MEMORANDUM

Agenda Item No. 8(K)(1)

TO:	Honorable Chairman Joe A. Martinez and Members, Board of County Commissioners	**DATE:**	October 2, 2012
FROM:	R. A. Cuevas, Jr. County Attorney	**SUBJECT:**	Resolution accepting conveyance of vacant land from Habitat for Humanity of Greater Miami, Inc. pursuant to the Infill Housing Program

The accompanying resolution was prepared by the Public Housing Community Development Department and placed on the agenda at the request of Prime Sponsor Vice Chairwoman Audrey M. Edmonson.

R. A. Cuevas, Jr.
County Attorney

RAC/jls

Memorandum

MIAMI-DADE COUNTY

Date: October 2, 2012

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

From: Carlos A. Gimenez
Mayor

Subject: Resolution Accepting Conveyance of Vacant Land from Habitat for Humanity of Greater Miami, Inc. Authorizing the County Mayor to Dispose of Said Land in Accordance With Florida Statute 125.35. Authorizing the Waiver of Administrative Order 8-4 as it Pertains to Review by the Planning Advisory Board

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Recommendation

It is recommended that the Board of County Commissioners (Board):

- Accept conveyance of one (1) vacant Infill Housing lot (the "Property") from Habitat for Humanity of Greater Miami, Inc. (Habitat), to the County;
- Remove the Property for the Infill Housing Initiative Program;
- Declare the Property to be County surplus property;
- Authorizes the County Mayor or County's designee to sell or convey said property in accordance with Florida Statute 125.35 for a price that is not less than fair market value to be determined by an independent State Certified appraiser or the Property Appraiser; and
- Waives Administrative Order 8-4 as it relates to review by the Planning Advisory Board.

Scope

The 5,000 square foot lot, folio number 01-3114-018-1050 is located at 6846 NW 15 Avenue, and has a 2012 assessed value of $50,000. The lot is located in Commission District 3.

Fiscal Impact/Funding Source

The land will be conveyed to the County for the nominal ten dollars ($10) consideration. Public Housing and Community Development has estimated the annual maintenance cost for the lot will be $225.00.

Track Record/Monitor

A Quit Claim Deed (Attachment A) has been executed by Habitat transferring the property to the County. Public Housing and Community Development will ensure that the Deed is properly filed and recorded with the Clerk of the Courts. The lot will go back into the County's surplus land inventory administered and maintained by Public Housing and Community Development. This project will be monitored by Jorge Cibran, Director Facilities and Development.

Delegation of Authority

Authorize the County Mayor or County Mayor's Designee to sell or convey the Property to the highest and best bidder and authorizes the Chairperson or Vice Chairperson to execute County Deeds for such purpose.

Background

Habitat initially requested the County convey the lot to them as part of their effort to build affordable housing in the HOPE VI Target Area. The Board authorized the conveyance of the lot to Habitat pursuant to Resolution No. R-1356-09, which was adopted December 1, 2009.

Habitat has maintained the property as agreed, and performed their due diligence to develop the property; however, due to the commercial zoning designation of the lot, representatives from the City of Miami have advised Habitat that the lot is best suited for commercial development, as it is located in an already established commercial corridor. In order to accommodate the City's long term plans for the community, Habitat seeks to return the property to the County in accordance to the reverter in the County Deed and County Agreements. There are no encumbrances or unpaid taxes due on the lot.

The procedures and conditions for the sale and conveyance of County-owned real property are set forth in Florida Statutes section 125.35, which states, in part, that "The Board of County Commissioners is expressly authorized to sell and convey any real or personal property, and to lease real property, belonging to the County, whenever the Board determines that it is to the best interest of the County to do so, to the highest and best bidder for the particular use the Board deems to be the highest and best, for such length of term and such conditions as the governing body may in its discretion determine."

