

MEMORANDUM

Agenda Item No. 11(A)(11)

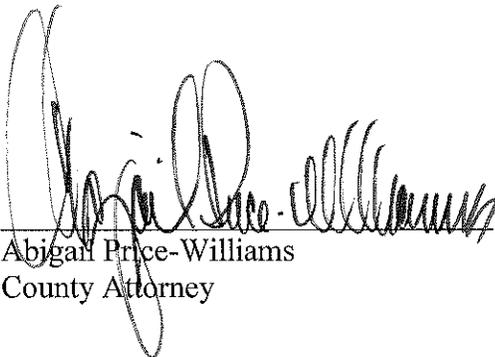
TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: October 5, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution authorizing the conveyance of County-owned land located on NW 3rd Avenue in Florida City, Miami-Dade County, Florida to the City of Florida City at \$10.00 and in accordance with section 125.38, Florida Statutes; waiving Administrative Order 8-4 as it relates to review by the Planning Advisory Board; authorizing the Chairperson or Vice-chairperson of the Board to execute County Deed; and directing the County Mayor to take all necessary steps to accomplish the conveyance

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



Abigail Price-Williams
County Attorney

APW/smm



MEMORANDUM

(Revised)

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

DATE: October 5, 2016

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

Agenda Item No. 11(A)(11)

Veto _____

10-5-16

Override _____

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE CONVEYANCE OF COUNTY-OWNED LAND LOCATED ON NW 3RD AVENUE IN FLORIDA CITY, MIAMI-DADE COUNTY, FLORIDA TO THE CITY OF FLORIDA CITY AT \$10.00 AND IN ACCORDANCE WITH SECTION 125.38, FLORIDA STATUTES; WAIVING ADMINISTRATIVE ORDER 8-4 AS IT RELATES TO REVIEW BY THE PLANNING ADVISORY BOARD; AUTHORIZING THE CHAIRPERSON OR VICE-CHAIRPERSON OF THE BOARD TO EXECUTE COUNTY DEED; AND DIRECTING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO TAKE ALL NECESSARY STEPS TO ACCOMPLISH THE CONVEYANCE

WHEREAS, the City of Florida City (the "City") submitted an application, dated August 10, 2016, to the County, a copy of which is attached hereto as Attachment "A" and incorporated herein by reference, requesting the conveyance of one vacant County-owned property located on N.W. 3rd Avenue in Florida City, Miami-Dade County, Florida, Folio Number 16-7824-000-0346 (the "Property") for the purpose of constructing a public linear park on a portion of the Property; and

WHEREAS, the City has represented that it will use the Property for a public purpose and in support of the community interest and welfare; and

WHEREAS, this Board has reviewed and is satisfied with the information contained in Attachment "B" concerning the Property, which is included herein as required by Resolution No. R-333-15; and

WHEREAS, this Board desires to waive the requirements of Administrative Order No. 8-4 as it relates to review by the Planning Advisory Board for the Property; and

WHEREAS, this Board finds that, pursuant to section 125.38, Florida Statutes, the conveyance of the Property would be required for such use as described herein, and that the intended use would be for a public purpose and would promote community interest and welfare; and

WHEREAS, to ensure compliance with the intent of this Board, the Property will be conveyed to the City pursuant to a reverter requiring (i) the completion of the public linear park within five years of the effective date of the conveyance, unless extended at the discretion of the County Mayor or the County Mayor's designee; (ii) in the event the City re-plats and/or subdivides the Property (which shall be done at the City's sole cost and expense), a public linear park shall be perpetually maintained on the portion of the Property west of NW 3rd Avenue, Florida City, Florida, and the eastern portion of the Property shall at all times be used for a public purpose or for the community interest and welfare in accordance with section 125.38, Florida Statutes; and (iii) that the Property may only be transferred or assigned, in whole or in part, with the written consent of the County Mayor or the County Mayor's designee, and that in no event shall the Property be transferred or assigned to any person or entity other than as set forth in section 125.38, Florida Statutes,

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 approves the waiver of Administrative Order No. 8-4 as it relates to review by the Planning Advisory Board.

Section 3. This Board finds that the Property is not needed for County purposes, approves the conveyance of the Property pursuant to section 125.38 of the Florida Statutes; authorizes the Chairperson or Vice-Chairperson of the Board to execute the County Deed, in substantially the form attached hereto as Attachment “C,” and incorporated herein by reference; and authorizes the County Mayor or the County Mayor’s designee to take all actions necessary to effectuate the conveyance and to exercise any and all rights set forth in the Deed, including but not limited to granting extensions to complete the construction of the public linear park, consenting to the transfer or assignment of the Property in accordance with section 125.38, Florida Statutes, and exercising the County’s option to enforce its reversionary interest.

Section 4. Pursuant to Resolution No. R-974-09, this Board directs the County Mayor or the County Mayor’s designee to record 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 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.

Section 5. This Board directs the County Mayor or the County Mayor’s designee to appoint staff to monitor compliance with the terms of the conveyance.

