

MEMORANDUM

Agenda Item No. 11(A)(8)

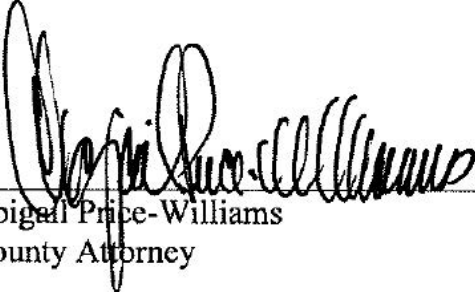
TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: May 19, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution authorizing the Chairperson or Vice-Chairperson of the Miami-Dade Board of County Commissioners, in accordance with section 125.38, Florida Statutes, to execute an amended and restated County Deed related to the former County-owned property located at 1801 Ali Baba Avenue, Opa-Locka, Florida, to permit the City of Opa-Locka to develop such property with infill housing rather than a public park; and authorizing the County Mayor to take all action necessary to effectuate the conveyance, to enforce the provisions set forth in such County Deed, to provide copies of the recorded County Deed and the restrictive covenants required by the County Deed to the Property Appraiser

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan.


Abigail Price-Williams
County Attorney

APW/uw



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)(8)

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)(8)
5-19-20

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE CHAIRPERSON OR VICE-CHAIRPERSON OF THE MIAMI-DADE BOARD OF COUNTY COMMISSIONERS, IN ACCORDANCE WITH SECTION 125.38, FLORIDA STATUTES, TO EXECUTE AN AMENDED AND RESTATED COUNTY DEED RELATED TO THE FORMER COUNTY-OWNED PROPERTY LOCATED AT 1801 ALI BABA AVENUE, OPA-LOCKA, FLORIDA, TO PERMIT THE CITY OF OPA-LOCKA TO DEVELOP SUCH PROPERTY WITH INFILL HOUSING RATHER THAN A PUBLIC PARK; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR’S DESIGNEE TO TAKE ALL ACTION NECESSARY TO EFFECTUATE THE CONVEYANCE, TO ENFORCE THE PROVISIONS SET FORTH IN SUCH COUNTY DEED, TO PROVIDE COPIES OF THE RECORDED COUNTY DEED AND THE RESTRICTIVE COVENANTS REQUIRED BY THE COUNTY DEED TO THE PROPERTY APPRAISER

WHEREAS, there is an area located within the boundaries of the City of Opa-Locka (“City”) commonly known as the Magnolia Northside Neighborhood (“Magnolia”); and

WHEREAS, on March 3, 2009, this Board adopted Resolution No. R-224-09, which authorized, subject to a reverter, the conveyance of a County-owned vacant property located at 1801 Ali Baba Avenue, Opa-Locka, Florida (“Property”), to the City for the purpose of the City using the Property as a public park; and

WHEREAS, additional information regarding the Property is set forth in Attachment “A,” which is attached hereto and incorporated herein by reference; and

WHEREAS, additionally, in accordance with Resolution Nos. R-376-11 and R-333-15, background information concerning the Property is included in Attachment “B,” which is attached hereto and incorporated herein by reference; and

WHEREAS, the County Deed (“Deed”) was executed on November 5, 2009, and subsequently recorded in the Public Records of Miami-Dade County; and

WHEREAS, the City is in the process of developing an infill housing program similar to the County's Infill Housing Initiative Program; and

WHEREAS, the City has requested that the County agree to amend the Deed to change the present use of the Property; and

WHEREAS, the City proposes to have the Property developed with an affordable, infill home to be sold to a qualified homebuyer whose income does not exceed 120 percent of area median income as published by the United States Department of Housing and Urban Development for Miami-Dade County; and

WHEREAS, there is a need for affordable housing within the City; and

WHEREAS, on February 26, 2020, the City Commission of the City of Opa-Locka adopted Resolution No. 20-9738, a copy of which is attached hereto as Attachment "C" and incorporated herein by reference, approving the execution of an amended and restated County Deed for the purposes set forth herein; and

WHEREAS, this Board believes that it is in the County, the City and residents' best interest to change the use of the Property and permit the City to develop the Property with affordable, infill housing; and

