

# MEMORANDUM

Substitute  
Agenda Item No. 5(D)

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

**DATE:** October 20, 2020

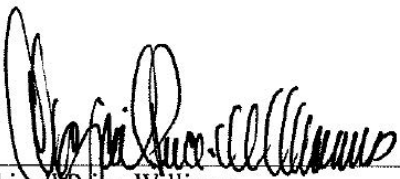
**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Resolution declaring one County-owned property as surplus, and revising the Inventory List of real properties, after a public hearing, to include such property in accordance with section 125.379(1), Florida Statutes; authorizing conveyance, pursuant to section 125.379(2), Florida Statutes, of such property to Habitat for Humanity of Greater Miami, Inc., a not-for-profit 501(c)(3) corporation, at a price of \$10.00, for the purpose of developing such property with affordable housing to be sold to very low- low- or moderate income households in accordance with Miami-Dade County's Infill Housing Initiative Program and section 125.370, Florida Statutes; authorizing the Chairperson or Vice-Chairperson of the Board of County Commissioners to execute a County Deed; waiving Resolution No. R-407-19 requiring four weeks advance written notice prior to Board consideration; and authorizing the County Mayor to take all action necessary to enforce the provisions set forth in such County Deed and to ensure placement of appropriate signage

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**This substitute differs from the original item in that it clarifies that Habitat for Humanity complied, in part, with the requirements of Resolution No. R-407-19 by posting multiple signs on the property on September 24, 2020. However, the signs were not posted for the entire four weeks required by Resolution No. R-407-19. This substitute also makes a conforming change to the title.**

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

  
Abigail Price-Williams  
County Attorney

APW/smm



**MEMORANDUM**  
(Revised)

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

**DATE:** October 20, 2020

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Substitute  
Agenda Item No. 5(D)

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 _____	Substitute Agenda Item No. 5(D)
Veto _____		10-20-20
Override _____		

RESOLUTION NO. \_\_\_\_\_

RESOLUTION DECLARING ONE COUNTY-OWNED PROPERTY AS SURPLUS, AND REVISING THE INVENTORY LIST OF REAL PROPERTIES, AFTER A PUBLIC HEARING, TO INCLUDE SUCH PROPERTY IN ACCORDANCE WITH SECTION 125.379(1), FLORIDA STATUTES; AUTHORIZING CONVEYANCE, PURSUANT TO SECTION 125.379(2), FLORIDA STATUTES, OF SUCH PROPERTY TO HABITAT FOR HUMANITY OF GREATER MIAMI, INC., A NOT-FOR-PROFIT 501(C)(3) CORPORATION, AT A PRICE OF \$10.00, FOR THE PURPOSE OF DEVELOPING SUCH PROPERTY WITH AFFORDABLE HOUSING TO BE SOLD TO VERY LOW- LOW- OR MODERATE INCOME HOUSEHOLDS IN ACCORDANCE WITH MIAMI-DADE COUNTY’S INFILL HOUSING INITIATIVE PROGRAM AND SECTION 125.370, FLORIDA STATUTES; AUTHORIZING THE CHAIRPERSON OR VICE-CHAIRPERSON OF THE BOARD OF COUNTY COMMISSIONERS TO EXECUTE A COUNTY DEED; WAIVING RESOLUTION NO. R-407-19 REQUIRING FOUR WEEKS ADVANCE WRITTEN NOTICE PRIOR TO BOARD CONSIDERATION; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR’S DESIGNEE TO TAKE ALL ACTION NECESSARY TO ENFORCE THE PROVISIONS SET FORTH IN SUCH COUNTY DEED AND TO ENSURE PLACEMENT OF APPROPRIATE SIGNAGE

**WHEREAS**, Habitat for Humanity of Greater Miami, Inc. (“Habitat”) is a not-for-profit 501(c)(3) corporation, which promotes, develops and provides safe and affordable housing to persons with limited financial resources in Miami-Dade County; and