Attachment

Russell Benford, Deputy Mayor

MEMORANDUM

(Revised)

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

DATE: October 2, 2012

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

SUBJECT: Agenda Item No. 8(K)(1)

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. 8(K)(1)
10-2-12

RESOLUTION NO. _____

RESOLUTION ACCEPTING CONVEYANCE OF VACANT LAND FROM HABITAT FOR HUMANITY OF GREATER MIAMI, INC. FOR TEN DOLLARS ($10.00); DIRECTING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO REMOVE THE VACANT LAND FROM THE INFILL HOUSING INITIATIVE PROGRAM; DECLARING THE VACANT LAND AS SURPLUS COUNTY OWNED PROPERTY; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO DISPOSE OF SAID PROPERTY IN ACCORDANCE WITH FLORIDA STATUTE 125.35; AUTHORIZING THE WAIVER OF ADMINISTRATIVE ORDER NO. 8-4 AS IT PERTAINS TO THE PLANNING ADVISORY BOARD; AND AUTHORIZING EXECUTION OF COUNTY DEED BY THE BOARD OF COUNTY COMMISSIONERS ACTING BY THE CHAIRPERSON OR VICE CHAIRPERSON OF THE BOARD FOR SUCH PURPOSE

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference; and

WHEREAS, Habitat for Humanity of Greater Miami, Inc. has tendered a quit claim deed conveying to Miami-Dade County the property interests in a parcel of vacant land (the "Property") located within Miami-Dade County, Florida, for public purposes identified in the Mayor's memorandum and the instrument of conveyance all of which are attached hereto and made a part hereof; and

WHEREAS, the Board finds, pursuant to Florida Statute section 125.35, that it is in the best interest of Miami-Dade County to sell and convey the Property, to the highest and best bidder; and

WHEREAS, upon consideration of the Mayor's recommendation, the Board finds and determines that the acceptance of such conveyance would be in the public's best interest,

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

Section 1. The foregoing recitals are incorporated in this resolution and are approved.

Section 2. The Board accepts the Property conveyed from Habitat for Humanity to the County.

Section 3. The Board directs the County Mayor or County Mayor's designee to remove the Property from the Infill Housing Initiative Program.

Section 4. This Board declares upon acceptance of the Property that it is hereby County owned surplus property.

Section 5. This Board authorizes the County Mayor or County Mayor's designee to sell the Property either through private sale with the adjacent owner or via competitive bidding for no less than fair market value to be determined by an independent State certified appraiser or the Property Appraiser, authorizes the Chairman or Vice Chairman of the Board of County Commissioners to execute a County Deed for said purpose.

Section 6. The Board authorizes the County Mayor or the County Mayor's designee to waive Administrative Order 8-4 as it pertains to the Planning Advisory Board.

Section 7. The Board, pursuant to Resolution No. R-974-09, (a) directs the County Mayor or County Mayor's designee to record the instrument of conveyance accepted herein in the Public Records of Miami-Dade County and to provide a recorded copy of the instrument to the Clerk of the Board within thirty (30) days of execution of said instrument; and (b) directs the

Clerk of the Board to attach and permanently store a recorded copy said instrument together with this resolution.

The foregoing resolution 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 2nd day of October, 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

Habitat for Humanity®
of Greater Miami

building houses in partnership with God's people in need

January 20, 2012

Mr. Alan Eson
Real Estate Officer, PHCD
Infill Program Coordinator
701 NW 1 Court 16th Floor
Miami, Fl 33136

Reference: Folio No: 01-3114-018-1050
Address: 6846 NW 15 Avenue
Resolution: R-1356-09 Adopted 12/1/2009

Dear Mr. Eson:

Thanks to the assistance of the Miami-Dade County's Infill Housing Program, Habitat for Humanity of Greater Miami is in the midst of one of our most aggressive construction schedules ever. We are aspiring to build 90 new homes in 2012, by far the most homes that we have been able to construct in one particular year. Most of our homes came from land provided by Miami Dade through the Infill Housing Program. Ours is a wonderful partnership which I hope will continue for a long time.