WHEREAS, accordingly, this Board, pursuant to section 125.38, Florida Statutes, desires to authorize the execution of an amended and restated County Deed for the purposes set forth herein; and

WHEREAS, if the City fails to develop or cause the development of the Property for the purposes stated herein within two years of the recording of the deed, unless such time is extended at the sole discretion of this Board, then the Property shall revert back to the County, in its sole discretion,

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 125.411, Florida Statutes, this Board authorizes the Chairperson or Vice-Chairperson of the Board to execute the Amended and Restated County Deed (“Deed”), in substantially the form attached hereto as Attachment “D” and incorporated herein by reference, for the purpose of permitting the City of Opa-Locka to develop the property located at 1801 Ali Baba Avenue, Opa-Locka, Florida (“Property”) within two years of the recording of the Deed with an affordable, infill home to be sold to a qualified homebuyer whose income does not exceed 120 percent of area median income as published by the United States Department of Housing and Urban Development for Miami-Dade County.

Section 3. This Board further authorizes the County Mayor or the County Mayor’s designee to take all actions necessary to effectuate the conveyance, and to exercise all rights set forth in the County Deed (excluding those rights reserved by this Board), including, but not limited to, exercising the County’s option to enforce its reversionary interest after conducting all due diligence, including title searches and environmental reviews. In the event, the County Mayor or the County Mayor’s designee should exercise the County’s reversionary interest, then the County Mayor or the County Mayor’s designee shall execute and record an instrument approved by the County Attorney’s Office in the Public Records of Miami-Dade County and provide a copy of such instrument to the County Property Appraiser. This Board further authorizes the County Mayor or the County Mayor’s designee to receive on behalf of the County from the City, after conducting all due diligence, including, but not limited to, title searches, and environmental reviews, a deed which conveys the Property back to the County in the event the City is unable or

fails to comply with the deed restrictions set forth in the Amended and Restated County Deed. Upon the receipt of a deed from the City, the County Mayor or the County Mayor's designee shall record such deed in the Public Records of Miami-Dade County. Notwithstanding the foregoing any extensions to develop the home of the Property shall be subject to this Board's approval, at its sole discretion.

Section 4. This Board directs the County Mayor or the County Mayor's designee to (i) ensure that proper signage is placed on the Property identifying the County's name and the name of the district commissioner; (ii) provide copies of the recorded Amended and Restated County Deed to the Property Appraiser's Office; and (iii) appoint staff to monitor compliance with the terms of the conveyance.

Section 5. This Board directs the County Mayor or the County Mayor's designee, pursuant to Resolution No. R-974-09, to record in the public record the Amended and Restated County Deed, covenants, reverters and mortgages creating or reserving a real property interest in favor of the County and to provide a copy of such recorded instruments to the Clerk of the Board within 30 days of execution and final acceptance. This Board directs the Clerk of the Board, pursuant to Resolution No. R-974-09, to attach and permanently store a recorded copy of any instrument provided in accordance herewith together with this resolution.

The Prime Sponsor of the foregoing resolution is Commissioner Barbara J. Jordan. 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.

Jose "Pepe" Diaz

Eileen Higgins

Joe A. Martinez

Dennis C. Moss

Xavier L. Suarez

Daniella Levine Cava

Sally A. Heyman

Barbara J. Jordan

Jean Monestime

Sen. Javier D. Souto

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.