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:

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 5th day of October, 2016. 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

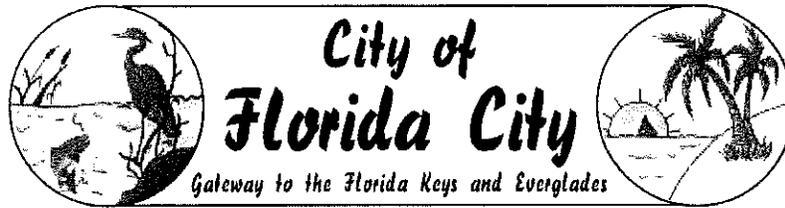
HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Terrence A. Smith



August 10, 2016

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

RE: Request by the City of Florida City for conveyance of parcel 16-7824-000-0346

The City of Florida City (the City) desires to acquire the above referenced parcel from the County. The parcel straddles NW 3rd Avenue in Florida City and the County obtained the parcel for non-payment of taxes.

The portion of the parcel on the west side of NW 3rd Avenue will become a part of the linear park we intend to develop on the west side of NW 3rd Avenue. Our Community Redevelopment Agency (the CRA) already owns the parcel to the west of the requested parcel and will soon acquire the parcel to the south. At that point, the CRA will be able to begin developing the linear park. The park will run from this parcel on the north all the way south to Davis Parkway. Because of the configuration of the assembled site on the west side of NW 3rd Avenue (approximately 1,540 X 50 feet), the site is not developable for housing, commercial, or retail use. If the City does not put it to use for a linear park, it will sit as an eyesore adjacent to the Busway forever.

When the County conveys the split parcel to the City, the CRA will have it surveyed and re-plated it into two parcels, the park parcel on the west side of NW 3rd Street and the other parcel on the east side. Once the other CRA and City owned parcels are developed as a park, the CRA will convey the CRA owned parcels to the City.

The development potential of the portion of the parcel on the east side of the street is unknown. It is located adjacent to one house and two industrial buildings. Though the part of the parcel on the east side of NW 3rd Ave is zoned industrial, it is too small for industrial uses unless the adjacent housing parcel is acquired and the two are joined for industrial use. The City recognizes the protracted process that is necessary for the County to convey a parcel to anyone and we believe that as long as the parcel on the east side of NW 3rd Avenue remains in County ownership, it will probably remain undeveloped. By owning the parcel, the City can facilitate whatever development may occur here and get the property back on the tax rolls. Also, by conveying the parcel to the City, the County will no longer have to pay the cost of maintenance for the vacant lot.

Should you have any questions, please contact Rick Stauts at (305)247-8221 or at rstauts@floridacityfl.gov.

Sincerely yours,

A handwritten signature in cursive script that reads "Otis T. Wallace".

Otis T. Wallace, Mayor
City of Florida City

Cc: Rick Stauts, CRA
Wayman Bannerman, Miami Dade County
Jose Galan, Miami Dade County
Elva Marin, Miami Dade County
Carmen Gomez, Miami Dade County
Samuel Wilson, Miami Dade County



Tax Deed File Number 96-821
Property Identification No. 16-7824-000-0346

CFN 2004R0256549
OR Bk 22207 Ps 3411f (1ps)
RECORDED 04/13/2004 10:27:47
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA
LAST PAGE

E S C H E A T M E N T
T A X D E E D
T O M I A M I - D A D E C O U N T Y

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

This Tax Deed is issued pursuant to Section 197.502(8), Florida Statutes, wherein three years have passed from the day the subject land was offered for public sale and placed on the list of "lands available for taxes" in accordance with Section 197.502(7), Florida Statutes, without having been purchased. As provided in Section 197.502(8), Florida Statutes, the property hereby escheats to the County free and clear of any and all tax certificates, tax liens or any other liens of record, including governmental liens, which liens are hereby deemed canceled pursuant to said statute.

On this 9 day of April 2004 the undersigned Clerk conveys to Miami-Dade County through its Board of County Commissioners, whose address is:

111 NW 1st Street
Miami, Florida 33128

together with all hereditaments, buildings, fixtures and improvements of any kind and description, the following legally described land situate in Miami-Dade County, Florida:

N100FT OF NW1/4 OF SE1/4 OF NE1/4 LESS E500FT & LESS R/W LOT SIZE
IRREGULAR SECTION 24 TOWNSHIP 57 SOUTH RANGE 38 EAST CONTAINING
.39 AC

Witnessed by:

Beatriz M. Blanco
BEATRIZ BLANCO

HARVEY RUVIN
Clerk of the Circuit Court
Miami-Dade County, Florida

BY: Shirley Shabazz
DEPUTY CLERK



Laurette Jacques
LAURETTE JACQUES

BEFORE ME, the undersigned notary public, personally appeared Shirley Shabazz, Deputy Clerk of the Circuit Court in and for Miami-Dade County, Florida, who is personally known to me and who acknowledged the execution of this instrument to be of her own free act and deed for the uses and purposes therein mentioned.