**WHEREAS**, on September 22, 2020, Habitat submitted an application to the County Commissioner of District 9, a copy of which is attached hereto as Attachment “A” and incorporated herein by reference, requesting that the County convey one County-owned vacant property (Folio No. 30-7904-000-0013) (the “property”) located in the district to Habitat; and

**WHEREAS**, the property requested by Habitat is more fully described in Attachment “B,” attached hereto and incorporated herein by reference; and

**WHEREAS**, Habitat proposes to have the property, which 414,691 square feet, developed with multiple affordable housing units to be sold to very low, low- or moderate income households in accordance with the Miami-Dade County Infill Housing Initiative Program (“Infill Housing Program”); and

**WHEREAS**, pursuant to Administrative Order No. 8-4, Miami-Dade Internal Services Department previously announced the availability of the property to all County departments and determined there was no interest in the property; and

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

**WHEREAS**, this Board has reviewed the information in Attachment “C,” and this Board is satisfied; and

**WHEREAS**, section 125.379(1), Florida Statutes, requires each county to prepare an inventory list at least every three years of all real property that are appropriate for use as affordable housing and further allows the governing body of the County to revise the inventory list upon conclusion of a public hearing held before the governing body; and

**WHEREAS**, the property has not been declared as surplus and has not been added to the County’s affordable housing inventory list in accordance with section 125.379(1), Florida Statutes; and

**WHEREAS**, this Board desires to declare the property as surplus, finds that the property is appropriate for use as affordable housing, and desires to revise the County's affordable housing inventory list to include such property; and

**WHEREAS**, on April 14, 2019, this Board adopted Resolution No. R-407-19, which requires the County Mayor or County Mayor's designee to provide written notice to the public no less than four weeks prior to consideration by this Board, or any Committee of this Board, of any proposed conveyance or lease of County-owned property without competitive bidding under section 125.379, Florida Statutes; and

**WHEREAS**, ~~>>on September 24, 2020,<<<sup>1</sup> Habitat [[has not had the opportunity yet to publish an advertisement notifying the public that the property is proposed to be conveyed to Habitat in accordance with Resolution No. R-407-19]]~~ >>initiated compliance with the requirements of Resolution No. R-407-19 by posting multiple signs on the property, but the required four weeks has not expired; and<<; and

**WHEREAS**, in order to expedite the conveyance of the property to Habitat, this Board desires to waive the requirements of Resolution No. R-407-19; and

**WHEREAS**, the property will be conveyed to Habitat, subject to a reverter, on the condition that Habitat develops the property in accordance with the Infill Housing Program and section 125.379, Florida Statutes, with affordable housing to be sold to very low-, low- or moderate income households, whose incomes do not exceed 120 percent of area median income as published

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<sup>1</sup> The differences between the substitute and the original item are indicated as follows: Words stricken through and/or [[double bracketed]] shall be deleted, words underscored and/or >>double arrowed<< are added.

by the United States Department of Housing and Urban Development for Miami-Dade County, within two years of the effective date of the recording of the County Deed, unless such time is extended at the discretion of this Board,

**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.** This Board declares one County-owned property (Folio No. 30-7904-000-0013) as surplus and, after a public hearing and in accordance with section 125.379(1), Florida Statutes, revises the County's affordable housing inventory list to add such property.

**Section 3.** Pursuant to section 125.379(2), Florida Statutes, this Board hereby approves the conveyance of the property to Habitat for a price of \$10.00, for the purpose of developing such property in accordance with the Infill Housing Program and section 125.379, Florida Statutes, with affordable housing to be sold to very low-, low- or moderate income households, whose incomes do not exceed 120 percent of area median income as published by the United States Department of Housing and Urban Development for Miami-Dade County, within two years of the effective date of the recording of the County Deed, unless such time is extended at the discretion of this Board.

**Section 4.** Pursuant to section 125.411, Florida Statutes, this Board authorizes the Chairperson or Vice-Chairperson to execute the County Deed, in substantially the form attached hereto and made a part hereof as Attachment "D."