Terrence A. Smith

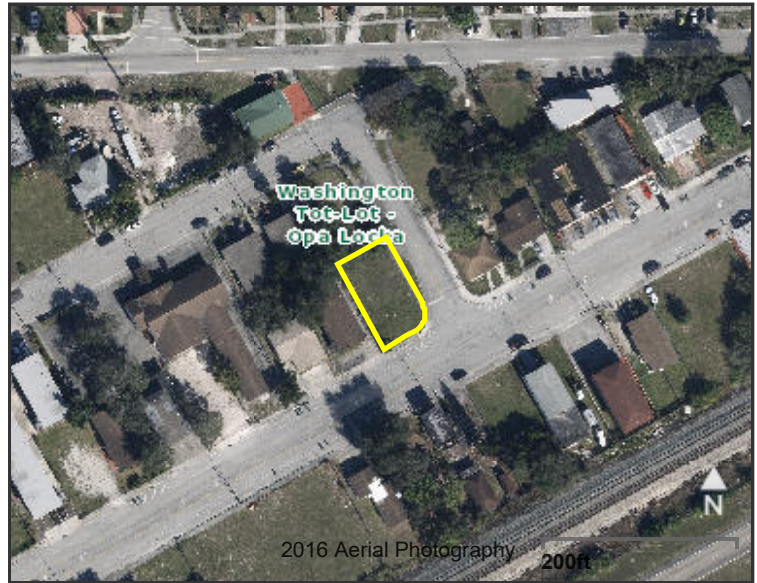


OFFICE OF THE PROPERTY APPRAISER

Detailed Report

Generated On : 4/6/2020

Property Information	
Folio:	08-2122-003-1690
Property Address:	1801 ALI BABA AVE Opa-locka, FL 33054-2835
Owner	CITY OF OPA LOCKA
Mailing Address	780 FISHERMAN ST OPA LOCKA, FL 33054
PA Primary Zone	0100 SINGLE FAMILY - GENERAL
Primary Land Use	8080 VACANT GOVERNMENTAL : VACANT LAND - GOVERNMENTAL
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	5,280 Sq.Ft
Year Built	0



Assessment Information			
Year	2019	2018	2017
Land Value	\$59,110	\$48,634	\$13,408
Building Value	\$0	\$0	\$0
XF Value	\$0	\$0	\$0
Market Value	\$59,110	\$48,634	\$13,408
Assessed Value	\$10,644	\$9,677	\$8,798

Benefits Information				
Benefit	Type	2019	2018	2017
Non-Homestead Cap	Assessment Reduction	\$48,466	\$38,957	\$4,610
Municipal	Exemption	\$10,644	\$9,677	\$8,798

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

Taxable Value Information			
	2019	2018	2017
County			
Exemption Value	\$10,644	\$9,677	\$8,798
Taxable Value	\$0	\$0	\$0
School Board			
Exemption Value	\$59,110	\$48,634	\$13,408
Taxable Value	\$0	\$0	\$0
City			
Exemption Value	\$10,644	\$9,677	\$8,798
Taxable Value	\$0	\$0	\$0
Regional			
Exemption Value	\$10,644	\$9,677	\$8,798
Taxable Value	\$0	\$0	\$0

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:



OFFICE OF THE PROPERTY APPRAISER

Generated On : 4/6/2020

Property Information

Folio: 08-2122-003-1690

Property Address: 1801 ALI BABA AVE

Roll Year 2019 Land, Building and Extra-Feature Details

Land Information					
Land Use	Muni Zone	PA Zone	Unit Type	Units	Calc Value
GENERAL	R-1	0100	Square Ft.	5,000.00	\$57,500
GENERAL	R-1	0100	Square Ft.	280.00	\$1,610

Building Information						
Building Number	Sub Area	Year Built	Actual Sq.Ft.	Living Sq.Ft.	Adj Sq.Ft.	Calc Value

Extra Features			
Description	Year Built	Units	Calc Value

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Version:



OFFICE OF THE PROPERTY APPRAISER

Generated On : 4/6/2020

Property Information

Folio: 08-2122-003-1690

Property Address: 1801 ALI BABA AVE

Roll Year 2018 Land, Building and Extra-Feature Details

Land Information					
Land Use	Muni Zone	PA Zone	Unit Type	Units	Calc Value
GENERAL	R-1	0100	Front Ft.	55.00	\$48,634

Building Information						
Building Number	Sub Area	Year Built	Actual Sq.Ft.	Living Sq.Ft.	Adj Sq.Ft.	Calc Value

Extra Features			
Description	Year Built	Units	Calc Value

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Version:



OFFICE OF THE PROPERTY APPRAISER

Generated On : 4/6/2020

Property Information

Folio: 08-2122-003-1690

Property Address: 1801 ALI BABA AVE Opa-locka, FL 33054-2835

Roll Year 2017 Land, Building and Extra-Feature Details

Land Information					
Land Use	Muni Zone	PA Zone	Unit Type	Units	Calc Value
GENERAL	R-1	0100	Front Ft.	55.00	\$13,408

