MEMORANDUM

Agenda Item No. 11(A)(11)

TO:	Honorable Chairman Jean Monestime and Members, Board of County Commissioners	**DATE:**	December 1, 2015
FROM:	Abigail Price-Williams County Attorney	**SUBJECT:**	Resolution declaring surplus one County-owned property located at 1629 NW 40 Street, Miami, Florida 33142-4893; authorizing the public sale of the property to the highest bidder in accordance with Section 125.35(1), Florida Statutes for no less than $19,596.00, which is the market value as determined by the County's Property Appraiser

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Audrey M. Edmonson.

Abigail Price-Williams
County Attorney

APW/smm

MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: December 1, 2015

FROM: Abigail Price-Williams
County Attorney

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

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**

_____ **Statement of social equity 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)(11)
12-1-15

RESOLUTION NO. _____

RESOLUTION DECLARING SURPLUS ONE COUNTY-OWNED PROPERTY LOCATED AT 1629 NW 40 STREET, MIAMI, FLORIDA 33142-4893; AUTHORIZING THE PUBLIC SALE OF THE PROPERTY TO THE HIGHEST BIDDER IN ACCORDANCE WITH SECTION 125.35(1), FLORIDA STATUTES FOR NO LESS THAN $19,596.00, WHICH IS THE MARKET VALUE AS DETERMINED BY THE COUNTY'S PROPERTY APPRAISER; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO TAKE ALL ACTION NECESSARY TO EFFECTUATE THE SALE OF SUCH PROPERTY; WAIVING ADMINISTRATIVE ORDER 8-4 AS IT RELATES TO REVIEW BY THE PLANNING ADVISORY BOARD; AND AUTHORIZING THE CHAIRPERSON OR VICE CHAIRPERSON OF THE BOARD TO EXECUTE A COUNTY DEED FOR SUCH PURPOSE

WHEREAS, the County acquired a vacant property located at 1629 N.W. 40 Street, Miami, Florida 33142-4893 (Folio No. 01-3123-038-0150) (hereinafter the "Property") in District 3 in unincorporated Miami-Dade County; and

WHEREAS, the Property was purchased by the County on November 28, 1994 through a tax deed sale; and

WHEREAS, the annual cost to the County to maintain the Property is approximately $345.35 per year; and

WHEREAS, the Miami-Dade Public Housing and Community Development Department has attempted to solicit developers three times to develop the Property through the County's Infill Housing Initiative Program, but no developers were interested in the Property; and

WHEREAS, the Internal Services Department also circulated the Property to all County departments to determine whether the County has a present or future need for the Property, but no County department expressed an interest in the Property; and

WHEREAS, an adjacent property owner has expressed interest in the subject property; and

WHEREAS, the Board desires to declare the Property surplus and authorize the County Mayor or County Mayor's designee to sell the Property to the highest bidder through the County's competitive bidding process at a minimum bid amount of $19,596.00, which is the market value as determined by the County's Property Appraiser's Office on their website, which is attached hereto as Exhibit "A"; and

WHEREAS, pursuant to Section 125.35(1), Florida Statutes, the Board has determined that it is in the best interest of the County to sell the Property,

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 as if fully set forth herein.

Section 2. This Board hereby declares surplus County-owned real property located at 1629 N.W. 40 Street, Miami, Florida 33142-4893 (Folio No. 01-3123-038-0150).

Section 3. This Board, pursuant to Section 125.35(1), Florida Statutes, authorizes the sale of the Property described herein to the highest bidder through a competitive bidding for no less than $19,596.00, which is the market value as determined by the County's Property Appraiser. This Board directs the County Mayor or County Mayor's designee to perform all necessary action to effectuate the sale of the Property.

Section 4. This Board waives the requirements of Administrative Order 8-4 as it relates to review by the Planning Advisory Board.

Section 5. Pursuant to Section 125.411, Florida Statutes, this Board authorizes the Chairperson or Vice-Chairperson of the Board to take all actions necessary to effectuate the conveyance of the Property, including the execution of the County Deed, in substantially the form attached hereto and made a part hereof as Exhibit "B." This Board further authorizes the County Mayor or County Mayor's designee to take all actions necessary to exercise any and all rights set forth in the County Deed.

