

# MEMORANDUM

Agenda Item No. 8(K)(2)

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

**DATE:** March 4, 2014

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

**SUBJECT:** Resolution authorizing the conveyance of six (6) vacant land parcels to the Florida City Community Redevelopment Agency for the Development of Affordable Housing for low and moderate income families at a price of ten dollars (\$10.00)

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The accompanying resolution was prepared by the Public Housing and Community Development Department 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/lmp

# Memorandum



**Date:** March 4, 2014

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

**From:** Carlos A. Gimenez  
Mayor 

**Subject:** Resolution Authorizing the Conveyance of Six Vacant Parcels to the Florida City  
Community Redevelopment Agency

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## Recommendation

It is recommended that the Board of County Commissioners (Board) approve the attached resolution to do the following:

1. Convey six (6) vacant land parcels (Properties) located in Florida City to the Florida City Community Redevelopment Agency (Agency) for the purpose of redevelopment of the properties as affordable housing for low and moderate income families, subject to the County's reverter;
2. Waive the requirements of Administrative Order 8-4 as it relates to review by the Planning Advisory Board;
3. Authorize the execution of County deeds by the Board's Chairperson for such purposes; and
4. Authorize the County Mayor or County Mayor's designee to take all action necessary to enforce the provisions of the County Deed.

The conveyance of the vacant land complies with Section 125.38 of the Florida Statutes which permits the disposition of County property to the United States, departments of the United States, state or political subdivision, agency, or municipality, or not-for-profit corporation organized for the purposes of promoting community interest and welfare without using the competitive bidding process.

## Scope

The Properties are currently owned by the County and maintained by Public Housing and Community Development (Department) and are located in Commission District 9, represented by Miami-Dade County Commissioner Dennis C. Moss. Attachment A provides the folios of the Properties.

## Fiscal Impact/Funding Source

The Properties are currently undeveloped and the County is responsible for its maintenance. It is in the County's best interest to convey the Properties to the Agency to: 1) assist the Agency and Florida City in developing the Properties in a manner that will promote the public or community welfare, which includes the development of much needed affordable housing; 2) reduce the property maintenance expenses currently assumed by the County; and 3) address the United States Department of Housing and Urban Development's (Housing and Urban Development) concerns regarding land banking. The total funds spent as of October 7, 2013 for the acquisition and maintenance of the properties is approximately \$149,202.00 (Attachment A). The conveyance of the Properties to the Agency for the purpose of redevelopment into affordable housing is ten dollars (\$10.00) for each executed deed.

**Track Record/Monitor**

A County Deed will be issued for the conveyance of the parcels to the Agency in substantially the form attached in Attachment B. Freddie Nay, Housing Asset Management Specialist with the Department's Contract Administration Division, will manage the conveyance of these properties with the assistance of the Internal Services Department's Real Estate Section.

**Background**

Resolution No. R-376-11, approved by the Board on May 3, 2011, requires that any resolution authorizing the improvement, rehabilitation or conveyance of County-owned real property appropriate for or to be used for affordable housing include the following information:

Background: The County acquired the Properties with Community Development Block Grant Funds in 1998 with the intent to utilize the land for affordable housing. The Properties have remained vacant. The Agency sent a letter December 16, 2013, which is attached hereto as Attachment C, expressing interest in acquiring the Properties for the purpose of redeveloping them as affordable housing for low and moderate income families. The conveyance of the Properties, which are within the target corridors of the Agency's Redevelopment Plan, will allow the Agency to enhance the target corridor and place the Properties back on the tax roll.

County Investment: Acquisition cost totaled \$88,042.00 and as of October 7, 2013, the County has expended \$61,160.00 for maintenance. The Properties are tax deed free and clear of liens and taxes.

Property Info: The Properties are all located in Commission District 9. The folio numbers, addresses, acquisition costs, annual maintenance, and assessed value are included on Attachments A and B.

Restrictions: The Properties will be conveyed subject to the following restrictions:

- The Agency has assured the County that it will use the Properties in a manner that will promote the public or community welfare, thus complying with the conditions required for the sale of County-owned property as set forth in Florida Statue Section 125.38.
- The affordable housing developed on the Properties shall be sold to a qualified low to moderate income family within five (5) years of conveyance of the Properties.
- The County Deed includes covenants running with the land regarding Project Improvements and completion of the Agency's obligations.

Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners  
Page 3

- Remedies: In the event that the Agency defaults on the deed restrictions, the County shall have the right to exercise the reverter provisions as required by Resolution No. R-461-13.