Building Information						
Building Number	Sub Area	Year Built	Actual Sq.Ft.	Living Sq.Ft.	Adj Sq.Ft.	Calc Value

Extra Features			
Description	Year Built	Units	Calc Value

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Version:



OFFICE OF THE PROPERTY APPRAISER

Generated On : 4/6/2020

Property Information

Folio: 08-2122-003-1690

Property Address: 1801 ALI BABA AVE

Full Legal Description
MAGNOLIA SUB PB 40-80
LOTS 23 & 24 BLK 10
LOT SIZE IRREGULAR
OR 20332-3789 0302 3

Sales Information			
Previous Sale	Price	OR Book-Page	Qualification Description
11/05/2009	\$100	27138-3001	Federal, state or local government agency
01/01/1988	\$35,000	13551-1207	Sales which are qualified

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Version:

Attachment "B"

LOT INFORMATION IN ACCORDANCE WITH RESOLUTION R-376-11 AND R-333-15

Folio	Annual Tax Revenue Generated	Lot Size	Comm District	2019 Market Value	Legal Description	Zoning	Annual Cost to Maintain	Address	Circulated To County Departments	Surplus	Deed Type
<u>0821220031690</u>	\$1,523.86	5280 SQ FT	1	\$59,110.00	MAGNOLIA SUB PB 40-80 LOTS 23 & 24 BLK 10	R-1	\$230.00	1801 ALI BABA AVE OPA LOCKA	N/A	YES BY BCC 3/3/2009	ESCHEATMENT TAX DEED 3/8/2002; R-224-09 AMENDED R-81-09 DELETING SUBJECT PROPERTY FROM A LIST TO BE CONVEYED TO HABITAT, AUTHORIZING ITS CONVEYANCE TO THE CITY OF OPA LOCKA VIA MIAMI-DADE COUNTY DEED 11/05/2009

Sponsored by: City Manager

RESOLUTION NO. 20-9738

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AUTHORIZING THE EXECUTION OF AN AMENDED AND RESTATED COUNTY DEED RELATED TO THE FORMER COUNTY-OWNED PROPERTY LOCATED AT 1801 ALI BABA AVENUE, OPA-LOCKA, FLORIDA TO PERMIT THE CITY OF OPA-LOCKA TO DEVELOP SUCH PROPERTY FOR INFILL HOUSING RATHER THAN A TOT LOT AND TO COMPLY WITH THE REQUIREMENTS OF THE AMENDED AND RESTATED COUNTY DEED; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on March 3, 2009, the Miami-Dade County Commission ("County") adopted Resolution No. R-244-09, which authorized, subject to a reverter, the conveyance of a County-owned vacant property located at 1801 Ali Baba Avenue, Opa-Locka, Florida ("Property"), to the City of Opa-locka ("City") for the purpose of the City using the Property as a public park; and

WHEREAS, the County Deed ("Deed") was executed on November 5, 2009, and subsequently recorded in the Public Records of Miami-Dade County; and

WHEREAS, the City is in the process of developing an infill housing program similar to the County's Infill Housing Initiative Program; and

WHEREAS, the City has requested that the County agree to amend the Deed to change the present use of the Property, which is currently for a public park tot lot; and

WHEREAS, the City proposes to have the Property developed with an affordable, infill home to ultimately be sold to a qualified homebuyer whose income does not exceed 120 percent of area median income as published by the United States Department of Housing and Urban Development for Miami-Dade County; and

WHEREAS, there is a need for affordable housing within the City; and

WHEREAS, accordingly, the City Commission maintains that it is in best interest of the City and residents to change the use of the Property and permit the City to develop the Property with and for affordable, infill housing; and

WHEREAS, if the City fails to develop or cause the development of the Property for the purposes stated herein within two years of the recording of the deed, unless such time is extended at the sole discretion of the County, then the Property shall revert back to the County, in its sole discretion,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, that:

Section 1. **Adoption of Representations.** The foregoing recitals are true and correct and are incorporated in this resolution by reference.