Section 6. Pursuant to Resolution No. R-974-09, the Board 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, Florida; and to provide a recorded copy of the instrument to the Clerk of the Board within 30 days of execution of said instrument; and directs the Clerk of the Board to attach and permanently store a recorded copy together with this resolution.

The Prime Sponsor of the foregoing resolution is Commissioner Audrey M. Edmonson. 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:

Jean Monestime, Chairman
Esteban L. Bovo, Jr., Vice Chairman

Bruno A. Barreiro	Daniella Levine Cava
Jose "Pepe" Diaz	Audrey M. Edmonson
Sally A. Heyman	Barbara J. Jordan
Dennis C. Moss	Rebeca Sosa
Sen. Javier D. Souto	Xavier L. Suarez
Juan C. Zapata	

The Chairperson thereupon declared the resolution duly passed and adopted this 1st day of December, 2015. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the 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

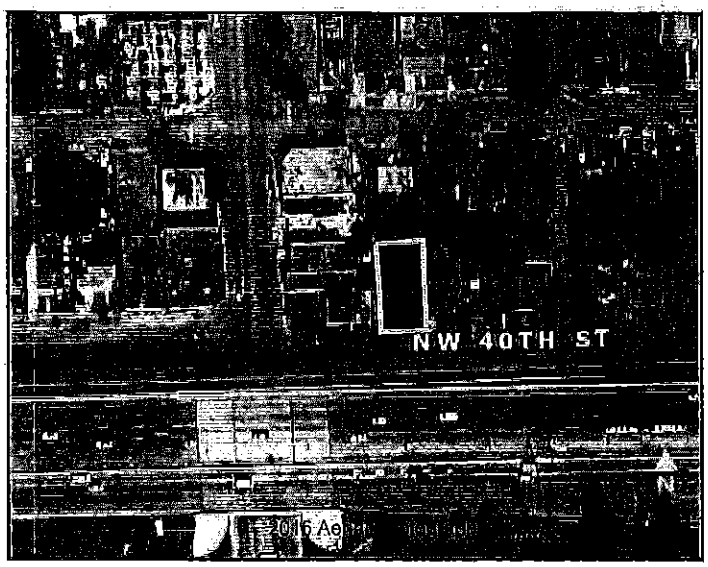
EXHIBIT A

OFFICE OF THE PROPERTY APPRAISER

Summary Report

Generated On : 10/23/2015

Property Information	
Folio:	01-3123-038-0150
Property Address:	1629 NW 40ST
Owner	MIAMI-DADE COUNTY GSA-R/E MGMT
Mailing Address	111 NW 1 ST STE 2460 MIAMI, FL33128-1929
Primary Zone	5700 DUPLEXES - GENERAL
Primary Land Use	0081 VACANT RESIDENTIAL : VACANT LAND
Beds / Baths / Half	0 / 0 / 0
Floors	0
Living Units	0
Actual Area	0 Sq.Ft
Living Area	0 Sq.Ft
Adjusted Area	0 Sq.Ft
Lot Size	5,000 Sq.Ft
Year Built	0



Assessment Information			
Year	2015	2014	2013
Land Value	$19,596	$13,632	$17,892
Building Value	$0	$0	$0
XF Value	$0	$0	$0
Market Value	$19,596	$13,632	$17,892
Assessed Value	$13,607	$12,370	$11,246

Taxable Value Information			
	2015	2014	2013
County			
Exemption Value	$13,607	$12,370	$11,246
Taxable Value	$0	$0	$0
School Board			
Exemption Value	$19,596	$13,632	$17,892
Taxable Value	$0	$0	$0
City			
Exemption Value	$13,607	$12,370	$11,246
Taxable Value	$0	$0	$0
Regional			
Exemption Value	$13,607	$12,370	$11,246
Taxable Value	$0	$0	$0

Benefits Information				
Benefit	Type	2015	2014	2013
Non-Homestead Cap	Assessment Reduction	$5,989	$1,262	$6,646
County	Exemption	$13,607	$12,370	$11,246

Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).

