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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Agenda Item No. 14(A)(3)

TO:	Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners	**DATE:**	December 18, 2007
FROM:	R. A. Cuevas, Jr. County Attorney	**SUBJECT:**	Resolution authorizing extension of time for the County to enforce its deed reverter on land transferred from Miami-Dade County to South Miami Heights Community Development Corporation, Inc.

R-1404-07

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

R. A. Cuevas, Jr.
County Attorney

RAC/bw

MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners

DATE: December 18, 2007

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Agenda Item No. 14(A)(3)

Please note any items checked.

✓	"4-Day Rule" ("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
	Bid waiver requiring County Manager's written recommendation
	Ordinance creating a new board requires detailed County Manager's report for public hearing
	Housekeeping item (no policy decision required)
✓	No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 14(A)(3)
12-18-07

RESOLUTION NO. R-1404-07

RESOLUTION AUTHORIZING THE COUNTY MANAGER TO APPROVE THE EXTENSION OF TIME FOR MIAMI-DADE COUNTY TO ENFORCE ITS DEED REVERTER ON LAND TRANSFERRED FROM MIAMI-DADE COUNTY TO SOUTH MIAMI HEIGHTS COMMUNITY DEVELOPMENT CORPORATION, INC., FOR DEVELOPMENT OF FORTY-FIVE (45) AFFORDABLE SINGLE FAMILY HOUSING UNITS

WHEREAS, this Board by Resolution No. 826-07 adopted on July 10, 2007, attached as Exhibit A, authorized the extension of the reverter on the property known as the "Caribbean Palms Development" located between S.W. 203 Street on the North, S.W. 206 Street on the South, S.W. 120 Avenue on the West and S.W. 119 Avenue on the East, to develop 45 affordable single family housing units by South Miami Heights Community Development Corporation, Inc., (SMHCDC); and

WHEREAS, on August 28, 2007, Bankers Lending Services, Inc., filed a foreclosure action in Miami-Dade County Circuit Court on the property to foreclose its mortgage; and

WHEREAS, SMHCDC was thereafter unable to secure private financing for its Caribbean Palms Development; and

WHEREAS, additional time would be required to work out all necessary terms of a financing plan with all of the parties including Miami-Dade County in order to proceed with the Caribbean Palms Development,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board directs the County Manager as follows:

Section 1. Provide an extension of additional time for the reverter in the County Deed to South Miami Heights Community Development Corporation, Inc., from December 31, 2007, to April 30, 2008, for the purpose of securing private financing and to work out all financial and other development arrangements required by and with the County for its Caribbean Palms Development.

Section 2. Upon failure of SMHCDC to secure said private financing and to work out all financial and other development arrangements required by and with the County for its Caribbean Palms Development to proceed by April 30, 2008, then the Quit Claim Deed to the property in favor of Miami-Dade County now in the possession of the County pursuant to Resolution No. 826-07 shall be filed in the public records of Miami-Dade County, Florida.

Section 3. Upon successfully securing financing and working out all financial and other development arrangements required by and with the County for its Caribbean Palms Development by April 30, 2008, the Quit Claim Deed shall be stricken through and returned to the developer.

The foregoing resolution was sponsored by Commissioner Dennis C. Moss and offered by Commissioner Audrey M. Edmonson , who moved its adoption. The motion was seconded by Commissioner Dennis C. Moss and upon being put to a vote, the vote was as follows:

Bruno A. Barreiro, Chairman aye
Barbara J. Jordan, Vice-Chairwoman aye

Jose "Pepe" Diaz	absent	Audrey M. Edmonson	aye
Carlos A. Gimenez	aye	Sally A. Heyman	absent
Joe A. Martinez	aye	Dennis C. Moss	aye
Dorrin D. Rolle	aye	Natacha Seijas	aye
Katy Sorenson	absent	Rebeca Sosa	absent
Sen. Javier D. Souto	absent		

The Chairperson thereupon declared the resolution duly passed and adopted this 20th day of December, 2007. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

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

HARVEY RUVIN, CLERK

Kay Sullivan

By:_____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Thomas Goldstein

EXHIBIT A

MEMORANDUM

Agenda Item No. 11(A)(2)

TO: Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners

DATE: July 10, 2007

FROM: R. A. Cuevas, Jr. Acting County Attorney

SUBJECT: Resolution authorizing the County Manager to approve the extension of time for Miami-Dade County to enforce its deed reverter on land transferred from Miami-Dade County to South Mami Heights Community Development Corporation, Inc.