**Section 5.** This Board further authorizes the County Mayor or the County Mayor's designee to take all actions necessary to effectuate the conveyance, to exercise all rights set forth in the County Deed, other than those reserved to this Board therein, 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 Habitat, after conducting all due diligence, including, but not limited to, title searches, environmental reviews, and review of the Infill Housing Program Guidelines, a deed which conveys the property back to the County in the event Habitat is unable or fails to comply with the deed restrictions set forth in the County Deed. Upon the receipt of a deed from Habitat, 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 beyond the two years to complete the construction of the affordable housing units contemplated herein shall be subject to this Board's approval.

**Section 6.** 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 County Deed and the restrictive covenants required by the County Deed to the Property Appraiser; and (iii) appoint staff to monitor compliance with the terms of the conveyance.

**Section 7.** This Board waives Resolution No. R-407-19, which requires at least four weeks' written notice to the public prior to consideration by this Board or a committee of this Board of any proposed conveyance or lease of County-owned properties without competitive bidding.

**Section 8.** 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 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 Dennis C. Moss. It was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

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 20<sup>th</sup> day of October, 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.



Brenda Kuhns Neuman

**Attachment A**



September 22, 2020

Hon. Dennis C. Moss  
Commissioner, Miami Dade County District 9  
South Dade Government Center  
10710 SW 211th Street, Suite 206  
Miami, Florida 33189

Re: Land Sponsorship

Dear Commissioner Moss:

As you know, Habitat's partnership with Miami Dade, and District 9 in particular, has yielded very positive results. We are very proud of the more than 500 homes we have built in partnership with District 9 over the last many years.

In order to continue this tradition, we have identified a parcel which would be perfect for a Habitat community and which we could use to help many families achieve their dream of home-ownership.

We would be honored if you would sponsor an item making the following lot available to Habitat.

The property folio is: 30-7904-000-0013

Thank you again Commissioner and we look forward to our continued work together. Please let me know if I can answer any questions pertaining to this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Mario Artecona".

Mario Artecona  
Chief Executive Officer



# OFFICE OF THE PROPERTY APPRAISER

## Detailed Report

Generated On : 9/28/2020

Property Information	
Folio:	30-7904-000-0013
Property Address:	
Owner	MIAMI DADE COUNTY GSA R/E MGMT
Mailing Address	111 NW 1 ST #2460 MIAMI, FL 33128
PA Primary Zone	3161 UC CENTER - RESIDENTIAL MODIFIED (RM) 4 MAX HT
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	414,691 Sq.Ft
Year Built	0



Assessment Information			
Year	2020	2019	2018
Land Value	\$2,073,455	\$2,073,455	\$829,382
Building Value	\$0	\$0	\$0
XF Value	\$0	\$0	\$0
Market Value	\$2,073,455	\$2,073,455	\$829,382
Assessed Value	\$1,003,552	\$912,320	\$829,382

Benefits Information				
Benefit	Type	2020	2019	2018
Non-Homestead Cap	Assessment Reduction	\$1,069,903	\$1,161,135	
County	Exemption	\$1,003,552	\$912,320	\$829,382

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

Taxable Value Information			
	2020	2019	2018
<b>County</b>			
Exemption Value	\$1,003,552	\$912,320	\$829,382
Taxable Value	\$0	\$0	\$0
<b>School Board</b>			
Exemption Value	\$2,073,455	\$2,073,455	\$829,382
Taxable Value	\$0	\$0	\$0
<b>City</b>			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$0	\$0	\$0
<b>Regional</b>			
Exemption Value	\$1,003,552	\$912,320	\$829,382
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 : 9/28/2020

**Property Information**

Folio: 30-7904-000-0013

Property Address:

## Roll Year **2020** Land, Building and Extra-Feature Details

Land Information					
Land Use	Muni Zone	PA Zone	Unit Type	Units	Calc Value
GENERAL	RU-3	3100	Square Ft.	132,717.00	\$663,585
GENERAL	UC-RM	3161	Square Ft.	281,974.00	\$1,409,870