Attachments



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Russell Benford  
Deputy Mayor



# MEMORANDUM

(Revised)

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

**DATE:** March 4, 2014

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

**SUBJECT:** Agenda Item No. 8(K)(2)

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  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 8(K)(2)  
3-4-14

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

RESOLUTION AUTHORIZING THE CONVEYANCE OF SIX (6) VACANT LAND PARCELS TO THE FLORIDA CITY COMMUNITY REDEVELOPMENT AGENCY FOR THE DEVELOPMENT OF AFFORDABLE HOUSING FOR LOW AND MODERATE INCOME FAMILIES AT A PRICE OF TEN DOLLARS (\$10.00) AND IN ACCORDANCE WITH FLORIDA STATUTE 125.38; AUTHORIZING THE WAIVER OF ADMINISTRATIVE ORDER 8-4 AS IT PERTAINS TO REVIEW BY THE PLANNING ADVISORY BOARD; AUTHORIZING THE BOARD'S CHAIRPERSON TO EXECUTE COUNTY DEED FOR SUCH PURPOSE; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO TAKE ALL ACTION NECESSARY TO ENFORCE THE PROVISIONS SET FORTH IN THE COUNTY DEED

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

**WHEREAS**, the properties, which are more fully described in Attachments A and B (Properties"), were purchased with Miami-Dade County Community Development Block Grant Funds; and

**WHEREAS**, the Properties are in the Miami-Dade County Public Housing and Community Development inventory for development of affordable housing; and

**WHEREAS**, the City of Florida City (the "City"), a municipality, through the Florida City Community Redevelopment Agency ("Agency") requested in a letter dated December 16, 2013, a copy of which is attached hereto as Attachment C, that the County convey of the Properties to the Agency for the purpose of developing them as affordable housing for low and moderate income families; and

**WHEREAS**, the Properties are not needed for County purposes; and

**WHEREAS**, the City and the CRA have assured the County and the Board is satisfied, that through this conveyance the Properties will be developed in a manner that will provide the development of low and moderate income housing; and

**WHEREAS**, it is in the best interest of the County to facilitate the City's and the CRA's redevelopment of the Properties to improve the lives of the residents and the community as a whole,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that this Board hereby approves the conveyance of the Properties located in Florida City and legally described in the attached County Deed, to the Florida City Community Redevelopment Agency for the development of the properties for affordable housing for low and moderate income families at a cost of ten dollars (\$10.00); authorizes the Board's Chairperson to execute a County Deed, in substantially the form attached hereto as Attachment B, and made a part hereof; and authorizes the County Mayor or the County Mayor's designee to take all actions necessary to enforce the provisions set forth in the County Deed. Further, the County Mayor or the County Mayor's designee, pursuant to Resolution No. R-974-09, shall record the public record of all deeds, covenants, reverters and mortgages creating or reserving a real property interest in favor of the County and shall provide a copy of such recorded instruments to the Clerk of the Board within thirty (30) days of execution and final acceptance. The Board directs the Clerk of the Board, pursuant to Resolution No. R-974-09, to attach and permanently store a recorded copy of any instrument in accordance herewith 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:

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

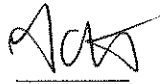
The Chairperson thereupon declared the resolution duly passed and adopted this 4<sup>th</sup> day of March, 2014. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

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.



Terrence A. Smith



**ATTACHMENT A**

<b>Property Address</b>	<b>Folio Number</b>	<b>Acquisition Amount</b>	<b>Date of Acquisition</b>	<b>Yearly Maintenance Amount</b>	<b>2013 Property Appraiser Assessed Value</b>
914 NW 14 St.	16-7824-001-0200	\$9,441	11/13/1998	\$660	\$51,032
East of 644 NW 12 St.	16-7824-005-0440	\$9,767	03/18/1998	\$660	\$10,125
971 NW 12 St.	16-7824-006-0220	\$17,215	03/18/1998	\$660	\$14,884
951 NW 12 St.	16-7824-006-0200	\$17,215	03/18/1998	\$660	\$14,884
West of 1050 NW 9 Ave.	16-7824-006-0320	\$17,193	05/22/1998	\$660	\$14,884
East of 936 NW 10 St.	16-7824-006-0310	\$17,211	03/18/1998	\$660	\$14,884

**Total cost of all parcels as of October 7, 2013, is \$149,202 (Acquisition cost \$88,042 plus maintenance cost of \$61,160).**

