

# MEMORANDUM

Agenda Item No. 11(A)(5)

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**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**DATE:** January 22, 2014

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

**SUBJECT:** Resolution modifying the requirements on the use of certain property owned by Habitat for Humanity pursuant to Florida Statute 125.38; deleting the requirement for a child day-care facility in exchange for additional affordable housing units

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



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R. A. Cuevas, Jr.  
County Attorney

RAC/smm



# MEMORANDUM

(Revised)

**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**DATE:** January 22, 2014

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

**SUBJECT:** Agenda Item No. 11(A)(5).

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 Mayor'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

Agenda Item No. 11(A)(5)

Veto \_\_\_\_\_

1-22-14

Override \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_

RESOLUTION MODIFYING THE REQUIREMENTS ON THE USE OF CERTAIN PROPERTY OWNED BY HABITAT FOR HUMANITY PURSUANT TO FLORIDA STATUTE 125.38; DELETING THE REQUIREMENT FOR A CHILD DAY-CARE FACILITY IN EXCHANGE FOR ADDITIONAL AFFORDABLE HOUSING UNITS; AND AUTHORIZING EXECUTION OF DOCUMENTS NECESSARY FOR SUCH PURPOSE

**WHEREAS**, Habitat for Humanity (“Habitat”), a not-for-profit organization, obtained title to a 14.7 acre site (the “Property”) at a foreclosure sale on August 12, 2009, with the winning bid of \$1,200,000; and

**WHEREAS**, pursuant to a prior settlement agreement between the County, the prior lender, and Habitat, as further described in Resolution R-600-12, Habitat took title to the Property subject to use restrictions, requiring the construction of 45 affordable single-family homes and a child day-care facility, and including a three-year reverter; and

**WHEREAS**, pursuant to Resolution R-600-12, the Board approved a County Deed to Habitat, a copy of which is attached hereto as Exhibit A, which extended the reverter period until July 13, 2015; and

**WHEREAS**, Habitat has constructed and sold the first 15 affordable single-family homes required by the use restrictions, and has represented that it is on schedule to complete an additional 15 homes by June 1, 2014, with the final 15 homes completed before the July 13, 2015 reverter deadline approved by the Board; and

**WHEREAS**, neighboring residents have objected to the inclusion of a child day-care facility on the Property, and there is a need in the community for additional affordable housing units; and

**WHEREAS**, Habitat has requested, in the letter attached hereto as Exhibit B, that the Board delete the requirement of constructing a child day-care facility on the Property, and has agreed in exchange to construct a minimum of 4 additional affordable single family homes, thus resulting in a total of at least 49 affordable single family homes on the Property; and

**WHEREAS**, the July 13, 2015 reverter deadline previously approved by this Board would not be changed by the adoption of this resolution, and Habitat has represented that it can complete any additional homes within the existing deadline; and

**WHEREAS**, the Board finds that, pursuant to Section 125.38 of the Florida Statutes, that the Property is required for the uses described herein, and that the intended uses would promote community interest and welfare,

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

Section 1. Adopts the foregoing recitals and incorporates them herein.

Section 2. Pursuant to Section 125.38 of the Florida Statutes, approves the deletion of the currently existing requirement that Habitat construct a child day-care facility, in exchange for Habitat agreeing to construct a minimum of 4 additional affordable single family homes, for a total of a minimum of 49 single family homes.

Section 3. Authorizes the Chairperson of the Board of County Commissioners to execute any documents deemed necessary by the County Attorney's Office to effectuate the provisions of Section 2 above.

Section 4. Pursuant to Resolution No. R-974-09, directs the County Mayor or Mayor's designee to record the documents authorized herein in the public records of Miami-Dade County and to provide a recorded copy of these documents to the Clerk of the Board within thirty (30) days of their execution, and further directs the Clerk of the Board to attach and permanently store a recorded copy of the documents together with this resolution.

Section 5. Directs the County Mayor or Mayor's designee to appoint staff to monitor Habitat's compliance with the terms of the restrictive covenants and prior settlement agreement.