Section 2. **Approval to Execute an Amended & Restated County Deed and comply with all requirements.** The City Commission of the City of Opa-locka hereby approves the execution of an Amended and Restated County Deed related to the former County-Owned property located at 1801 Ali Baba Avenue, Florida to permit the City to develop such property with infill housing rather than a Tot Lot and to comply with the requirements of the amended and restated county deed.

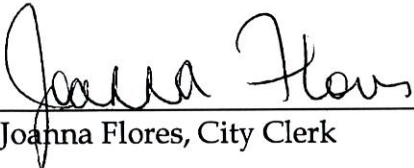
Section 3. **Effective Date.** This Resolution, upon adoption, become effective as specified by the City of Opa-locka Code of Ordinances and the City of Opa-locka Charter.

Resolution No. 20-9738

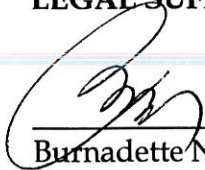
PASSED AND ADOPTED this 26th day of February, 2020.


Matthew A. Pigatt, Mayor

ATTEST:


Joanna Flores, City Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**



Bernadette Norris-Weeks, P.A.
City Attorney

Moved by: VICE MAYOR DAVIS

Seconded by: COMMISSIONER BASS

VOTE: 4-1

Commissioner Bass	YES
Commissioner Burke	YES
Commissioner Kelley	YES
Vice-Mayor Davis	YES
Mayor Pigatt	NO


I, Joanna Flores, Deputy City Clerk of the
City of Opa-Locka, Miami-Dade County, Florida do hereby
certify that this is a true and correct copy
of Resolution no. 20-9738
as shown in the official records of the City of Opa-Locka,
Miami-Dade County, Florida.
Given under my hand and seal this 12th day of
March, 2020.


-Deputy City Clerk

FROM PAGE 8NW

CONCERT

the Big Game promises to bring.

Miami-Dade County's \$4 million cash subsidy of the Super Bowl includes \$1 million for team hotels in downtown Miami and Aventura.

"I think what happens when you have a big event like this, the NFL can take it wherever they can take it," said Miami Beach Commissioner David Richardson, who supports the investments the city made in the Super Bowl. "We have to decide as a community how much we're willing to tolerate."

Even in its gifts to host cities, rarely does anything come without strings attached.

At Miami Beach Senior High School on Wednesday, dignitaries unveiled one of three "legacy projects" the NFL helps bring to host cities during every Super Bowl.

But the NFL chipped in only about a quarter of the total cost to renovate the high school's football field. The city of Miami Beach paid \$350,000 — or \$100,000 more than the NFL did, according to an accounting of the \$1.1 million project by Miami-Dade Public Schools. The Dolphins Foundation paid \$250,000. The school district paid the rest.

Rodney Barreto, chairman of Miami's Host Committee, said some would argue the city is spending too much money on luring the most popular and wealthiest sports league in the country.

"I think the notion that the city is using taxpayers' money to help promote a game is wrong," he told the Miami Herald. "A lot of people would argue it the other way, but I would argue that this is just great for the community."

Barreto said the commit-

tee, a nonprofit formed to compete for the Super Bowl and handle organizing efforts locally, planned to bring a free concert to Miami Beach. But plans changed, and that free concert was canceled. The host committee is offering free live music at Bayfront Park in downtown Miami, where the league's NFL Live festival is being held, said Karla Fortuny, a media representative with the Host Committee.

"We have [events] throughout the whole region," Barreto said. "Miami Beach has gotten its fair share of stuff; it's going to be tough to move around Miami Beach."

Miami Beach Tourism and Culture Director Matt Kenny said the free concert that the Host Committee was planning would have been conditioned on a city waiver of \$178,250 in special event permit fees, separate from the \$1.5 million in other waived fees and contributions from the city.

The Host Committee was "hoping to do a concert, but that did not come to fruition," he said in an email. Because the event did not happen, there were no fees to be waived.

So what's in it for Miami Beach taxpayers?

The NFL brought its NFL Experience, a six-day Super Bowl expo, to the city's convention center — and waived 15% off the ticket price for residents.

Kids got in free, so did the NFL.