**ATTACHMENT B**

Instrument prepared under the direction of  
Terrence A. Smith, Assistant County Attorney  
111 N.W. 1 Street, 28 Floor  
Miami, Florida 33128-1907

Folio No: See Exhibit "A"

**COUNTY DEED**

**THIS DEED**, made this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_ AD. by **MIAMI-DADE COUNTY, a political subdivision of the State of Florida**, Party of the First Part or County, whose address is: Stephen P. Clark Center, 111 N.W. 1 Street Suite 17-202, Miami, Florida 33128-1963, and **Florida City Community Redevelopment Agency, a public body corporate and politic**, Party of the Second Part or Agency, whose address is 404 West Palm Drive, Florida City, Florida 33034:

***WITNESSETH:***

That the said Party of the First Part, for and in consideration of the sum of ten hundred dollars and 00/100 (\$10.00) to it in hand paid by the Party of the Second Part, receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said Party of the Second Part, its successors and assigns forever, the following described land lying and being in Miami-Dade County, Florida (the "Property"):

**As legally described in Exhibit "A" attached hereto and made a part hereof**

This Deed conveys only the interest of Miami-Dade County and its Board of County Commissioners in the Properties herein described and shall not be deemed to warrant the title or to represent any stat of facts concerning the same.

This Conveyance is made subject to the following covenants running with the land, and setting forth the right of reentry, to wit:

- A. The Agency will commence work or facilitate the commencement of work by a third party on the Project Improvements (the Improvements) consisting of constructing affordable housing for low and moderate income families within five (5) years of the conveyance of the Properties;
- B. Promptly after completion of the Improvements in accordance with approved plans and provisions of this Instrument, the County will furnish the Agency a certificate that it has met its obligations hereunder. Such certificate shall be in a form recordable in the Office of the Clerk of the Circuit Court of Miami-Dade County, Florida.

- C. Within thirty (30) days of the closing on the sale of the homes to qualified households, the Agency shall submit a report to County indicating the size of each household, ethnicity of each household, and the income of each household.
- D. The Agency agrees for itself, its successors and assigns, to or of the Properties or any part thereof, that the Agency and such successors or assigns shall:

Not discriminate upon the basis of race, color, religion, ancestry, national origin, sex, pregnancy, age, disability, marital status, familial status, sexual orientation, veteran status or source of income in the sale, lease or rental or in the use or occupancy of the Properties or any Improvements erected or to be erected hereon or on any part thereof; and this covenant shall be binding to the fullest extent permitted by law and equity, for the benefit and in favor of, and enforceable by the County, its successors and assigns, and any successor in interest to the Properties, or any part thereof. The County shall have the right in the event of any breach of any such covenants, to exercise all the rights and remedies; and to maintain any actions or suits at law or in equity or other proper proceedings to enforce the curing of such breach of covenant, to which it or any other beneficiaries of such covenant may be entitled.

In the event the Party of the Second Part, its successors or assigns, shall violate or otherwise fail to comply with any of the restrictions and covenants set forth herein, the Party of the Second Part, its successors or assigns, shall correct or cure the default/violation within (30) days of notification of the default by the Party of the First Party. If the Party of the Second Part, its successors or assigns, fails to remedy the default within thirty (30) days, the Party of the First Part shall have the right to re-enter and take possession of the Property and to terminate and revert in the Party of the First Part the estate conveyed by this Deed to the Party of the Second Part, its successors or assigns, and by such reverter to the Party of the First Part, the Party of the Second Part shall forfeit all monetary investments and improvements without any compensation or right to compensation whatsoever; provided, that any such right of re-entry shall always be subjected to and limited by, and shall not defeat, render invalid, or limit any way the lien of any valid mortgage or Deed or Trust permitted by this Deed.

IN WITNESS WHEREOF the said Party of the First Part has caused these presents to be executed in its name by its Board of County Commissioners acting by the Mayor of said Board, the day and year aforesaid.

(OFFICIAL SEAL)

ATTEST:

HARVEY RUVIN, CLERK

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

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

By: \_\_\_\_\_  
Rebeca Sosa, Chairwoman

Approved for legal sufficiency \_\_\_\_\_

The foregoing was authorized by Resolution No. \_\_\_\_\_ approved by the Board of County Commissioners of Miami-Dade County, Florida, on the \_\_\_\_\_ day of \_\_\_\_\_, 200 \_\_\_\_.