Recently, Habitat received notification from representatives from the City of Miami regarding an Infill property under Habitat's control. The parcel, located at **6846 NW 15 Avenue** was to be developed as a single family home. Upon review of the parcel, we realized that the parcel is located in the middle of a commercial corridor. Therefore, the City and Habitat feel the lot would serve the community better if developed commercial and that it would be best for the overall master plan for an active and vibrant commercial corridor. In order to be cooperative with the City's longer term plans for the community, Habitat is withdrawing its plans to construct a single family home at this location and consequently Habitat wishes to return the lot to the County because the parcel cannot be developed as required in the County Deed that conveyed the lots to Habitat. Habitat requests that the Board authorize the conveyance of this lot from Habitat pursuant to Resolutions No. R-41356-09 adopted December 1, 2009 for Folio No. 01-3114-018-1050 located in District 2.

By way of this letter, we are officially requesting to commence the process of conveying said parcel back to Miami Dade County. I suspect that in a parallel process you will hear from the City of Miami to acquire the parcel so they can incorporate it into their master plan. Perhaps the return and the conveyance can be coordinated through one County resolution.

Habitat for Humanity of Greater Miami, Inc.
3800 NW 22nd Avenue • Miami, Florida 33142 • Tel: 305.634.3628 • Fax: 305.638.4917 • www.miamihabitat.org

Attached please find an unrecorded Quit Claim Deed and if you need additional documentation please let me know what documentation, if any, you require from us to proceed with this request. Again, we thank you for your continued assistance and look forward to a continuing the partnership between Miami-Dade County and Habitat for Humanity of Greater Miami.

All my best,

Mario Artecona
CEO

c: Elaine Black
Commissioner Spence Jones
Kia Hernandez

Return to:

This instrument was prepared by:
Habitat for Humanity of Greater Miami, Inc.
3800 NE 22 Avenue,
Miami, FL, 33142
Property Appraiser's
Identification No. 0131140181050

[Space above this line for recording data]

QUIT CLAIM DEED

This Quit Claim Deed executed the 23rd day of January, 2012 by Habitat for Humanity of Greater Miami, Inc. whose post office address is 3800 NW 22 Avenue, Miami, Florida, 33142, first part, to MIAMI-DADE COUNTY, a Political Subdivision of the State of Florida, whose post office address is: Stephen P. Clark Center, 111 N.W. 1 Street, Suite 17-202, Miami, Florida, 33128-1963, second party.

Witnesseth that the first party, for and in consideration of the sum of Ten ($10.00) Dollars, and other good and valuable consideration, in hand paid by the said second party, the receipt whereof is hereby acknowledged, does hereby remise, release, and quit claim unto the second party forever, all the right, title, interest, claim and demand which the said first party has in and to the following described property, situate, lying and being in the County of Miami-Dade, State of Florida, to wit:

LOTS 17 & 18 BLOCK 5, ACCORDING TO THE PLAT "NEW LIBERTY CITY", AS RECORDED IN PLAT BOOK 39 AT PAGE 28, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, LYING SECTION 14, TOWNSHIP 53 SOUTH, RANGE 41, MIAMI-DADE COUNTY, FLORIDA.

To have and to hold the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said first party, either in law or equity to the only proper use, benefit and behoove of the said second party forever.

Signed, sealed and delivered in the presence of:

Witness signature Kia Hernandez

Witness signature MONIQUE SMITH

Mario Artecona, Chief Executive Officer
Habitat for Humanity of Greater Miami, Inc.

Witness signature

Witness signature

STATE OF FLORIDA)
): SS
COUNTY OF)

The following instrument was acknowledged before me this 23 day of Jan, ~~2011~~ 2012 by Mario Artecona, who is personally known to me, or has produced _____ as identification.

EDMEE HERNANDEZ
MY COMMISSION # EE 068400
EXPIRES: April 27, 2016
Bonded Thru Notary Public Underwriters

_____(SEAL)
Notary Public

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