

MEMORANDUM

Agenda Item No. 11(A)(14)

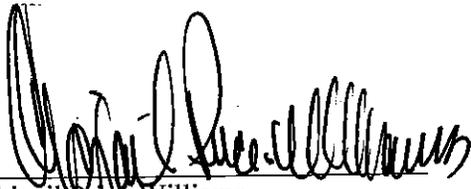
TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: November 15, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution declassifying and removing from Public Health Trust jurisdiction designated facilities that were formerly operated by the Public Health Trust located at 480 NW 123 Street, North Miami, Florida, and 11 NW 135 Street, Miami, Florida, declaring such properties as surplus and approving pursuant to Florida Statute section 125.38 conveyance of same to Haitian Senior Stars Solidarity Group, Inc., a Florida not-for-profit corporation for ten dollars each; waiving Administrative Order 8-4 as it relates to review by the Planning Advisory Board and policy set forth in Resolution No. R-256-13 requiring a lease rather than a deed when conveying property to not-for-profit entities; authorizing the Chairperson or Vice-Chairperson of the Board to execute county deeds; and authorizing the County Mayor to take all actions necessary to accomplish the conveyance of said properties

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Chairman Jean Monestime.



Abigail Price-Williams
County Attorney

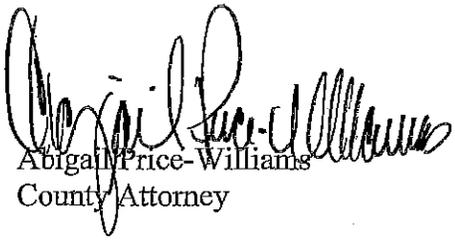
APW/cp



MEMORANDUM
(Revised)

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

DATE: November 15, 2016

FROM: 
Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 11(A)(14)

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)(14)
11-15-16

RESOLUTION NO. _____

RESOLUTION DECLASSIFYING AND REMOVING FROM PUBLIC HEALTH TRUST JURISDICTION DESIGNATED FACILITIES THAT WERE FORMERLY OPERATED BY THE PUBLIC HEALTH TRUST LOCATED AT 480 NW 123 STREET, NORTH MIAMI, FLORIDA, AND 11 NW 135 STREET, MIAMI, FLORIDA, DECLARING SUCH PROPERTIES AS SURPLUS AND APPROVING PURSUANT TO FLORIDA STATUTE SECTION 125.38 CONVEYANCE OF SAME TO HAITIAN SENIOR STARS SOLIDARITY GROUP, INC., A FLORIDA NOT-FOR-PROFIT CORPORATION FOR TEN DOLLARS EACH; WAIVING ADMINISTRATIVE ORDER 8-4 AS IT RELATES TO REVIEW BY THE PLANNING ADVISORY BOARD AND POLICY SET FORTH IN RESOLUTION NO. R-256-13 REQUIRING A LEASE RATHER THAN A DEED WHEN CONVEYING PROPERTY TO NOT-FOR-PROFIT ENTITIES; AUTHORIZING THE CHAIRPERSON OR VICE-CHAIRPERSON OF THE BOARD TO EXECUTE COUNTY DEEDS; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO TAKE ALL ACTIONS NECESSARY TO ACCOMPLISH THE CONVEYANCE OF SAID PROPERTIES

WHEREAS, pursuant to chapter 25A of the Code of Miami-Dade County (the "Code"), the Public Health Trust of Miami-Dade County (the "Trust") was created as an agency and instrumentality of the County responsible for the governance, operation and maintenance of Jackson Memorial Hospital and other Designated Facilities (as such term is defined in chapter 25A of the Code); and

WHEREAS, section 25A-2(a) of the Code provides that by resolution the Board of County Commissioners (the "Board") may designate certain County property as Trust Designated Facilities and that this Board may also declassify and remove from Trust jurisdiction Designated Facilities which may have been previously designated; and

WHEREAS, in accordance with section 25A-2(a) of the Code, this Board now desires to declassify and remove from the jurisdiction of the Trust those Designated Facilities comprised of real property which was formerly held by the Trust located at 480 NW 123 Street, North Miami, Florida, and 11 NW 135 Street, Miami, Florida (collectively, the "Properties), and to return the Properties to the jurisdiction of the County; and