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 : 9/28/2020

## Property Information

Folio: 30-7904-000-0013

Property Address:

## Roll Year **2019** Land, Building and Extra-Feature Details

Land Information					
Land Use	Muni Zone	PA Zone	Unit Type	Units	Calc Value
GENERAL	RU-3	3100	Square Ft.	132,717.00	\$663,585
GENERAL	UC-RM	3161	Square Ft.	281,974.00	\$1,409,870

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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# OFFICE OF THE PROPERTY APPRAISER

Generated On : 9/28/2020

**Property Information**

Folio: 30-7904-000-0013

Property Address:

## Roll Year **2018** Land, Building and Extra-Feature Details

Land Information					
Land Use	Muni Zone	PA Zone	Unit Type	Units	Calc Value
GENERAL	RU-3	3100	Square Ft.	132,717.00	\$265,434
GENERAL	UC-RM	3161	Square Ft.	281,974.00	\$563,948

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 : 9/28/2020

## Property Information

Folio: 30-7904-000-0013

Property Address:

Full Legal Description
4 57 39 9.52 AC M/L
COMM NE COR OF NE1/4 S 89 DEG W
1331.73FT S 00 DEG W 40FT FOR POB
S 00 DEG W 623.41FT S 89 DEG W
665.50FT N 00 DEG W 623.08FT N 89
DEG E 665.84FT TO POB LESS N40FT
& W25FT FOR R/WA/K/A HUD 1
F/A/U 30-7904-000-0010
COC 26461-4665 06 2008 3

Sales Information			
Previous Sale	Price	OR Book-Page	Qualification Description
06/01/2008	\$0	26461-4665	Sales which are disqualified as a result of examination of the deed
06/01/2004	\$0	23093-3927	Sales which are disqualified as a result of examination of the deed

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Version:

# Attachment "C"

## LOT INFORMATION IN ACCORDANCE WITH RESOLUTION R-376-11 AND R-333-15 -HABITAT FOR HUMANITY OF GREATER MIAMI, INC.

FOLIO	ANNUAL TAX REVENUE GENERATED	LOT SIZE	COMM DISTRICT	2020 MARKET VALUE	LEGAL DESCRIPTION	ZONING	ANNUAL COST TO MAINTAIN	ADDRESS	CIRCULATED TO COUNTY DEPARTMENT	SURPLUS	DEED TYPE
3079040000013	\$36,611.20	414,691 SQ FT	9	\$2,073,455 □	4 57 39 9.52 AC M/L COMM NE COR OF NE1/4 S 89 DEG W 1331.73FT S 00 DEG W 40FT FOR POB S 00 DEG W 623.41FT S 89 DEG W 665.50FT N 00 DEG W 623.08FT N 89 DEG E 665.84FT TO POB LESS N40FT & W25FT FOR R/WA/K/A HUD 1	RO-3 -UC-RM	\$15,000	SOUTHEAST CORNER OF SW 154 AVRNUE AND SW 280 STREET, MIAMI	9/28/2020	NO	QUIT CLAIM DEED 6/1/2008



**ATTACHMENT “D”**

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

Folio No: See Exhibit “A” attached.

**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 P. Clark Center, 111 N.W. 1 Street, Miami, Florida 33128-1963, and **HABITAT FOR HUMANITY OF GREATER MIAMI, INC.**, a Florida not-for-profit 501(c)3 corporation (the “Habitat”), whose address is 3800 NW 22 Avenue, Miami, Florida 33142, its successors and assigns.

