MEMORANDUM

Agenda Item No. 8(K)(2)

TO:	Honorable Chairman Jean Monestime and Members, Board of County Commissioners	**DATE:**	November 1, 2016
FROM:	Abigail Price-Williams County Attorney	**SUBJECT:**	Resolution approving the change of use for two parcels of real property acquired, rehabilitated or maintained with Community Development Block Grant Funds located at 15101 NW 18 Avenue and 15880 NW 27 Avenue, Miami Gardens, Florida, in order to convey them to the City of Miami Gardens pursuant to County Resolution No. R-442-16; authorizing the filing of substantial amendments to all relevant consolidated plans and action plans necessary to reflect this change of use with the United States Department of Housing and Urban Development; and authorizing the execution of other documents necessary to effectuate the purposes set forth in this resolution and exercise the cancellation and other provisions contained therein

The accompanying resolution was prepared by the Public Housing and Community Development Department placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan.

Abigail Price-Williams
County Attorney

RAC/lmp

Memorandum

MIAMI-DADE COUNTY

Date: November 1, 2016

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

From: Carlos A. Gimenez
Mayor

Subject: Resolution Approving the Change of Use for Two Parcels of Real Property in Order to Convey Parcels to the City of Miami Gardens Pursuant to County Resolution No. R-442-16

Recommendation

It is recommended that, after a 30-day public comment period, including a public hearing, the Board of County Commissioners (Board) approve the change of use for two (2) parcels of real property in order to convey them to the City of Miami Gardens (City), pursuant to County Resolution No. R-442-16, and authorize the County Mayor or County Mayor's designee to file with the United States Department of Housing and Urban Development (U.S. HUD) substantial amendments to all relevant Consolidated Plans and Action Plans necessary to reflect this change of use.

Scope

This item changes the use of two (2) parcels of real property located at 15101 NW 18 Avenue (Folio # 34-2115-006-1100) and 15880 NW 27 Avenue (Folio # 34-2116-013-0080), Miami Gardens, Florida 33054 in Commission District 1, which is represented by Commissioner Barbara J. Jordan.

Fiscal Impact/Funding Source

The County's General Fund will not be negatively impacted by conveyance of the CDBG Properties to the City.

Track Record/Monitor

Michael Liu, Director of the Public Housing and Community Development Department (Department), will monitor all activities associated with this project.

Background

On June 7, 2016, the Board adopted Resolution No. R-442-16, resolving a lawsuit by the City against Miami-Dade County which, among other things, approved the conditional transfer of two (2) properties located at 15101 NW 18 Avenue and 15880 NW 27 Avenue, Miami Gardens, Florida, 33054 that were acquired, rehabilitated, or maintained with Community Development Block Grant Funds (CDBG Properties). The conveyance was subject to the condition that the County conducts the federally required public comment process, which includes a 30-day written public comment period, public hearing, and approval of a substantial amendment to any relevant Consolidated Plans and Action Plans. The written public comment period began on August 19, 2016 upon publishing an advertisement in general circulation newspapers. The written public comments, if received, will be submitted with this item as a supplement.

In 1985 and 1986, the previous property owner of 15880 NW 27 Avenue obtained two (2) CDBG loans funded through the Community Development Revolving Loan Fund (CDRLF) program administered by

Dade Employment and Economic Development Corporation (DEEDCO) totaling approximately $166,010.00. The goal of the CDRLF program was to reduce unemployment through the creation and retention of jobs; to raise the income levels of low and moderate-income persons; and to enhance business services to low and moderate-income areas through the implementation of a loan program for qualified business applicants primarily serving the County's CDBG program Focus Areas and Eligible Block Groups. Based on the $166,010.00 loan amount, the previous owner was to create approximately five (5) jobs and commit, as collateral, a gas station/mini grocery mart on the 15880 NW 27 Avenue property and five (5) vacant properties (¼ acre each) to secure the CDBG loan. The project was not successful; the previous owner defaulted on the CDBG loan and failed to meet the job creation national objective, as established by U.S. HUD. As a result, the County foreclosed and became the owner of the 15880 NW 27 Avenue property.

The 15101 NW 18 Avenue property, while not acquired with federal funds, was acquired through a warranty deed executed on behalf of the County by the previous property owner. Over the years, the Development's predecessor departments used CDBG funds to maintain this parcel.

Upon approval of this item following the public comment period and a public hearing, the County will convey the CDBG Properties to the City with a reverter that is enforceable by the County in substantially the form attached as Exhibit C to Resolution No. R-442-16. The deed provides that if the CDBG Properties are not used to meet a CDBG national objective for the duration of time set forth in 24 C.F.R. Part 570, as determined by written notice to the County from U.S. HUD, the CDBG Properties will revert back to the County upon 10-day notice. However, Resolution No. R-442-16 authorizes the County to release the reverter if U.S. HUD approves the transfer of the CDBG obligations related to the CDBG Properties from Miami-Dade County to the City.

Russell Benford
Deputy Mayor

MEMORANDUM

(Revised)

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

DATE: November 1, 2016

FROM: Abigail Price-Williams
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**

_____ **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. 8(K)(2)
11-1-16

RESOLUTION NO. _____

RESOLUTION APPROVING THE CHANGE OF USE FOR TWO PARCELS OF REAL PROPERTY ACQUIRED, REHABILITATED OR MAINTAINED WITH COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS LOCATED AT 15101 NW 18 AVENUE AND 15880 NW 27 AVENUE, MIAMI GARDENS, FLORIDA, IN ORDER TO CONVEY THEM TO THE CITY OF MIAMI GARDENS PURSUANT TO COUNTY RESOLUTION NO. R-442-16; AUTHORIZING THE FILING OF SUBSTANTIAL AMENDMENTS TO ALL RELEVANT CONSOLIDATED PLANS AND ACTION PLANS NECESSARY TO REFLECT THIS CHANGE OF USE WITH THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; AND AUTHORIZING THE EXECUTION OF OTHER DOCUMENTS NECESSARY TO EFFECTUATE THE PURPOSES SET FORTH IN THIS RESOLUTION AND EXERCISE THE CANCELLATION AND OTHER PROVISIONS CONTAINED THEREIN

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

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 and in the accompanying justification memorandum as if fully set forth herein.

Section 2. This Board approves the change of use for two parcels of real property located at 15101 NW 18th Avenue, Miami Gardens, Florida 33054 and 15880 NW 27th Avenue, Miami Gardens, Florida 33054 (CDBG Properties) previously acquired, rehabilitated or maintained with Community Development Block Grant (CDBG) funds. In the event that the

obligations to meet a CDBG national objective and other CDBG-related obligations are transferred, with the U.S. Department of Housing and Urban Development's (HUD) consent, to the City, then the City will conduct the federally required public comment process. The City of Miami Gardens will determine the new use for the CDBG Properties that will be responsive to HUD's national objectives and will notify the County of such new use so that the County may hold any required public hearings or to take other required County action.

Section 3. The Board authorizes the execution of other documents necessary to effectuate the purposes set forth in this resolution and exercise the cancellation and other provisions contained therein.

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:

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 November, 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.

Brenda Kuhns Neuman