

MEMORANDUM

Agenda Item No. 11(A)(6)

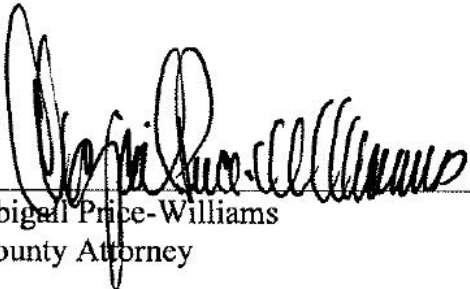
TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: May 19, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution authorizing the conveyance, pursuant to Florida Statutes section 125.38, of County-owned property located at 401 NW 3rd Street, Miami, Florida to Dade Heritage Trust, Inc., a Florida not-for-profit corporation, at nominal cost, for the restoration and maintenance of a historic cottage located thereon, said conveyance being approved by a two-thirds vote of the Board members present as required by section 2-8.6.5 of the County Code; authorizing the Chairperson or Vice-Chairperson of the Board to execute a County Deed including deed restrictions, and authorizing the County Mayor to take all actions necessary to effectuate such conveyance and to enforce the provisions set forth in the County Deed

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Eileen Higgins.


Abigail Price-Williams
County Attorney

APW/smm



MEMORANDUM
(Revised)

TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: May 19, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 11(A)(6)

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 present , 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) 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)(6)

5-19-20

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE CONVEYANCE, PURSUANT TO FLORIDA STATUTES SECTION 125.38, OF COUNTY-OWNED PROPERTY LOCATED AT 401 NW 3RD STREET, MIAMI, FLORIDA TO DADE HERITAGE TRUST, INC., A FLORIDA NOT-FOR-PROFIT CORPORATION, AT NOMINAL COST, FOR THE RESTORATION AND MAINTENANCE OF A HISTORIC COTTAGE LOCATED THEREON, SAID CONVEYANCE BEING APPROVED BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT AS REQUIRED BY SECTION 2-8.6.5 OF THE COUNTY CODE; AUTHORIZING THE CHAIRPERSON OR VICE-CHAIRPERSON OF THE BOARD TO EXECUTE A COUNTY DEED INCLUDING DEED RESTRICTIONS, AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE SUCH CONVEYANCE AND TO ENFORCE THE PROVISIONS SET FORTH IN THE COUNTY DEED

WHEREAS, pursuant to Resolution No. R-487-02, the County accepted the conveyance of a 7,500 square foot property located in District 5 at 401 N.W. 3rd Street, Miami, folio number 01-0109-000-1270 (the "Property") improved with a 1,275 square foot historical wood frame cottage constructed in 1925 (the "Historic Cottage"); and

WHEREAS, in 2005, the Property was declared as surplus and conveyed to Save-A-House, Inc. for renovation and future use as a community resource center and affordable housing, including a reverter provision in the event of non-compliance; and

WHEREAS, Save-A-House, Inc. failed to renovate the Historic Cottage as required, and on May 8, 2012, the Property was conveyed back to the County after the County exercised the reverter provision; and

WHEREAS, pursuant to Resolution No. R-932-15, in October 2015, this Board authorized the conveyance of the Property to Dade Heritage Trust, Inc., a Florida not-for-profit corporation (“Dade Heritage”) to repair and renovate the Historic Cottage, partnering with Green Mills Holdings, LLC, to construct affordable housing; provided however that this conveyance was contingent upon the County’s purchase of an adjoining property from a willing seller, and subsequent conveyance to Dade Heritage so that sufficient land would exist for such development; and

WHEREAS, the County was unable to purchase the adjoining property, and accordingly, in December 2017, the County adopted Resolution No. R-1199-17 rescinding Resolution No. R-932-15; and

WHEREAS, on November 8, 2018, this Board adopted Resolution No. R-1142-18 declaring the Property surplus and authorizing its sale by competitive bid with a minimum starting bid of \$341,250.00, which was 75 percent of the appraised value of \$455,000.00, which appraisal was premised on the demolition of the Historic Cottage; and