**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 Habitat, receipt whereof is hereby acknowledged, has granted, bargained, and sold to Habitat, their successors and assigns forever, the following described land lying and being in Miami-Dade County, Florida (hereinafter the “property”):

*As legally described in Exhibit “A” attached hereto and made a part hereof*

**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 the property shall be developed by Habitat with affordable housing (“Dwelling Units”), as defined by and in accordance with the requirements of the Infill Housing Initiative Program established in Sections 17-121 through 17-128 of the Code of Miami-Dade County, Implementing Order No. 3-44, and the Miami-Dade County’s Infill Housing Initiative Guidelines. Habitat shall sell such Dwelling Units to qualified homebuyers whose income range is established up to 120% of the most recent median family income for the County as reported by the United States Department of Housing and Urban Development. Prior to such conveyance, a restrictive covenant, in a form approved by the County, in its sole discretion, shall be executed by each 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 Miami-Dade Board of County Commissioners finding it necessary to extend the

timeframe in which Habitat must complete the Dwelling Units. In order for such waiver by the County to be effective, it shall:

- a. Be given by the County Mayor or the County Mayor's designee 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 Habitat must complete the Dwelling Units. 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 Units developed on the property shall be sold to a qualified households, as defined in Sections 17-122(n) of the Code of Miami-Dade County, but under no circumstances shall the sales price of the home exceed Two Hundred and Five Thousand and 00/100 (\$205,000.00). In the event Habitat fails to sell the home to a qualified household or sells the home above Two Hundred and Five Thousand and 00/100 (\$205,000.00) and Habitat, upon written notification from the County, fails to cure such default, then title to the subject property shall revert to the County, at the option of the County, as set forth in paragraph 9, and by such reverter to the County, Habitat shall forfeit all monetary investments and improvements without any compensation or right to compensation whatsoever.
  4. That for any of the property located within the HOPE VI Target Area (hereinafter "Target Area"), Habitat shall comply with the requirements set forth in Resolution No. R-1416-08, including but not limited to providing former Scott/Carver residents the right of first refusal on all units to be sold within the Target Area. The County will provide a list of former Scott/Carver residents in order for Habitat to notify these residents of the availability of homeownership opportunities.
  5. That Habitat 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 qualified homebuyers.
  6. That Habitat shall require that the qualified households purchasing the Dwelling Units execute and record simultaneously with the deed of conveyance from Habitat to the qualified household the County's "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 Habitat 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 as defined in Section 17-122(n) of the Miami-Dade County Code at or below the maximum sales price as calculated in the restrictive covenant. Should Grantee own this home for twenty consecutive years, Grantee shall automatically be released from the Affordable Housing Restrictive Covenant.”

7. That Habitat shall pay real estate taxes and assessments on the property or any part thereof when due. Habitat 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 Habitat 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 Project 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.
8. The recordation, together with any mortgage purporting to meet the requirements of paragraph 7(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.

9. 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 Habitat, or if Habitat fails to construct the Dwelling Units described herein in the manner and within the timeframe set forth in Paragraph 2 herein, or if Habitat ceases to exist prior to conveyance to the qualified homebuyers, or if any term of this County Deed is not complied with, Habitat shall correct or cure the default/violation within thirty (30) days of notification of the default by the County as determined in the sole discretion of the County. If Habitat 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, Habitat shall immediately deed such 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 Habitat. 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.
10. 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 Habitat 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 of **HABITAT FOR HUMANITY OF GREATER MIAMI, INC.**, a Florida not-for-profit 501(c)3 corporation, 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  physical presence or  online notarization this \_\_\_\_\_ day of \_\_\_\_\_, 2020 by \_\_\_\_\_ as \_\_\_\_\_, on behalf of **HABITAT FOR HUMANITY OF GREATER MIAMI, INC.**, a Florida not-for-profit 501(c)3 corporation. S/he is personally known to me or has produced a Florida Driver's License No. \_\_\_\_\_ as identification.

\_\_\_\_\_  
Notary Public  
State of Florida at Large

My Commission Expires:

**EXHIBIT A**

**FOLIO NUMBERS**

**LEGAL DESCRIPTIONS**

03-7904-000-0013	COMM NE COR OF NE1/4 S 89 DEG W 1331.73FT S 00 DEG W 40FT FOR POB S 00 DEG W 623.41FT S 89 DEG W 665.50FT N 00 DEG W 623.08FT N 89 DEG E 665.84FT TO POB LESS N40FT & W25FT FOR R/WA/K/A HUD 1 F/A/U 30-7904-000-0010
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