WHEREAS, the Properties are located in County Commission District 2; and

WHEREAS, the folio numbers for the Properties are 06-2125-017-1210 and 30-2124-011-0840; and

WHEREAS, Haitian Senior Stars Solidarity Group, Inc. ("Haitian Senior Stars") is a Florida not-for-profit corporation engaged in providing support, education and resources to seniors and other vulnerable groups in Miami-Dade County; and

WHEREAS, Haitian Senior Stars desires to provide elderly services to the community as well as a safe environment for those attempting to overcome addiction, and seeks to acquire the Properties in the area to meet these purposes; and

WHEREAS, Miami-Dade County owns the Properties, which have market values of \$165,357.00 (folio number 06-2125-017-1210) and \$220,318.00 (folio number 30-2124-011-0840) respectively, according to the Miami-Dade County Property Appraiser's website; and

WHEREAS, Haitian Senior Stars has applied to Miami-Dade County for the conveyance of the Properties as set forth in the application letter attached hereto as Exhibit "A" and has represented that it will use the Properties consistently with its mission, and in accordance with the deed restrictions for that use, and all in support of the community interests and welfare purposes for which it is organized; and

WHEREAS, the Properties would be conveyed for \$10.00 each to Haitian Senior Stars by County Deeds, in substantially the form attached as Composite Exhibit "B," which will require Haitian Senior Stars to utilize the Properties for community outreach purposes; and

WHEREAS, this Board finds that, pursuant to Section 125.38 of the Florida Statutes, that Haitian Senior Stars does require the Properties for such public or community interest and welfare, that a conveyance for such use would promote community interest and welfare, and that the Properties are not needed for a County purpose; and

WHEREAS, the County deeds restrict the conveyance of the Properties without prior written consent and include a reverter in order to ensure compliance with the intent of this Board; and

WHEREAS, in light of the nature of the proposed use of the Property for the benefit of the community, this Board waives the policy set forth in Resolution No. R-256-13 which requires a lease rather than a deed of conveyance when transferring property to a not-for-profit corporation under Section 125.38, Florida Statutes,

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

Section 1. The foregoing recitals are incorporated in this resolution and are approved.

Section 2. Pursuant to Section 25A-2(a) of the Code, this Board declassifies the Properties located at 480 NW 123 Street, North Miami, Florida, and 11 NW 135 Street, Miami, Florida, and removes the Properties from the jurisdiction of the Trust.

Section 3. This Board finds that the Properties are not needed for County purposes, declares the Properties surplus, waives Administrative Order 8-4 as it pertains to review by the Planning Advisory Board, waives the policy set forth in Resolution 256-13 which requires a lease rather than a deed of conveyance when transferring property to a not-for-profit corporation under Section 125.38, Florida Statutes, and approves the conveyances of the Properties to Haitian Senior Stars pursuant to Section 125.38 of the Florida Statutes for \$10.00 each.

Section 4. This Board authorizes the Chairperson or Vice-Chairperson of the Board to execute the County Deeds in substantially the form attached as Composite Exhibit "B," and authorizes the County Mayor or County Mayor's designee to take all actions necessary to effectuate these conveyances.

Section 5. Pursuant to Resolution No. 974-09, this Board: (a) directs the County Mayor or County Mayor's designee to record the instrument of conveyance containing the referenced restrictions on the use of the Properties with the reservation of the County's rights in the event such restrictions are not observed in the Public Records of Miami-Dade County and to provide a recorded copy of the instrument to the Clerk of the Board within (30) days of execution of said instrument; and (b) directs the Clerk of the Board to attach an permanently store a recorded copy of the instrument together with this resolution.

Section 6. This Board directs the County Mayor or the County Mayor's designee to appoint staff to monitor compliance with the terms of these conveyances.

The Prime Sponsor of the foregoing resolution is Chairman Jean Monestime. 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 15th 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.



Christopher C. Kokoruda

**HAITIAN SENIOR STARS SOLIDARITY GROUP, INC.
850 NW 199TH STREET
MIAMI GARDENS, FL 33169
TEL. (305) 439-6064 (786) 355-7558**

EXHIBIT A

October 27, 2016

The Honorable Chairman Jean Monestime
Miami-Dade County Commission
900 NE 125th Street, Suite 200
Miami, FL 33161

Re: Application of Haitian Senior Stars Solidarity Group, Inc., Supporting for the use of two properties owned by Miami-Dade County

Dear Chairman Monestime:

By this letter, Haitian Senior Stars Solidarity Group, Inc., (HSSSG) is requesting the use of the two properties below for the purpose of providing elderly services to the Community; and or a sober house to provide a safe, clean and professional detox environment for those who are looking to overcome their addiction.

