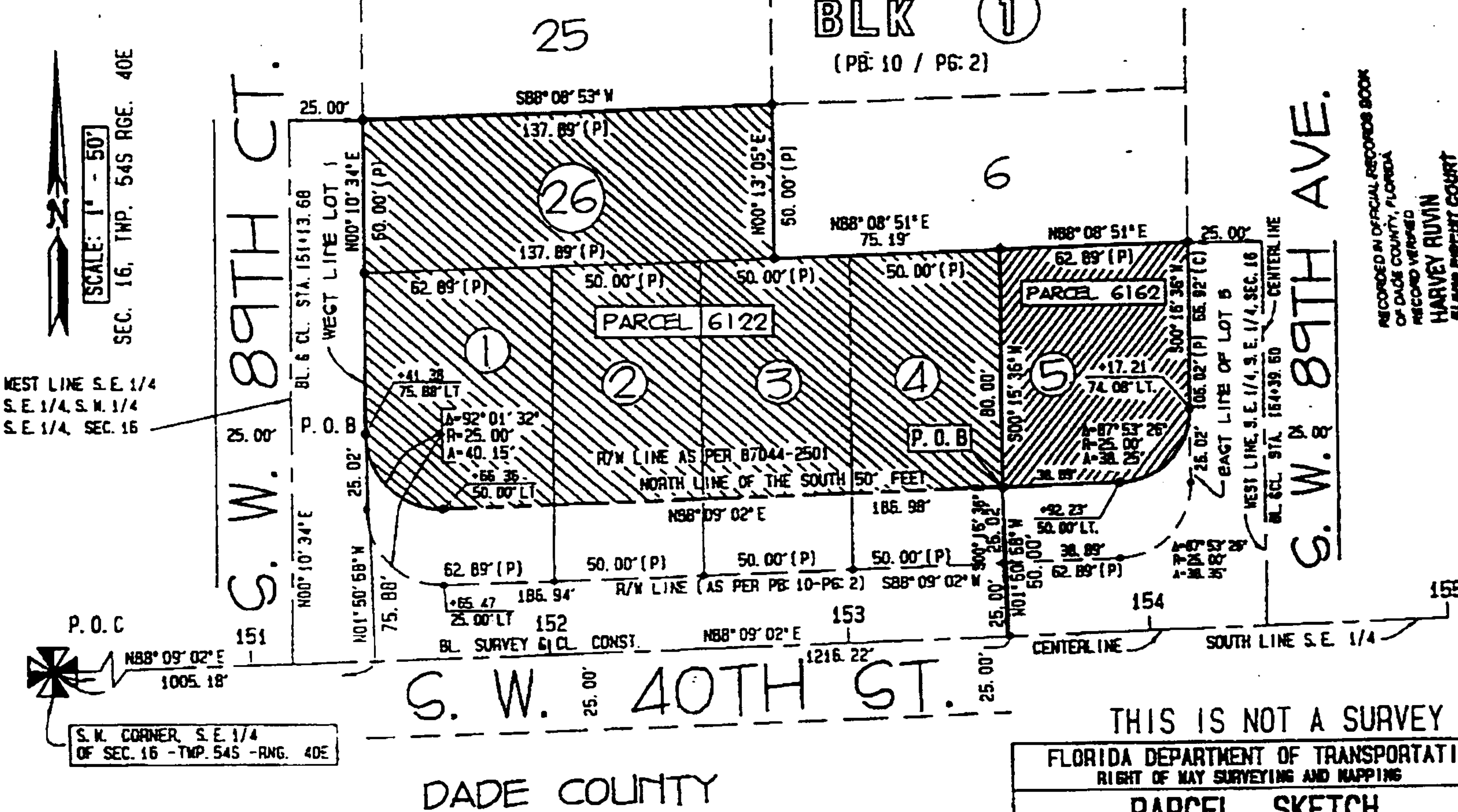
FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY SURVEYING AND MAPPING			
PARCEL LEGAL			
STATE ROAD No. 976			DADE COUNTY
	BY	DATE	LEGAL DESCRIPTION PARCEL 6162
DRAWN	A.J.R.	11/05/1996	
TRACED	RODRIGUEZ		
CHECKED	F.Z. GATELL	11/06/1996	
MAPS PREPARED BY: FERNANDO Z. GATELL PLS., INC.			FB: / PG:
SECTION No. 87044-2501			SCALE: N.T.S
SECTION 16 - 54S - 40E			SHEET 2 OF 3

8

EXH A

EXHIBIT "A"

F. A. P. No.
BA-MA-6138 (B)



THIS IS NOT A SURVEY

PARCEL 6122	CONTAINS	23,768 SQ. FT MORE OR LESS
PARCEL 6162	CONTAINS	4912 SQ. FT MORE OR LESS

COMBINED AREAS = 28,680 SQ. FT

GENERAL NOTES:

Bearings, baseline of survey, centerline of construction and Parcel dimensions were taken from F.D.O.T. Right of Way Map for S.R. 976 (BIRD ROAD) Section No. 87044-2501

REVISION	BY	DATE
ADDED PARCEL 6162	I.G.	11/21/96

FLORIDA DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY SURVEYING AND MAPPING

PARCEL SKETCH

STATE ROAD No. 976 DADE COUNTY

	BY	DATE
DRAWN	A. J. R.	11/05/1996
TRACED	RODRIGUEZ	
CHECKED	F. Z. GATELL	11/06/1996

SKETCH TO ACCOMPANY LEGAL DESCRIPTION PARCEL 6122/6162

MAPS PREPARED BY: FERNANDO Z. GATELL PLS., INC.
SECTION No. 87044-2501

FB: / PG:
SCALE: 1" = 50'

SECTION 16 - 54S - 40E

SHEET 1 OF 3

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

EXH A