MEMORANDUM

IMFR
Agenda Item No. 2(L)

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

DATE: June 12, 2012

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

SUBJECT: Resolution delegating certain redevelopment powers to the West Perrine Community Redevelopment Agency pursuant to Chapter 163, Part III of the Florida Statutes

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

R. A. Cuevas, Jr.
County Attorney

RAC/cp

MEMORANDUM

(Revised)

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

DATE: July 3, 2012

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

SUBJECT: Agenda Item No.

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.
7-3-12

RESOLUTION NO. _____

RESOLUTION DELEGATING CERTAIN REDEVELOPMENT POWERS TO THE WEST PERRINE COMMUNITY REDEVELOPMENT AGENCY PURSUANT TO CHAPTER 163, PART III OF THE FLORIDA STATUTES

WHEREAS, the Florida legislature enacted the Community Redevelopment Act of 1969 during its 1969 Legislative Session, which is presently codified in the Florida Statutes at Part III of Chapter 163, Sections 163.330 through 163.450, as amended from time to time (the "Act"); and

WHEREAS, all powers arising through the Act are conferred by the Act upon counties with home rule charters and authorizes said counties to delegate certain of such powers to a community redevelopment agency created pursuant to the Act; and

WHEREAS, on March 1, 2005 the Miami-Dade Board of County Commissioners (the "Board") adopted Resolution No. R-212-05, which declared a certain geographic area of the County known as the West Perrine Redevelopment Area ("Redevelopment Area") to be a slum or blighted area, declared the rehabilitation, conservation or redevelopment, or combination thereof to be necessary in the interest of the public health, safety, morals or welfare of the residents of the Redevelopment Area and the County; and

WHEREAS, the Board, based on the foregoing findings, found that there was a need for the creation of a community redevelopment agency known as the West Perrine Community Redevelopment Agency ("Agency") within the Redevelopment Area; and

WHEREAS, pursuant to Resolution No. R-744-07 adopted by the Board on June 5, 2007, the County, among other things, approved and adopted the West Perrine Community

Redevelopment Plan (the "Plan) to enable the Agency to undertake redevelopment of the Redevelopment Area: and

WHEREAS, the Board also enacted Ordinance No. 07-79, which approved the creation of a community redevelopment trust fund, known as the West Perrine Redevelopment Trust Fund (the "Fund") and further provided for the calculation and appropriation of tax increment funds into such Fund; and

WHEREAS, this Board on June 5, 2007 adopted Resolution No. R-745-07, establishing and appointing itself as the Board of Commissioners of the Agency; and

WHEREAS, the Board wishes to confer specific redevelopment powers on the Agency,

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

Section 1. The matters contained in the foregoing recitals are incorporated in this resolution by reference.

Section 2. With the exception of the community redevelopment powers that continue to vest in the Board pursuant to Section 163.358, Florida Statutes, the Agency shall have the sole right and responsibility to exercise the following redevelopment powers specifically delegated by the Board pursuant to the Act:

(1) The power to make and execute contracts and other instruments necessary or convenient to the exercise of its powers pursuant to the Act.

(2) The power to disseminate slum clearance and community redevelopment information.

(3) The power to undertake and carry out community redevelopment and related activities within the Redevelopment Area, which redevelopment may include:

(a) Acquisition of a slum area or a blighted area or portion thereof;

(b) Demolition and removal of buildings and improvements;

(c) Installation, construction, or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out in the Redevelopment Area the community redevelopment objectives of the Act in accordance with the Plan;

(d) The power to dispose of any property acquired in the Redevelopment Area at its fair value for uses in accordance with the Plan;

(e) The power to carry out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements in accordance with the Plan;

(f) The power to acquire real property in the Redevelopment Area which, under the Plan, is to be repaired or rehabilitated for dwelling use or related facilities, repair or rehabilitation of the structures for guidance purposes, and resale of the property;

(g) The power to acquire any other real property in the Redevelopment Area when necessary to eliminate unhealthful, unsanitary or unsafe conditions; lessen density; eliminate obsolete or other uses detrimental to the public welfare; or otherwise to remove or prevent the spread of blight or deterioration or to provide land for needed public facilities;

(h) The power to acquire without regard to any requirement that the area be a slum or blighted area, of air rights in an area consisting principally of land in highways, railway, or subway tracks, bridge or tunnel entrances, or other similar facilities which have a blighting influence on the surrounding area and over which air rights sites are to be developed for the elimination of such blighting influences and for the provision of housing (and related facilities and uses) designed specifically for, and limited to, families and individuals of low or moderate income;

(i) The power to construct foundations and platforms necessary for the provision of air rights sites of housing (and related facilities and uses) designed specifically for, and limited to, families and individuals of low or moderate income.