Property Requested

Property located at 480 NW 123rd Street, Miami FL 33168

Property located at 11 NW 135th Street, Miami FL 33168

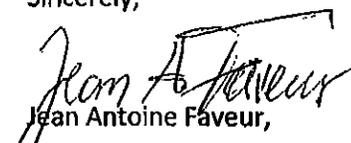
Non-Profit Applicant

Haitian Senior Stars Solidarity Group, Inc., (HSSSG) is a 501 (c)(3), not-for-profit charitable organization, formed since September 2011 and operated exclusively to support and benefit the community. We are dedicated to providing support, education, and resources to improving the lives of the residents within South Florida, and especially, Miami-Dade County.

Over the past five years, Haitian Senior Stars Solidarity Group, Inc., (HSSSG) has been serving seniors and other groups who are vulnerable and experiencing hardship. To continue our outreach services, we are requesting your help in securing the two properties.

Please do not hesitate to contact me at the above phone numbers and address should you need additional information.

Sincerely,


Jean Antoine Faveur,
President

Instrument prepared by and returned to:
Christopher C. Kokoruda
Miami-Dade County Attorney's Office
111 N.W. 1 Street, Suite 2800
Miami, Florida 33128-1907

Folio No. : 06-2125-017-1210

----- {(SPACE ABOVE THIS LINE RESERVED FOR RECORDING DATA) -----

COUNTY DEED

THIS COUNTY DEED, made this day of , 2016, by Miami-Dade County, Florida, a political subdivision of the State of Florida, party of the first part (the "County"), whose address is: Stephen P. Clark Center, 111 N.W. 1st Street, Suite 2460, Miami, Florida 33128, and Haitian Senior Stars Solidarity Group, Inc., ("Haitian Senior Stars") a Florida not-for-profit corporation, party of the second part, whose address is: 850 N.W. 199th Street, Miami, Florida 33169.

WITNESSETH:

That the said party of the first part, for and in consideration of the sum of Ten Dollars (\$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 lands lying and being in Miami-Dade County, Florida, (the "Property"):

LEGAL DESCRIPTION

Lots 3 and 4, Block 23, of ALHAMBRA HEIGHTS SECTION 2, according to the Plat thereof, as recorded in Plat Book 19, at Page 71, of the Public Records of Miami-Dade County, Florida (the "Property").

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 statement of facts concerning the same. This grant is made solely for the public

not-for-profit purpose of use in connection with the provision of elderly and addiction services including shelter and supportive services for individuals and families, and any non-profit uses in connection therewith, and for no other use. Haitian Senior Stars shall not assign, lease, convey, or transfer the Property without the prior written consent of the Miami-Dade County Board of County Commissioners, which may be withheld in its sole and absolute discretion.

If, in the sole discretion of the County, Haitian Senior Stars ceases to use the Property for the purpose of community outreach, as determined in the sole discretion of the County Mayor or Mayor's designee, title shall revert to the County, at its sole option, upon written notice provided by certified mail by the County to Haitian Senior Stars. The reverter shall immediately become effective upon the date the written notice from the County to Haitian Senior Stars is received by Haitian Senior Stars (the "Effective Reverter Date"). The County shall have the 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, upon written request, Haitian Senior Stars 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 providing the written notice to Haitian Senior Stars. This right shall be in addition to any other remedy that the County may have at law or in equity. The County retains a reversionary interest in the Property, which right may be exercised by the County in accordance with this Deed. Upon such reversion, the County may file a Notice of Reversion evidencing same in the public records of Miami-Dade County.

[THE REMAINDER OF THIS PAGE WAS INTENTIONALLY LEFT BLANK]

[ONLY THE SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF Miami-Dade County has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chairperson or Vice-Chair Person of said Board, the day and year aforesaid.

(OFFICIAL SEAL)

ATTEST:
FLORIDA

HARVEY RUVIN, CLERK

MIAMI-DADE COUNTY,

BY ITS BOARD OF
COUNTY COMMISSIONERS

By: _____
Deputy Clerk

By: _____

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 _____, 2016.

