

MEMORANDUM

Agenda Item No. 11(A)(10)

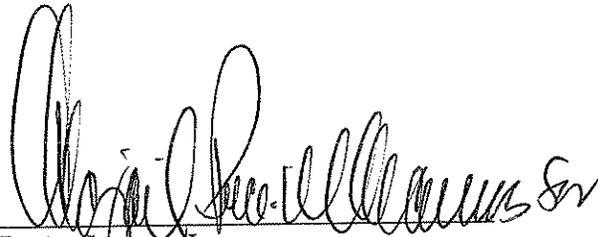
TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: February 7, 2012

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

SUBJECT: Resolution directing the Mayor to negotiate and present agreements to this Board for its approval transferring title of the Coconut Grove Playhouse property to the County and eliminating all liens and encumbrances thereon

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Xaiver L. Suarez.



R. A. Cuevas, Jr.
County Attorney

RAC/jls



MEMORANDUM

(Revised)

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

DATE: February 7, 2012

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

SUBJECT: Agenda Item No. 11(A)(10)

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) (10)
2-7-12

RESOLUTION NO. _____

RESOLUTION DIRECTING THE MAYOR OR MAYOR'S DESIGNEE TO NEGOTIATE AND PRESENT AGREEMENTS TO THIS BOARD FOR ITS APPROVAL TRANSFERRING TITLE OF THE COCONUT GROVE PLAYHOUSE PROPERTY TO THE COUNTY AND ELIMINATING ALL LIENS AND ENCUMBRANCES THEREON

WHEREAS, the Coconut Grove Playhouse ("Playhouse") has provided an important part of the cultural landscape of Miami-Dade County for fifty years, prior to its closing in June 2006; and

WHEREAS, this Board seeks to restore regional, professional theater to Miami-Dade County at this historic location in Coconut Grove; and

WHEREAS, the owner of the property, Coconut Grove Playhouse, LLC, has expressed a desire to transfer the property upon which it is located to the County in order to facilitate such restoration and renovation ("Playhouse property"); and

WHEREAS, the Playhouse property appears to be currently encumbered with numerous restrictions, actual and potential liens and encumbrances, and claims, including but not limited to 1) reversionary interests of the State of Florida, 2) mortgages, 3) litigation claims, and 4) governmental liens; and

WHEREAS, this Board wishes to accept the transfer of the Playhouse property so that it may proceed to restore and renovate same, contingent upon obtaining full releases from all lien holders, and the elimination of all liens and encumbrances,

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

Section 1. The foregoing recitals are adopted and incorporated as though fully set forth herein.

Section 2. This Board directs the Mayor or the Mayor's designee to negotiate agreements for presentation to this Board for the transfer of free and clear fee simple title to the County of the Playhouse property, and to negotiate agreements to resolve and eliminate all valid liens, claims and encumbrances in order to accomplish same. The Mayor or the Mayor's designee may take all necessary actions to accomplish same, including but not limited to 1) identifying the current holders of such liens and encumbrances pursuant to a title search and title commitment, 2) identifying funding sources to assist in the negotiation and clearing of the liens and encumbrances on the Playhouse property, 3) negotiating agreements to eliminate liens, claims and encumbrances, which may involve payment of sums, swapping of lands, or other necessary agreements, 4) negotiating an agreement with the State of Florida regarding its reversionary interest and obtaining all necessary approvals, and 5) negotiating with any municipalities or governmental entities to obtain releases of any liens on the Playhouse property.

Section 3. This Board directs the Mayor or the Mayor's designee to present such proposed agreements to this Board for its approval after negotiating same.

The Prime Sponsor of the foregoing resolution is Commissioner Xavier L. Suarez. 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 7th day of February, 2012. 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.

MR FOR

Debra Herman

5