WHEREAS, the demolition of the Historic Cottage required the approval of the City of Miami’s Historic Preservation Board, and accordingly, the Property was bid out in an “as is” condition, and no bids were received by the County; and

WHEREAS, the Historic Cottage remains in need of repair and restoration, and in addition to these potential costs of restoration, the County currently pays approximately \$1,100.00 per year for maintenance of the Property; and

WHEREAS, Dade Heritage Trust, Inc. (“Dade Heritage”) is a Florida not-for-profit corporation with a mission to preserve the County’s architectural and cultural heritage through advocacy, education, and restoration; and

WHEREAS, Dade Heritage has submitted to the County an application, a copy of which is attached hereto and incorporated herein as Exhibit “A,” requesting that the County convey the Property to Dade Heritage at no cost in order to preserve and maintain the Historic Cottage in a manner sustainable and beneficial to the community, including but not limited to repair, renovation, and ultimately, utilization for organizational and community events; and

WHEREAS, Dade Heritage has submitted architectural plans, a timeline, and a financial plan to the Internal Service Department, including a preliminary estimate of roughly \$250,000.00 to restore same, which would be conducted pursuant to a phased approach commencing with the immediate securing of the building, roof, windows, porch and utilities; and

WHEREAS, the current market value of the Property as set forth in the Miami-Dade County Property Appraiser’s website is \$150,069.00 with only nominal value attributed to the Historic Cottage; and

WHEREAS, in its application, Dade Heritage has asserted that a substantial compelling reason exists to convey the Property for nominal value rather than to lease it to them, as they will be making a substantial expenditure to renovate and restore the historic structure on the Property, which exceeds the value of the Property, and in light of the compelling community interest and welfare interest purpose set forth herein to utilize the Property for historic preservation; and

WHEREAS, such conveyance would allow this Historic Cottage to remain, and would relieve the County of the cost and expense of renovation and restoration, as well as maintenance; and

WHEREAS, Dade Heritage’s use of the Property represents a purpose consistent with promoting community interest and welfare, and Dade Heritage has represented that it will use the Property consistent with its mission, and in support of the community interest and welfare purposes for which it is organized; and

WHEREAS, this Board finds that Dade Heritage requires the Property for the purpose for which it was incorporated and to promote the compelling community interest and welfare of the public, and pursuant to section 125.38, Florida Statutes, desires to convey the Property to Dade Heritage; and

WHEREAS, the Property would be conveyed to Dade Heritage pursuant to a County Deed in substantially the form attached as Exhibit “B” (the “County Deed”) including deed restrictions requiring that: (i) Dade Heritage shall apply for building permits to renovate the Historic Cottage within 180 days of the recording of the County Deed; (ii) Dade Heritage shall complete the renovations of the Historic Cottage within three years; (iii) the Property shall be utilized for public purposes including but not limited to organizational and community events; and (iv) Dade Heritage shall not assign, lease, or transfer its interest in the Property absent approval of this Board, and including a reverter provision for non-compliance,

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

Section 1. This Board incorporates the foregoing recitals as if fully set forth herein, and waives Administrative Order 8-4 as it pertains to review by the Planning Advisory Board.

Section 2. This Board finds, pursuant to section 2-8.6.5 of the Code of Miami-Dade County, by a two-thirds vote of the Board members present, that in light of the substantial expenditure of funds required to renovate and restore the historic structure on the Property, and the nature of the proposed use of the Property for the benefit of the community, that a compelling circumstance exists to convey the Property for nominal value by deed rather than by lease.

Section 3. This Board authorizes, pursuant to section 125.38, Florida Statutes, the conveyance of the property by the County Deed in substantially the form attached hereto and made a part hereof as Exhibit “B.”