IN WITNESS WHEREOF, the representative of Haitian Senior Stars Solidarity Group, Inc. has caused this document to be executed by their respective and duly authorized representative on this ____ day of _____, 2016, and it is hereby approved and accepted by same.

Witness/Attest:

By: _____

Name: _____

Witness/Attest:

Title: _____

STATE OF _____

SS:

COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 2016, by _____, of Haitian Senior Stars Solidarity Group, Inc., a Florida not-for-profit company, whose title is _____ and s/he has produced _____ as identification.

(SEAL)

Notary Public-State of _____
Commission Number: _____

Instrument prepared by and returned to:
Christopher C. Kokoruda
Miami-Dade County Attorney's Office
111 N.W. 1 Street, Suite 2800
Miami, Florida 33128-1907

Folio No. : 30-2124-011-0840

----- {(SPACE ABOVE THIS LINE RESERVED FOR RECORDING DATA)} -----

COUNTY DEED

THIS COUNTY DEED, made this day of , 2016, by Miami-Dade County, Florida, a political subdivision of the State of Florida, party of the first part (the "County"), whose address is: Stephen P. Clark Center, 111 N.W. 1st Street, Suite 2460, Miami, Florida 33128, and Haitian Senior Stars Solidarity Group, Inc., ("Haitian Senior Stars") a Florida not-for-profit corporation, party of the second part, whose address is: 850 N.W. 199th Street, Miami, Florida 33169.

WITNESSETH:

That the said party of the first part, for and in consideration of the sum of Ten Dollars (\$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 lands lying and being in Miami-Dade County, Florida, (the "Property"):

LEGAL DESCRIPTION

Tract 73, less the West 150 feet thereof, and Tract 74, less the North 93.86 feet and less the West 150 feet thereof, of BISCAYNE GARDENS, SECTION "H", PART 2, according to the Plat thereof, as recorded in Plat Book 44, at Page 37, of the Public Records of Miami-Dade County, Florida (the "Property").

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 statement of facts concerning the same. This grant is made solely for the public

not-for-profit purpose of use in connection with the provision of elderly and addiction services including shelter and supportive services for individuals and families, and any non-profit uses in connection therewith, and for no other use. Haitian Senior Stars shall not assign, lease, convey, or transfer the Property without the prior written consent of the Miami-Dade County Board of County Commissioners, which may be withheld in its sole and absolute discretion.

If, in the sole discretion of the County, Haitian Senior Stars ceases to use the Property for the purpose of community outreach, as determined in the sole discretion of the County Mayor or Mayor's designee, title shall revert to the County, at its sole option, upon written notice provided by certified mail by the County to Haitian Senior Stars. The reverter shall immediately become effective upon the date the written notice from the County to Haitian Senior Stars is received by Haitian Senior Stars (the "Effective Reverter Date"). The County shall have the 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, upon written request, Haitian Senior Stars 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 providing the written notice to Haitian Senior Stars. This right shall be in addition to any other remedy that the County may have at law or in equity. The County retains a reversionary interest in the Property, which right may be exercised by the County in accordance with this Deed. Upon such reversion, the County may file a Notice of Reversion evidencing same in the public records of Miami-Dade County.

[THE REMAINDER OF THIS PAGE WAS INTENTIONALLY LEFT BLANK]

[ONLY THE SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF Miami-Dade County has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chairperson or Vice-Chair Person of said Board, the day and year aforesaid.

(OFFICIAL SEAL)

ATTEST:
FLORIDA

HARVEY RUVIN, CLERK

MIAMI-DADE COUNTY,

BY ITS BOARD OF
COUNTY COMMISSIONERS

By: _____
Deputy Clerk

By: _____

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 _____, 2016.

IN WITNESS WHEREOF, the representative of Haitian Senior Stars Solidarity Group, Inc. has caused this document to be executed by their respective and duly authorized representative on this ____ day of _____, 2016, and it is hereby approved and accepted by same.

Witness/Attest:

By: _____

Name: _____

Witness/Attest:

Title: _____

STATE OF _____

SS:

COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 2016, by _____, of Haitian Senior Stars Solidarity Group, Inc., a Florida not-for-profit company, whose title is _____ and s/he has produced _____ as identification.

(SEAL)

Notary Public-State of _____

Commission Number: _____