SWORN TO AND SUBSCRIBED BEFORE ME ON April 9, 2004

Elizabeth Le Sueur

Notary Public, State of Florida, At Large
My Commission Expires:



This instrument prepared by

Beatriz M. Blanco
Deputy Clerk of the Circuit Court of
Miami-Dade County, Florida

trrpt07a 01/04

LOT INFORMATION IN ACCORDANCE WITH RESOLUTION R- 333-15

Folio	Vacant	Lot Size	Comm. District	2016 Assessment Value	Legal Description	Zoning	Estimated Annual Lawn Care Costs	Address	Tax Deed Date	Remark/ Recommendation	Type of Deed County Acquired Parcel
16-7824-000-0346	Yes	9,498	9	\$37,992	24.5738.39 AC N100FT OF NW1/4 OF SE1/4 OF NE1/4 LESS E500FT & LESS RW	INDUSTRIAL GENERAL	\$414	Two Parcels: Parcel 1 Adjacent South of 255 NW 12 ST Parcel 2 Adjacent South West of 255 NW 12 ST	4/9/2004	Convey	TAX

ATTACHMENT "C"

Instrument prepared by:

Terrence A. Smith
Assistant County Attorney
111 N.W. 1 Street, 2810
Miami, Florida 33128-1907

Folio No: 16-7824-000-0346

COUNTY DEED

THIS DEED, made this ____ day of _____, 20__ AD. by **MIAMI-DADE COUNTY, a political subdivision of the State of Florida** (the "County"), whose address is: Stephen P. Clark Center, 111 N.W. 1 Street Suite 17-202, Miami, Florida 33128-1963, and **CITY OF FLORIDA CITY, a public body corporate and politic** (the "City"), whose address is 404 West Palm Drive, Florida City, Florida 33034, its successors and assigns:

WITNESSETH:

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

**N100FT OF NW1/4 OF SE1/4 OF
NE1/4 LESS E500FT & LESS R/W**

subject to the following restrictions:

1. That construction of a public linear park shall be completed within five years of the effective date of this Deed, and shall be perpetually maintained on the Property; and
2. That in the event the City re-plats and/or subdivides the Property (which shall be done at the City's sole cost and expense), a linear park shall be perpetually maintained on the portion of the Property west of NW 3rd Avenue, Florida City, Florida, and the eastern portion of the Property shall at all times be used for a public purpose or for the community interest and welfare in accordance with Section 125.38, Florida Statutes.
3. The Property may only be transferred or assigned, in whole or in part, with the written consent of the County Mayor or the County Mayor's designee, and in no event shall the Property be transferred or assigned to any person or entity other than as set forth in Section 125.38, Florida Statutes.

Notwithstanding the foregoing restriction contained in Paragraph 1 above, the County may, in

the sole and absolute discretion of the County Mayor or the County Mayor's designee and upon a showing of good cause by the City, extend the time frame in which the City must complete the public linear park. In order for such waiver by the County to be effective, the waiver must:

- a. Be granted and recorded in the Public Record of Miami-Dade County, prior to the County's exercise of the reverter set forth below; and
- b. Be evidenced by a document prepared and executed by the County Mayor or the County Mayor's designee granting such waiver, and accepted by the City in writing. Such document shall specify the new time frame in which the City must complete the linear park.

The document prepared and executed as set forth herein shall be conclusive evidence upon which any party may rely that the condition of the reverter has been extended to such date as specified in said waiver.

If, in the sole discretion of the County, the City ceases to use the Property for the purposes set forth in Paragraphs 1, 2, or 3 above, title shall revert to the County, at its sole option, upon written notice provided by certified mail by the County to the City. The reverter shall immediately become effective upon the date the written notice from the County to the City is received by the City (the "Effective Reverter Date"). The County shall have right to immediate possession of the Property, with any and all improvements thereon, at no cost to the County, on the Effective Reverter Date and may file a Notice of Reverter. In the event the County exercises the reverter, the City, upon written request from the County, shall immediately provide the County with a deed of conveyance of the Property back to the County. However, failure to provide such deed of conveyance shall not impact the County's reverter, which becomes effective immediately upon the County providing the written notice to the City.

Upon receiving proof of compliance with all of the Deed restrictions listed above, to be determined in the sole discretion of the County Mayor or Mayor's designee, the County shall furnish the City, its successors or assigns with an appropriate instrument acknowledging satisfaction with the Deed restrictions listed above. Such satisfaction of Deed restrictions shall be in a form recordable in the Office of the Clerk of the Circuit Court of Miami-Dade County, Florida.

This grant 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.

[SIGNATURE PAGE ON THE FOLLOWING PAGE]

IN WITNESS WHEREOF the said the County 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: _____
Jean Monestime, Chair

Approved for legal sufficiency _____

Terrence A. Smith
Assistant County Attorney

The foregoing was authorized by Resolution No. ____ approved by the Board of County Commissioners of Miami-Dade County, Florida, on the ____ day of _____, 201__.