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:

Rebeca Sosa, Chairwoman  
Lynda Bell, Vice Chair

Bruno A. Barreiro  
Jose "Pepe" Diaz  
Sally A. Heyman  
Jean Monestime  
Sen. Javier D. Souto  
Juan C. Zapata

Esteban L. Bovo, Jr.  
Audrey M. Edmonson  
Barbara J. Jordan  
Dennis C. Moss  
Xavier L. Suarez

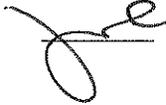
The Chairperson thereupon declared the resolution duly passed and adopted this 22<sup>nd</sup> day of January, 2014. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

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

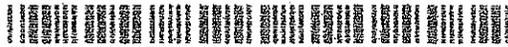
HARVEY RUVIN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.



Jorge Martinez-Esteve



CFN 2013RD305095  
OR Bk 28588 Pgs 3374 - 3375f (2pgs)  
RECORDED 04/18/2013 10:48:26  
DEED DOC TAX 0.60  
SURTAX 0.45  
HARVEY RUVIN, CLERK OF COURT  
MIAMI-DADE COUNTY, FLORIDA

Instrument prepared under the direction of  
Jorge Martinez-Esteve, Assistant County Attorney  
111 N.W. 1st Street, 28<sup>th</sup> floor  
Miami, Florida 33128-1907

Grantees' Tax ID# 65-0108974



FOLIO NOS:

- |                  |                  |                  |
|------------------|------------------|------------------|
| 30-6192-045-0020 | 30-6192-045-0170 | 30-6192-045-0330 |
| 30-6192-045-0030 | 30-6192-045-0180 | 30-6192-045-0340 |
| 30-6192-045-0040 | 30-6192-045-0190 | 30-6192-045-0350 |
| 30-6192-045-0050 | 30-6192-045-0200 | 30-6192-045-0360 |
| 30-6192-045-0060 | 30-6192-045-0210 | 30-6192-045-0370 |
| 30-6192-045-0070 | 30-6192-045-0220 | 30-6192-045-0380 |
| 30-6192-045-0080 | 30-6192-045-0230 | 30-6192-045-0390 |
| 30-6192-045-0090 | 30-6192-045-0240 | 30-6192-045-0400 |
| 30-6192-045-0100 | 30-6192-045-0250 | 30-6192-045-0410 |
| 30-6192-045-0110 | 30-6192-045-0260 | 30-6192-045-0420 |
| 30-6192-045-0120 | 30-6192-045-0270 | 30-6192-045-0430 |
| 30-6192-045-0130 | 30-6192-045-0280 | 30-6192-045-0440 |
| 30-6192-045-0140 | 30-6192-045-0290 | 30-6192-045-0450 |
| 30-6192-045-0150 | 30-6192-045-0300 | 30-6192-045-0460 |
| 30-6192-045-0160 | 30-6192-045-0310 | 30-6192-045-0470 |
|                  |                  | 30-6192-045-0480 |

**COUNTY DEED**

THIS DEED, made this 18<sup>th</sup> day of April, 2013, between MIAMI-DADE COUNTY, FLORIDA, a political subdivision of the State of Florida, whose address is: Stephen P. Clark Center, 111 N.W. 1 Street, Suite 17-202, Miami, Florida, 33128-1963, party of the first part, and HABITAT FOR HUMANITY OF GREATER MIAMI, INC., a not-for-profit corporation, party of the second part, whose address is: 3800 NW 22 Avenue, Miami, Florida 33142.

WITNESSETH, that said party of the first part, for and in consideration of the sum of Ten Dollars (\$10.00), to it in hand paid by party of the second part, receipt whereof is hereby acknowledged, does hereby grant, bargain and sell to party of the second part, its successors and assigns forever, the following described land, lying and being in Miami-Dade County, Florida, to wit:

**LOTS 1-16, BLOCK 1, LOTS 1-16 BLOCK 2, LOTS 1-4 BLOCK 3, LOTS 1-9 BLOCK 4, TRACT B AND TRACT C, CARIBBEAN PALMS, AS RECORDED IN PLAT BOOK 156 AT PAGE 70 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA**

**SUBJECT TO:**

1. Taxes for the year 2012 and subsequent years.
2. Matters appearing on the plat.
3. Existing zoning ordinances and other governmental regulations. Covenants, conditions, easements and restrictions of record, if any, but this shall not operate to reimpose same.
4. Mortgages and notes provided to Miami-Dade County, rental regulatory Agreements, covenants of restriction, covenants, conditions, easements and restrictions of record, if any, but this shall not operate to reimpose same.