The city agreed to waive up to \$857,540 in rental fees for the NFL to shut down its convention center for much of the week and double as a media center for the roughly 6,000 credentialed media members.

The Host Committee asked the city to suspend permits for unaffiliated commercial advertisements and mobile or temporary food concessions within a mile of all Super Bowl-related events.

City leaders, including

Richardson, said the economic benefit of hosting a Super Bowl far outweighs any incentives the city gave the NFL.

A market analysis and economic impact report presented to the city after the 2010 Super Bowl, the last Super Bowl hosted in South Florida, estimated that the Big Game generated \$82,848,170 in combined media exposure for South Florida. Out-of-town visitors in Miami for the game spent an average of \$947 per day on accommodations, meals, transportation and other expenses, the Host Committee said.

In Miami-Dade County, the direct economic impact of hosting the Super Bowl was \$39.6 million, the report found. Indirect business taxes in the area alone were \$14.1 million.

"I think we have to look at this from an economic impact perspective," said Commissioner Ricky Arriola. "I think the investment directly pays for itself."

He called the city's investments a "no brainer" considering what the city is expecting to receive in return. Without offering specific figures, he said the tax revenues from hotels and added retail sales, along with the media exposure, will give the city a net-positive return on investment.

The expected surge in resort tax revenues can fund city services like the free trolley that runs around the city, Commissioner Mark Samuelian said.

"Those resort taxes allow us to do a better job serving the residents," he said. "I always look at the cost and the benefits, including the impact on our residents. Here, because of the enormous impact on resort taxes, free publicity for the community, I think that our [investment] is extremely well spent."

Martin Vassolo:
305-376-2071,
martindvassolo



CITY OF OPA-LOCKA, FLORIDA NOTICE TO THE PUBLIC

NOTICE IS HEREBY GIVEN that the City Commission of the City of Opa-locka, Florida will hold public hearings at a Regular Commission Meeting on Wednesday, February 12, 2020 at 7:00 p.m. at the Sherbondy Village Auditorium, 215 President Barack Obama (Perviz) Avenue, Opa-locka, Florida to consider the following items:

RESOLUTIONS/PUBLIC HEARINGS:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, RECOMMENDING DEVELOPMENT AGREEMENT APPROVAL FOR THE CONSTRUCTION AND OPERATION OF A SELF STORAGE FACILITY ON THE PROPERTY LOCATED AT 12940 NW 27TH AVENUE AND THE ADJACENT PARCEL LOCATED AT THE CORNER OF NW 129TH STREET AND NW 27TH AVENUE AND IDENTIFIED BY FOLIOS 08-2128-004-0031 AND 08-2128-004-0022, IN THE B-2 AND B-3 ZONING DISTRICTS; PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO EXECUTE AN AMENDED AND RESTATED COUNTY DEED RELATED TO THE FORMER COUNTY-OWNED PROPERTY LOCATED AT 1801 ALL-BABA AVENUE, OPA-LOCKA, FLORIDA TO PERMIT THE CITY OF OPA-LOCKA TO DEVELOP SUCH PROPERTY WITH INFILL HOUSING RATHER THAN A TOT LOT AND TO COMPLY WITH THE REQUIREMENTS OF THE AMENDED AND RESTATED COUNTY DEED; PROVIDING FOR AN EFFECTIVE DATE.

SECOND READING ORDINANCES/PUBLIC HEARINGS:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OPA LOCKA, FLORIDA, AMENDING SECTION 22-136(E) TO DELETE CERTAIN LANGUAGE REFERENCING TRANSIT ORIENTED CORRIDOR AS A SCRIVENER'S ERROR; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR AN EFFECTIVE DATE (first reading/public hearing held on January 8, 2020).

Additional information on the above items may be obtained in the Office of the City Clerk, 780 Fisherman Street, 4th Floor, Opa-locka, Florida. All interested persons are encouraged to attend this meeting and will be heard with respect to the public hearings.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodations to participate in the proceeding should contact the Office of the City Clerk at (305) 953-2800 for assistance no later than seven (7) days prior to the proceeding. If hearing impaired, you may telephone the Florida Relay Service at (800) 955-8771 (TTY), (800) 955-8770 (Voice), (877) 955-8773 (Spanish) or (877)955-8707 (Creole).