EXHIBIT A

**1. Folio #16-7824-001-0200**

Legal Description:

HOWARD PARK PB 51-22 LOT 20 LOT SIZE 60.000 X 133 OR 18355-824 1198 3 OR 15299-1484 0891 00

**2. Folio #16-7824-005-0440**

Legal Description:

ROCKWOOD SUB PB 39-90 LOT 24 BLK 2 LOT SIZE 50.000 X 150 OR 18037-3869 0398 3 OR 00000-0000 0588 01

**3. Folio #16-7824-006-0220**

Legal Description:

24 57 38 GREEN PARK SUB PB 47-25 LOT 6 BLK 2 LOT SIZE 75.000 X 194 OR 18037-3866 0398 3 OR 09860-0213 1177 02

**4. Folio #16-7824-006-0200**

Legal Description:

24 57 38 GREEN PARK SUB PB 47-25 LOT 4 BLK 2 LOT SIZE 75.000 X 194 OR 18037-3942 0398 3 OR 00000-0000 0389 01

**5. Folio #16-7824-006-0320**

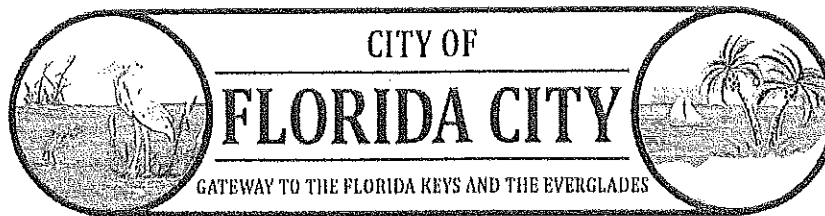
Legal Description:

24 57 38 GREEN PARK SUB PB 47-25 LOT 16 BLK 2 LOT SIZE 75.000 X 194 OR 18115-2610 0598 3 OR 00000-0000 0790 01

**6. Folio #16-7824-006-0310**

Legal Description:

24 57 38 GREEN PARK SUB PB 47-25 LOT 15 BLK 2 LOT SIZE 75.000 X 194 OR 18039-0226 0398 3 OR 00000-0000 0491 01



December 16, 2013

Freddie Nay  
Public Housing and Community Development Department  
Housing Asset Management Specialist  
701 NW 1 Court, 14th Floor  
Miami, Florida 33136

RE: Request by the Community Redevelopment Agency of the City of Florida City for conveyance of six County-owned parcels

The Community Redevelopment Agency of the City of Florida City (the CRA) desires to acquire the below referenced lots from the County. It is our intention to work with private or non-profit developers to build affordable housing on these lots.

16-7824-001-0200 ..... 914 NW 14<sup>th</sup> Street. Parcel adjacent to City owned lot and City desires to merge two lots into a parcel sufficient for a four-plex or a six-plex.

16-7824-005-0440 ..... No address on NW 12<sup>th</sup> Street. Parcel adjacent to lot owned by Lucas Development and west of NW 6<sup>th</sup> Court.

16-7824-006-0220 ..... 971 NW 12<sup>th</sup> Street. Parcel between NW 9<sup>th</sup> Ave and Redland Road

16-7824-006-0200 ..... 952 NW 12<sup>th</sup> Street. Parcel between NW 9<sup>th</sup> Ave and Redland Road

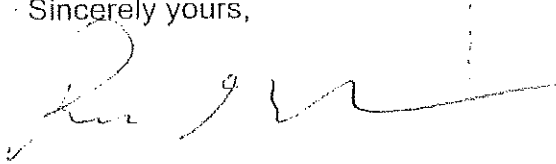
16-7824-006-0320 .... No street address on NW 10<sup>th</sup> Street, between NW 9<sup>th</sup> Avenue and Redland Road

16-7824-006-0310 .... No street address on NW 10<sup>th</sup> Street, between NW 9<sup>th</sup> Avenue and Redland Road

The CRA recognizes the protracted process that is necessary for the County to convey a lot to anyone. As long as the lots remains in County ownership, the six lots will probably remain undeveloped. By owning the lots, the CRA can facilitate the construction of new housing as the housing market improves. Also, by conveying the parcels to the CRA, the County will no longer have to pay the cost of maintenance of the vacant lots.

Should you have any questions, please contact me at (305)247-2834 or at [rstaunts@floridacityfl.gov](mailto:rstaunts@floridacityfl.gov).

Sincerely yours,

A handwritten signature in black ink, appearing to read "Rick Stauts", written over a horizontal line.

Rick Stauts, Executive Director  
Community Redevelopment Agency  
City of Florida City