Sales Information			
Previous Sale	Price	OR Book-Page	Qualification Description
08/01/1971	$6,000	00000-00000	2008 and prior year sales; Qual by exam of deed

Short Legal Description
CEDARHURST PB 11-18 LOT 15 LOT SIZE 50.000 X 100 OR 16597-3168 1194 3

The Office of the Property Appraiser is continually editing and updating the tax roll. This website may not reflect the most current information on record. The Property Appraiser and Miami-Dade County assumes no liability, see full disclaimer and User Agreement at http://www.miamidade.gov/info/disclaimer.asp

Version:

Tax Deed File Number 88-823 OFF. REC. 16597 PG 3168
Property Identification No. 01-3123-038-0150

TAX DEED

STATE OF FLORIDA
COUNTY OF DADE

94R554155 1994 DEC 01 10:52

RECORDED IN OFFICIAL RECORDS BOOK OF DADE COUNTY, FLORIDA. RECORD VERIFIED
HARVEY RUVIN, Clerk of Circuit & County Courts

Tax Sale Certificate Number 80-806 issued on June 01, 1981, and the application for the issuance of a tax deed was filed in the office of the Dade County Tax Collector. The applicant having paid or redeemed all other taxes or tax sale certificates on the property described below, and due notice of sale having been published, and no person entitled to do so having appeared to redeem said land, such land was sold for cash there having no bidders at the sale and Clerk complied with Sec. 197.502(7) FS and Sec. 197.502 (8) FS; the Undersigned Clerk conveys the following land to:
whose address is: BOARD OF COUNTY COMMISSIONERS OF DADE COUNTY
111 NW 1 ST.
MIAMI, FLA 33128

[redacted] the public sale held on November 24, 1987, [redacted] as required by the laws of this state.

NOW, on November 28, 1994 the County of Dade, State of Florida, in consideration of the sum of ($0.00) ---------- dollars does hereby convey the following lands situated in Dade County, Florida, and described as follows:

LOT 15 CEDARHURST PB 11-18

Witnessed by:

HARVEY RUVIN
Clerk of Circuit Court
Dade County, Florida

BY: B. A. Fernandez
DEPUTY CLERK

(SEAL)

BEFORE ME, the undersigned notary public, personally appeared B. A. Fernandez, Deputy Clerk of the Circuit Court in and for Dade County, Florida, who is personally known to me and who acknowledged the execution of this instrument to be his own free act and deed for the use and purposes therein mentioned.

SWORN TO AND SUBSCRIBED BEFORE ME ON November 28, 1994

SHIRLEY SHABAZZ
MY COMMISSION # CC 315651
EXPIRES: September 27, 1997
Bonded Thru Notary Public Underwriters

Notary Public, State of Florida, At Large

THIS DEED IS SUBJECT TO GOVERNMENTAL TAXES AND LIENS, AND TO ANY RIGHT, INTEREST, PUBLIC EASEMENTS, RESTRICTIONS, AND COVENANTS THAT MAY SURVIVE THE ISSUANCE OF THIS TAX DEED IN ACCORDANCE WITH APPLICABLE LAW

This Instrument prepared by

Deputy Clerk of Circuit Court
Dade County, Florida

EXHIBIT B

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

Folio No.: 01-3123-038-0150

COUNTY DEED

THIS DEED, made this _____ day of _____, 2008, 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, Miami, Florida 33128-1963, party of the first part, and_____, _____ 33___.

WITNESSETH, that said party of the first part, for and in consideration of the sum of_____, 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:

Cedarhurst Plat Book11-18, LOT 15, in the
County of Miami-Dade County, Florida

This grant conveys only the interest of the 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.

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 or Vice-Chairperson 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: _____ Jean Monestime, Chair

The foregoing was authorized and approved by Resolution No. R-_____ of the Board of County Commissioners of Miami-Dade County, Florida, on the _____ day of _____, 2015.

Approved to form and legal sufficiency _____

Terrence A. Smith