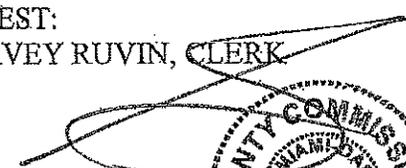
It is the express intention of Habitat for Humanity of Greater Miami, Inc., to construct 45 affordable single family homes and a child day-care facility on the Property, and to abide by the terms of Resolution R-600-12 of the Miami-Dade County Board of County Commissioners, which extended the previous reverter as of July 13, 2012. If this Property is not developed as 45 affordable single family houses and a child day-care facility on or before July 13, 2015, the Property shall automatically revert to Miami-Dade County, its successors and assigns, and Miami-Dade County shall be entitled and have the right to immediate possession thereof.

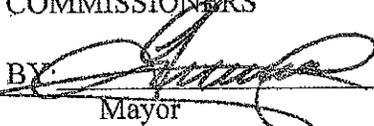
This grant conveys only the interest of Miami-Dade County and its Board of County Commissioners in the Property herein described and shall not warrant title thereto.

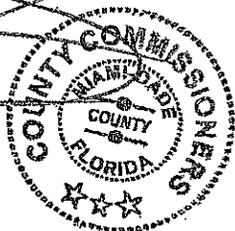
**OFFICIAL SEAL**

ATTEST:  
HARVEY RUVIN, CLERK

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

BY:   
Deputy Clerk

BY:   
Mayor

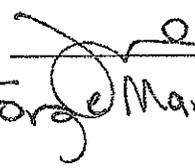


The foregoing was authorized and approved by Resolution No. R-600-12 of the Board of County Commissioners of Miami-Dade County, Florida, on the 3rd day of July, 2012.

Approved to form and legal sufficiency  
STATE OF FLORIDA, COUNTY OF LADE  
I HEREBY CERTIFY that this is a true copy of the  
original filed in this office on July 18 day of

WITNESS my hand and Official Seal,  
HARVEY RUVIN, CLERK of Circuit and County Courts



  
Jorge Martinez-Estevé

8



November 7, 2013  
Mr. Russell Benford  
Deputy Mayor, Miami Dade County  
111 NW 1<sup>st</sup> Street, Suite 2910  
Miami, FL 33130

Re: Habitat Project Caribbean Palms/Habitat Landings

Dear Russell:

In August of 2009, Habitat for Humanity of Greater Miami acquired, via foreclosure sale, a 14.7 acre parcel of land in South Miami Heights for a winning bid of \$1.2 million dollars. The parcel, which had previously been controlled by the South Miami Heights CDC, was governed by a restrictive covenant which called for the construction of 45 single family homes to be sold to low income families. In addition, the covenant includes the construction of a day-care facility. The land also has a covenant stipulating that the project must be completed by July 13 of 2014 or a reverter provision returning the land to Miami Dade County goes into effect.

As of today, Habitat has completed and sold the first 15 homes in the community. The next 15 are scheduled for completion and sale by June 1, 2015, with the balance being completed well before the reverter date. This has been a very successful project so far and there is a great need for affordable housing in the area, particularly ownership units.

Habitat has been hearing concerns from the new homeowners about the daycare and the adverse effect that a commercial use and increased traffic would have on their community. Habitat shares in these concerns and therefore, by way of this correspondence, is requesting that the provision in the restrictive covenant pertaining to the daycare be removed. It is our understanding that this must be approved by the Board of County Commissioners.



In lieu of the daycare, and in order to further address the great need for affordable housing, Habitat proposes to build no less than four additional low income homes on the land set aside for the daycare. We believe that this is far more compatible with the neighborhood. Habitat would agree to complete the additional homes under the same deadline previously agreed to, so no extension of the reverter would be required.

Thank you in advance for your assistance on this matter.

If I can provide further clarification or if you have any questions on our request, please do not hesitate to ask.

Sincerely,

A handwritten signature in black ink, appearing to read "Mario J. Artecona". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Mario J Artecona

cc. Dennis Moss, Commissioner-District 9