Section 4. This Board authorizes the Chairperson or Vice-Chairperson of the Board to execute the County Deed, and authorizes and directs the County Mayor or County Mayor’s designee to exercise all rights, including the right to exercise the reverter provision, set forth in the County Deed, to take all actions necessary to effectuate this conveyance, and to appoint staff to monitor this transaction and future compliance with the terms of the County Deed.

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 Property, 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 and permanently store a recorded copy of the instrument together with the resolution.

Section 6. This Board directs the County Mayor or the County Mayor’s designee to ensure that proper signage is placed on the Property identifying the County’s name and the name of the district commissioner.

The Prime Sponsor of the foregoing resolution is Commissioner Eileen Higgins. 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:

- | | |
|--------------------------------|----------------------|
| Audrey M. Edmonson, Chairwoman | |
| Rebeca Sosa, Vice Chairwoman | |
| Esteban L. Bovo, Jr. | Daniella Levine Cava |
| Jose “Pepe” Diaz | Sally A. Heyman |
| Eileen Higgins | Barbara J. Jordan |
| Joe A. Martinez | Jean Monestime |
| Dennis C. Moss | Sen. Javier D. Souto |
| Xavier L. Suarez | |

The Chairperson thereupon declared this resolution duly passed and adopted this 19th day of May, 2020. 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.



Debra Herman

April 7, 2020

Commissioner Eileen Higgins
Stephen P. Clark Government Center
111 NW 1 Street, Suite 220
Miami, FL 33128

Re: Lummus Park Cottage at 401 NW 3rd Street

Dear Commissioner Higgins:

Please allow this letter to serve as a formal request letter for Miami-Dade County to convey the property at 401 NW 3rd Street in the City of Miami, Folio 01-0109-000-1270, to Dade Heritage Trust.

Known as the Lula H. Hattersley House and constructed circa 1914, the building at 401 NW 3rd Street is included in the Lummus Park Historic District. Historically significant as one of the few remaining wood-frame historic residences in urban Miami, the structure is in an extreme state of disrepair. Dade Heritage Trust intends to restore and preserve the Lula H. Hattersley House and activate it with a community garden, and present programming and income generating activities that will promote the Lummus Park Historic District and assist in defraying the substantial costs of expertly maintaining an historic structure.

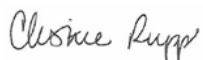
Dade Heritage Trust possesses the expertise necessary to restore the structure and create programming and activities to bring the Lula H. Hattersley House back to life. Dade Heritage Trust has funded the restoration of historic structures throughout Miami-Dade County and, since 1978, operates out of the 1905 office of Dr. James M. Jackson, Miami's first physician. The beautifully maintained building also serves as an Official Miami-Dade County Visitors Center. With Board member expertise in architecture, construction, historic preservation, real estate and land use law and development, the organization is uniquely qualified to embark on the restoration and adaptive reuse of this historic resource.

Substantial compelling reasons exist for the conveyance of the property: it is in severe disrepair and in need of substantial funding to bring it into code compliance and make it habitable; the property requires utility service as it was moved to its current location and set on blocks; the property requires substantial landscaping and grounds improvements; once the building is restored it will require on-going maintenance and upkeep as do all historic structures and the building must be fitted for costly hurricane protection which is sympathetic to its historic integrity. The sum-total of these significant expenditures which will exceed the market value of the property.

The level of expertise of Dade Heritage Trust and the organization's ability to present/create community programming, which will result in the enhancement of the Lummus Park Historic District and the south Overtown neighborhood, are additional compelling reasons for the conveyance.

On behalf of Dade Heritage Trust's Board of Directors, I thank you for your consideration.

Sincerely,



Christine Rupp
Executive Director
chris@dadeheritagetrust.org

EXHIBIT "B"

Instrument prepared by and returned to:

Debra Herman
Assistant County Attorney
111 N.W. 1st Street, Suite 2810
Miami, Florida 33128

Folio No. 01-0109-000-1270

COUNTY DEED

THIS DEED, made this ____ day of _____, 2020 by **MIAMI-DADE COUNTY, a Political Subdivision of the State of Florida**, (hereinafter "County"), whose address is: Stephen Clark Center, 111 N.W. 1 Street, Miami, Florida 33128-1963, and **DADE HERITAGE TRUST, INC., a Florida not for profit corporation**, whose address is 190 S.E. 12th Terrace, Miami, Florida 33131.