PURSUANT TO FS 286.0105: *Anyone who desires to appeal any decision made by any board, agency, or commission with respect to any matter considered at such meeting or hearing will need a record of the proceedings, and for that reason, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal may be based.*

Joanna Flores, CMC
City Clerk
City of Opa-locka

ATTACHMENT "D"

Instrument prepared by and returned to:
Terrence A. Smith
Assistant County Attorney
111 N.W. 1st Street, Suite 2810
Miami, Florida 33128

Folio No: See Exhibit "A" attached.

This Amended and Restated County Deed shall supersede and replace the County Deed, dated November 5, 2009, and recorded on January 5, 2010, in Official Record Book 27138 Pages 3001-3003 of the Public Records of Miami-Dade County, Florida.

AMENDED AND RESTATED COUNTY DEED

THIS AMENDED AND RESTATED COUNTY DEED, made this ____ day of _____, 2020 by **MIAMI-DADE COUNTY**, a political subdivision of the State of Florida, (hereinafter "County"), whose address is: Stephen P. Clark Center, 111 N.W. 1 Street, Miami, Florida 33128-1963, and **CITY OF OPA-LOCKA**, a municipal corporation of the State of Florida, whose address is Municipal Complex, 780 Fisherman Street, Fourth Floor | Opa-Locka, Florida 33054.

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 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:

MAGNOLIA SUB PB 40-80 LOTS 23 & 24 BLK 10

(hereinafter the "Property"):

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 and rights of way and other matters of record; taxes for the year of closing and subsequent years and the following restrictions:

1. That, in accordance with section 125.38, Florida Statutes, the Property shall be developed with an affordable, infill housing ("Dwelling Unit") by the City or a not-for-profit organization designated by the City, which is organized for the purposes of promoting community interest and welfare. The City or an entity designated by the City shall sell the Dwelling Unit to a qualified homebuyer whose income range is established up to 120% of the most recent median family income for Miami-Dade County reported by the United States Department of Housing and Urban Development. Prior to such conveyance, a restrictive covenant, in a form approved by the City, in its sole discretion,

shall be executed by the qualified homebuyer, and such restrictive covenant shall be recorded in the public records of Miami-Dade County.

2. That the Property shall be developed within two (2) years of the recording of this Deed, as evidenced by the issuance of a final Certificate of Occupancy. Notwithstanding the foregoing restriction contained in this paragraph 2, the County may, in its sole discretion, waive this requirement upon the Board finding it necessary to extend the time frame in which the City must complete the homes. In order for such waiver by the County to be effective, the County Mayor or the County Mayor's designee:
 - a. Be given prior to the event of the reverter; and
 - b. Be evidenced by the preparation of a letter executed by the County Mayor or the County Mayor's designee giving such waiver and specifying the new time frame in which the City must complete the homes. The letter by the County 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 no waiver is recorded and a certificate of occupancy is not issued within two (2) years from the date of this Deed, any party may rely upon the fact that the reverter has occurred and that title has reverted to the County.
3. That the Dwelling Unit developed on the Property shall be sold to a qualified at a sale price to be determined by the City, in its sole discretion. .
4. That the City shall not assign or transfer its interest in the Property or in this Deed absent consent of the Miami-Dade County Board of County Commissioners, with the exception of any conveyance to an organization designated by the City to develop the Property or to a qualified homebuyer.
5. The City or an organization designated by the City shall require that the qualified homebuyer purchasing the Dwelling Unit execute and record simultaneously with the deed of conveyance an affordable housing restrictive covenant, and include the following language in the deed of conveyance:

“This Property is subject to an “Affordable Housing Restrictive Covenant” recorded simultaneously herewith, which states that the Property shall remain affordable during the “Control Period.” The Control Period commences on the initial sale date of the eligible home, which is the date the deed is recorded transferring title from the developer to the first qualified household, and resets automatically every twenty (20) years for a maximum of sixty (60) years. In the event Grantee wishes to sell or refinance the home during the Control Period, Grantee shall obtain prior written approval from the County. Any such sale, transfer or conveyance, shall only be to a qualified household at or below the maximum sales price as calculated in the restrictive covenant. Should Grantee own this home for twenty (20) consecutive years, Grantee shall automatically be released from the Affordable Housing Restrictive Covenant.”

