MEMORANDUM

Agenda Item No. 11(A)(4)

TO:	Honorable Chairwoman Rebeca Sosa and Members, Board of County Commissioners	**DATE:**	September 16, 2014
FROM:	R. A. Cuevas, Jr. County Attorney	**SUBJECT:**	Resolution authorizing the conveyance of vacant, County-owned land located at 660 NW 14 Street in Florida City to the Florida City Community Redevelopment Agency for affordable housing

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/smm

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MEMORANDUM
(Revised)

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

DATE: September 16, 2014

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

SUBJECT: Agenda Item No. 11(A)(4)

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. 11(A)(4)
9-16-14

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE CONVEYANCE OF VACANT, COUNTY-OWNED LAND LOCATED AT 660 NW 14 STREET IN FLORIDA CITY TO THE FLORIDA CITY COMMUNITY REDEVELOPMENT AGENCY FOR AFFORDABLE HOUSING AT A PRICE OF TEN DOLLARS ($10.00), IN ACCORDANCE WITH SECTION 125.38, FLORIDA STATUTES; AUTHORIZING THE CHAIRPERSON OF THE BOARD OF COUNTY COMMISSIONERS TO EXECUTE A COUNTY DEED FOR SUCH PURPOSE; AND DIRECTING THE COUNTY MAYOR OR THE MAYOR'S DESIGNEE TO TAKE ALL NECESSARY STEPS TO ACCOMPLISH THE CONVEYANCE AND TO ENFORCE THE PROVISIONS SET FORTH IN THE COUNTY DEED

WHEREAS, the County owns land comprising 15,814 square feet, which is located in Commission District 9 at 660 NW 14 Street in Florida City ("the Property"), folio number 16-7824-015-0240, and which has a 2014 assessed value of $34,756; and

WHEREAS, the Property is vacant and the County must currently pay approximately $1,078 per year to maintain the Property; and

WHEREAS, the County's Internal Services Department circulated the Property to all County departments to determine whether the County has a present or future need for the Property, and no such need was identified; and

WHEREAS, the County acquired the Property via Escheatment Tax Deed in August 2013; and

WHEREAS, pursuant to Board of County Commissioners Resolution No. R-376-11, the County has no past or current proposed future investment in the Property, and the County did not pay any mortgages, fines, liens or other cost in acquiring the Property; and

WHEREAS, the Mayor of the City of Florida City ("the City"), a municipality, on behalf of the Florida City Community Redevelopment Agency ("Agency"), requested in a letter dated September 26, 2013, a copy of which is attached hereto as Attachment A, that the County convey to it the Property, for the purpose of developing it as affordable housing; and

WHEREAS, the Agency wishes to develop affordable housing on the Property for use by persons with limited financial resources, and has applied to the County for the conveyance of the Property for the development of such affordable housing thereon; and

WHEREAS, this Board finds that, pursuant to Section 125.38 of the Florida Statutes, the Property is not needed for County purposes, and that the conveyance of the Property to the Agency is required to promote the community interest and welfare by developing affordable housing; and

WHEREAS, pursuant to Board of County Commissioners Resolution Nos. R-573-11 and R-461-13, the Property will be conveyed with a reverter requiring completion of the construction of affordable housing for low income and moderate income residents within five (5) years of conveyance and requiring that the Property be continuously used as affordable housing for twenty (20) years,

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

Section 1. This Board ratifies and adopts the matters set forth in the foregoing recitals.

Section 2. This Board hereby approves the conveyance of the Property located in Florida City to the Agency at a cost of ten dollars ($10.00) for the development of the Property for affordable housing for low income and moderate income residents and authorizes this Board's Chairperson to execute the County Deed in substantially the form attached hereto as Attachment B and made a part hereof.

Section 3. This Board waives the requirements of Administrative Order 8-4 as relates to review by the County's Planning Advisory Board and authorizes the County Mayor or Mayor's designee to take all actions necessary to effectuate the conveyance, to enforce the County Deed and to exercise any and all rights set forth in the County Deed.

Section 4. Pursuant to Board of County Commissioners Resolution No. R-974-09, this Board directs the County Mayor or Mayor's designee to record, upon execution, the County Deed authorized herein in the Public Records of Miami-Dade County, Florida; and to provide a recorded copy of the instrument to the Clerk of Board within thirty (30) days of execution of said instrument; and directs the Clerk of the Board to attach and permanently store a recorded copy of the County Deed together with this resolution.