WITNESSETH:

That the County, for and in consideration of the sum of Ten Dollars and No/100 (\$10.00) to it in hand paid by Dade Heritage Trust, Inc., receipt whereof is hereby acknowledged, has granted, bargained, and sold to Dade Heritage Trust, Inc., its successors and assigns (collectively "Dade Heritage"), the following described land lying and being in Miami-Dade County, Florida (hereinafter the "Property"):

Lot 25, Block 90, North City of Miami, according to the Plat thereof, recorded in Plat Book B, Page 41, of the Public Records of Miami-Dade County, Florida

THIS CONVEYANCE IS SUBJECT TO all zoning, rules, regulations and ordinances and other prohibitions imposed by any governmental authority with jurisdiction over the Property; existing public purpose utility and government easements, reservation of transferable development rights and rights of way and other matters of record; taxes for the year of closing and subsequent years and the following restrictions:

1. Within one hundred and eighty (180) days of the recording of this Deed, Dade Heritage shall apply for building permits for the renovation of the historic cottage located on the Property ("Historic Cottage").
2. Within three (3) years of the recording of this Deed, Dade Heritage shall substantially complete restoration and renovation of the Historic Cottage, which shall be evidenced by a temporary or permanent certificate of occupancy or its equivalent.
3. The Historic Cottage shall be preserved, shall remain on the Property, and shall solely be utilized for public purposes including but not limited to utilization as a building for organizational and community events.
4. Dade Heritage shall not assign, lease, or transfer its interest in the Property, including Transfer Development Rights, or in this Deed absent consent of the Miami-Dade County Board of County Commissioners.

5. Dade Heritage shall pay any applicable real estate taxes and assessments on the Property or any part thereof when due. Dade Heritage shall not suffer any levy or attachment to be made, or any material or mechanic's lien, or any unauthorized encumbrance or lien to attach. If in the discretion of the County, the Property ceases to be used solely for the purpose set forth herein by Dade Heritage, or if Dade Heritage fails to comply with the restrictions and requirements set forth herein, or if Dade Heritage ceases to exist, or if any term of this Deed is not complied with, the County shall provide written notice of same to Dade Heritage. Dade Heritage shall correct or cure the default/violation within (30) days of written notification of the default by the County, as determined in the sole discretion of the County. If Dade Heritage fails to remedy the default within thirty (30) days, title to the Property shall revert to the County, at the option of the County upon written notice of such failure to remedy the default. In the event of such reverter, Dade Heritage shall immediately deed such Property back to the County, and the County shall have the right to immediate possession of the Property, with any and all improvements thereon, at no cost to the County. The effectiveness of the reverter shall take place immediately upon notice being provided by the County, regardless of the deed back to the County by Dade Heritage. The County retains a reversionary interest in the Properties, 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.
6. All conditions and restrictions set forth herein shall run with the land, and shall be binding on any subsequent successors, assigns, transferees, and lessees, of any interest, in whole or in part, in the Property. These Deed Restrictions shall run for a period of thirty (30) years from the date of recordation of this Deed.

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.

[Remainder of this page intentionally left blank]

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 of the Board, the day and year aforesaid.

(OFFICIAL SEAL)

ATTEST:

MIAMI-DADE COUNTY, FLORIDA

BY ITS BOARD OF COUNTY
COMMISSIONERS

HARVEY RUVIN, CLERK

By: Deputy Clerk

By: _____
Chairperson

Approved for legal sufficiency:

By:

Assistant County Attorney

The foregoing was authorized by Resolution No. _____, approved by the Board of County Commissioners of Miami-Dade County, Florida, on this ____ day of _____, 2020.