6. That City or an organization designated by the City shall pay real estate taxes and assessments on the Property or any part thereof when due, if applicable. The City or an organization designated by the City 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, provided, however, that the City or an organization designated by the City may encumber the Property with:
 - a) Any mortgage(s) in favor of any institutional lender for the purpose of financing any hard costs or soft costs relating to the construction of the Dwelling Unit in an amount(s) not to exceed the value of the Improvements as determined by an appraiser; and
 - b) Any mortgage(s) in favor of any institutional lender refinancing any mortgage of the character described in clause a) hereof; in an amount(s) not to exceed the value of the improvements as determined by an appraiser.
 - c) Any mortgage(s) in favor of any lender that may go into default, lis pendens, foreclosure, deed in lieu of foreclosure, certificate of title or tax deed issued by the government or through court order, the affordable deed restrictions are enforceable and can only be extinguished by the County. The deed restrictions shall run with the land notwithstanding the mortgage or change in ownership for the control period. The affordable deed restrictions apply to the "successors heirs and assigns" of the burdened land owner.
7. The recordation, together with any mortgage purporting to meet the requirements of clauses 6(a) or 7(b) above, of a statement of value by a Member of the American Institute of Real Estate Appraisers (MAI), (or member of any similar or successor organization), stating the value of the Project is equal to or greater than the amount of such mortgages(s), shall constitute conclusive evidence that such mortgage meets such requirements, and that the right of any reverter hereunder shall be subject to and limited by, and shall not defeat, render invalid, or limit in any way, the lien of such mortgage. For purposes of this paragraph an "institutional lender" shall mean any bank, savings and loan association, insurance company, foundation or other charitable entity, real estate or mortgage investment trust, pension funds, the Federal National Mortgage Association, agency of the United States Government or other governmental agency. In any event, the term "Institutional lender" shall be deemed to include Miami-Dade County and its respective successors and assigns.
8. If in the sole discretion of the County, the Property ceases to be used solely for the purpose set forth in paragraph 1 herein by the City or an organization designated by the City, or if the City or an organization designated by the City fails to construct the Dwelling Unit described herein in the manner and within the timeframe set forth in paragraph 2 herein, or if the City or an organization designated by the City ceases to exist prior to conveyance to a qualified homebuyer, or if any term of this Deed is not complied with, the City or an organization designated by the City shall correct or cure the default/violation within (30) days of notification of the default by the County as determined in

the sole discretion of the County. If the City or an organization designated by the City fails to remedy the default within thirty (30) days, title to the subject 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, the City or an organization designated by the City shall immediately deed the Property back to the County, and the County shall have the right to immediate possession of such 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 the City or any entity designated by the City. The County retains a reversionary interest in the Property, which right may be exercised by the County, at the option of 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.

9. 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.

Upon receiving proof of compliance with all of the Deed restrictions listed above, to be determined in the County's sole discretion, the County shall furnish the City or an organization designated by the City with an appropriate instrument acknowledging satisfaction with all 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 the 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.

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:
HARVEY RUVIN, CLERK

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

By: _____
Deputy Clerk

By: _____
Audrey M. Edmonson, Chairwoman

Approved for legal sufficiency:

By: _____
Terrence A. Smith
Assistant County Attorney

The foregoing was authorized by Resolution No. R- -20 approved by the Board of County Commissioners of Miami-Dade County, Florida, on the day of , 2020.

IN WITNESS WHEREOF, the representative **CITY OF OPA-LOCKA**, a municipal corporation of the State of Florida, has caused this document to be executed by their respective and duly authorized representative on this _____ day of _____, 2020, and it is hereby approved and accepted.

Witness/Attest

By: _____
Name: _____
Title: _____

Witness/Attest

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me by means of (check one) physical presence or online notarization, this day of _____, 2020, by _____ as _____ for **CITY OF OPA-LOCKA**, a municipal corporation of the State of Florida.

Signature

Printed Name
Notary Public, State of Florida

Personally Known or Produced Identification
Type of Identification Produced