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	Esteban L. Bovo, Jr.
Jose "Pepe" Diaz	Audrey M. Edmonson
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Sen. Javier D. Souto	Xavier L. Suarez
Juan C. Zapata	

The Chairperson thereupon declared the resolution duly passed and adopted this 16th day of September, 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

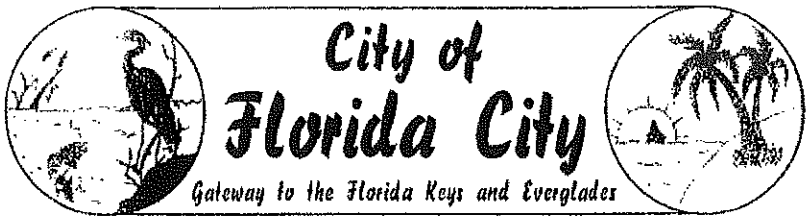
HARVEY RUVIN, CLERK

By:_____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Estephanie S. Resnik

ATTACHMENT A



September 26, 2013

The Honorable Dennis Moss
Commissioner, District 9
Stephen P. Clark Center
111 N.W. 1st Street, Suite 320
Miami, Florida 33128

Dear Commissioner Moss:

RE: Donation of parcel 16-7824-015-0240 to the City of Florida City Community Redevelopment Agency

It is our understanding that after a property has remained on the List of Lands for 3 years, it is escheated to the County. After that action, the County may donate the property to local governments for affordable housing. There is such a property in Florida City that has been recently escheated to the County that we desire to see conveyed to the Florida City Community Redevelopment Agency (the "CRA") for such a purpose.

The parcel we desire to see donated to the CRA is folio 16-7824-015-0240, located on NW 14th Street here in Florida City. We believe that this parcel could be developed as a duplex or triplex for affordable housing. Please contact Mr. Rick Stauts at 305-247-8221 if you have any questions.

Sincerely yours,

Otis T. Wallace, Mayor
City of Florida City

Cc: Carmen Gomez, Miami-Dade County Real Estate Services
Rick Stauts, Florida City CRA

404 West Palm Drive • P.O. Box 343570 • Florida City, Florida 33034-0570 • Telephone (305) 247-8221 • Fax (305) 242-8133
RECYCLED PAPER

Instrument prepared by Miami-Dade County. Please return after recording to:
Miami-Dade County Internal Services Department
Real Estate Development Division
111 N.W. 1 Street, Suite 2460
Miami, Florida 33128-1907

Folio No.: 16-7824-015-0240

COUNTY DEED

THIS DEED, made this day of , 2014 A.D. by MIAMI-DADE COUNTY, a Political Subdivision of the State of Florida, its successors or assigns, Party of the First Part, whose address is: Stephen P. Clark Center, 111 NW 1 Street Suite 17-202, Miami, Florida 33128-1963, and
Florida City Community Redevelopment Agency, (the Agency), a public body corporate and politic, its successors or assigns, Party of the Second Part, whose address is 404 West Palm Drive, Florida City, Florida 33034-0570.

WITNESSETH:

That the said Party of the First Part, for and in consideration of the sum of Ten 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 Party of the Second Part, its successors and assigns forever, the following described land lying and being in Miami-Dade County, Florida, (the "Property"):

LEGAL DESCRIPTION

24 57 38 .45 AC COOPERS SUB PB 33-84 BEG SE COR OF NE1/4-NE1/4-NW1/4 W 352.2FT
N25FT TO POB N195FT W81.1 FT S195FT E81.1FT TO POB
LOT SIZE 81.100 X 195

according to Public Records of Miami-Dade County, Florida

This Deed conveys only the interest of Miami-Dade County and its Board of County Commissioners in the Property herein described and shall not be deemed to warrant the title or to represent any state 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 and reverter, to wit:

A. This conveyance is made for the public purpose of constructing and operating

affordable housing for low and moderate income residents in accordance with Chapter 420 of the Florida Statutes, as may be amended from time to time, and in accordance with any and all applicable laws. The Agency shall complete, or cause to be completed through a third party, the affordable housing ("the Improvements"), as evidenced by a final certificate of occupancy, within five (5) years of this conveyance of the Property.

B. The Agency agrees as to the Property or any part thereof, that the Agency 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 Property or any Improvements erected or to be erected thereon 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 Property has not been developed into affordable housing with a final certificate of occupancy obtained within five (5) years of conveyance, or in the event the Property ceases to be used as affordable housing for low or moderate income residents for twenty (20) consecutive years following issuance of said final certificate of occupancy, the Party of the First Part shall have the right to re-enter and take possession of the Property, including any Improvements thereon, and the Property, including any Improvements thereon, shall revert to the Party of the First Part, upon ten (10) days' notice to the Party of the Second Part.

In the event the Party of the Second Part shall violate or otherwise fail to comply with any of the restrictions and covenants set forth herein, the Property, including any Improvements thereon, shall automatically revert back to Party of the First Part and the Party of the Second Part shall forfeit all monetary investments and improvements without any compensation or right to compensation whatsoever. Miami-Dade County shall have the right to immediate possession of the Property, with any and all improvements thereon. The effectiveness of the reverter shall take place immediately upon ten (10) days' notice being provided by Party of the First Part. The County retains a reversionary interest in the Property, which right may be exercised by the County in accordance with 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 Chairperson of said Board, the day and year aforesaid.

(OFFICIAL SEAL)

ATTEST:

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

MIAMI-DADE COUNTY
BY ITS BOARD OF
COUNTY COMMISSIONERS

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 _____.