(4) The power to provide, or to arrange or contract for, the furnishing or repair by any person or agency, public or private, of services, privileges, works, streets, roads, public utilities, or other facilities for or in connection with a community redevelopment plan; to install, construct, and reconstruct streets, utilities, parks, playgrounds, and other public improvements; and to agree to any conditions that it deems reasonable and appropriate which are attached to federal financial assistance and imposed pursuant to federal

law relating to the determination of prevailing salaries or wages or compliance with labor standards, in the undertaking or carrying out of a community redevelopment plan and related activities, and to include in any contract let in connection with such redevelopment and related activities provisions to fulfill such of the conditions as it deems reasonable and appropriate;

(5) The power to enter into any building or property in the Redevelopment Area in order to make inspections, surveys, appraisals, soundings or test borings and to obtain an order for this purpose from a court of competent jurisdiction in the event entry is denied or resisted;

(6) The power to acquire by purchase, lease, option, gift, grant, bequest, devise or otherwise any real property (or personal property for its administrative purposes), together with any improvements thereon;

(7) The power to hold, improve, clear or prepare for redevelopment any such property;

(8) The power to mortgage, pledge, hypothecate, or otherwise encumber or dispose of any real property;

(9) The power to insure or provide for the insurance of any real or personal property or operations of the Agency against any risks or hazards, including the power to pay premiums on any such insurance;

(10) The power to enter into any contracts necessary to effectuate the purposes of the Act; and

(11) The power to solicit requests for proposals for redevelopment of parcels of real property contemplated by the Plan to be acquired for redevelopment purposes by the Agency and, as a result of such requests for proposals, to advertise for the disposition of such real property to private persons pursuant to Section 163.380, Florida Statutes, prior to acquisition of such real property by the Agency.

(12) The power to invest any community redevelopment funds held in reserves or sinking funds or any such funds not required for immediate disbursement in property or securities in which savings banks may legally invest funds subject to their control and to redeem such bonds as have been issued pursuant to Section 163.385, Florida Statutes, at redemption price established therein or to purchase such bonds at less than the redemption price, all such bonds so redeemed or purchased to be canceled.

(13) Subject to prior approval of the Board, the power to borrow money and to apply for and accept advances, loans, grants, contributions, and any other form of financial assistance from the Federal Government or the state,

county, or other public body or from any sources, public or private, for the purposes of the Act and to give such security as may be required and to enter into and carry out contracts or agreements in connection therewith; and to include in any contract for financial assistance with the Federal Government for or with respect to community redevelopment and related activities such conditions imposed pursuant to federal laws as the Agency deems reasonable and appropriate which are not inconsistent with the purposes of the Act. It is the expressed intent of the Agency not to issue bonds or use any other form of indebtedness until such time as required by a development when bonding or indebtedness is required to complete the project. Accordingly, the parties agree that any development shall be funded by the Agency when the County has determined that said developments are ready to proceed.

(14) The power to make or have made all surveys and plans necessary to the carrying out of the purposes of the Act; to contract with any person, public or private, in making and carrying out such plans; and to adopt or approve, modify, and amend such plans, which plans may include, but are not limited to:

(a) Plans for carrying out a program of voluntary or compulsory repair and rehabilitation or buildings and improvements; and

(b) Appraisals, title searches, surveys, studies, and other plans and work necessary to prepare for the undertaking of community redevelopment and related activities.

(15) The power to develop, test, and report methods and techniques, and carry out demonstrations and other activities, for the prevention and the elimination of slums and urban blight and developing and demonstrating new or improved means of providing housing for families and persons of low income.

(16) The power to apply for, accept, and utilize grants of funds from the Federal Government for such purposes.

(17) The power to prepare plans for and assist in the relocation of persons (including individuals, families, business concerns, nonprofit organizations, and others) displaced from the Redevelopment Area and to make relocation payments to or with respect to such persons for moving expenses and losses of property for which reimbursement or compensation is not otherwise made, including the making of such payments financed by the Federal Government.

(18) The power to appropriate such funds and make such expenditures as are necessary to carry out the purposes of the Act.

(19) The power to authorize the issuance of revenue bonds as set forth in 163.385 and/or obtain financing.

Section 3. This Board reserves the right to retain certain powers and delegate only limited powers to any board appointed other than pursuant to Section 163.357.

The Prime Sponsor of the foregoing resolution is Commissioner 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:

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 3rd day of July, 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.
Terrence A. Smith