R#826-07

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

R. A. Cuevas, Jr.
Acting County Attorney

RAC/jls

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MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners

DATE: July 10, 2007

FROM: R.A. Cuevas, Jr. Acting County Attorney

SUBJECT: Agenda Item No. 11(A)(2)

Please note any items checked.

_____ "4-Day Rule" ("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

_____ Bid waiver requiring County Manager's written recommendation

_____ Ordinance creating a new board requires detailed County Manager's report for public hearing

_____ Housekeeping item (no policy decision required)

_____ No committee review

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Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(2)
07-10-07

RESOLUTION NO. 826-07

RESOLUTION AUTHORIZING THE COUNTY MANAGER TO APPROVE THE EXTENSION OF TIME FOR MIAMI-DADE COUNTY TO ENFORCE ITS DEED REVERTER ON LAND TRANSFERRED FROM MIAMI-DADE COUNTY TO SOUTH MIAMI HEIGHTS COMMUNITY DEVELOPMENT CORPORATION, INC., FOR DEVELOPMENT OF FORTY-FIVE (45) AFFORDABLE SINGLE FAMILY HOUSING UNITS; AND AUTHORIZING THE COUNTY MANAGER TO ACCEPT A QUIT CLAIM DEED FOR THE LAND PENDING MEETING THE EXTENSION OF TIME

WHEREAS, South Miami Heights Community Development Corporation, Inc., (SMHCDC) has developed a 16-unit affordable housing project named Pecks Landing in the same area, and has reported that all units have been sold to low- and moderate-income homebuyers by partnering with the Housing Finance Authority; and

WHEREAS, on October 6, 1998, through Resolution R-1158-98, the Board authorized the conveyance of 14.7 acres of cleared land bounded by S.W. 203 Street to the North, S.W. 206 Street to the South, S.W. 120 Avenue to the West and S.W. 119 Avenue to the East, in Miami-Dade County, Florida, that was previously part of the Caribbean Gardens public housing site to SMHCDC to develop as the "Caribbean Palms" Development with 45 affordable single family housing units, a childcare facility, and open green space; and

WHEREAS, on January 5, 2001, a deed (Attachment A) was executed by Miami-Dade County transferring ownership to SMHCDC, and the deed provides that if the land is not developed as affordable single-family housing and a child day-care facility within five years (by January 5, 2006), the property shall automatically revert to the County; and

WHEREAS, from 1995 through 2003, the County has allocated a total of $1.421 million towards the development and construction of Caribbean Palms with the funding source awarded as follows:

Funding Source	**Amount**	**Activity**
Community Development Block Grant	$812,952	Partially fund removal of existing Water and sewer lines
Hurricane Andrew Trust Fund	75,000	Organizational support
Commission District Funds (General Fund)	50,000	Organizational support
HOME Investment Partnership	484,000	Construction Financing
TOTAL	**$1,421,952**	

WHEREAS, in 2005, the County recaptured its HOME award of $484,000.00, since, SMHCDC, did not close on the HOME loan within the required two (2) years pursuant to the Federal HOME guidelines; however, this item does not allocate any additional funds to the Project; and

WHEREAS, the land today remains vacant, and SMHCDC has invested $1.8 million of non-County funds to complete construction of the roads and a sewer pump station, construction of the child daycare center and the 45 homes cannot begin until additional funding of $5 million is secured, which will come from the private sector, of which no funds are currently in place because they cannot establish clear title to the property because of the reverter; and

WHEREAS, the Caribbean Palms is located in Commission District Nine and will increase the available housing stock for low- to moderate-income homebuyers; and

WHEREAS, should Miami-Dade County deny the request for the extension of time to December 31, 2007, both private and public financing utilized to complete the infrastructure development would be lost, negatively impacting one of the U.S. Department of Housing and Urban Development's National objectives of developing viable communities by providing decent

housing. At that point, it is possible that US HUD would exercise its authority to deem the awarded CDBG funds as ineligible costs and may require de-obligation of those funds; and

WHEREAS, if the developer fails to receive private financing to cover the additional costs of the project before December 31, 2007, the land will revert back to the County; and

WHEREAS, SMHCDC will execute a quit-claim deed to Miami-Dade County free and clear of all liens and encumbrances, such deed to be held in escrow by the County until January 2, 2008; thereafter, the deed will either be filed in the Public Records of Miami-Dade County if the SMHCDC failed to secure private financing by December 31, 2007, or if SMHCDC has secured private financing by December 31, 2007, the deed will be stricken through and returned to SMHCDC,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board directs the County Manager as follows:

Section 1. Upon receipt of a quit-claim deed to be held in escrow for the land subject to the reverter, as described on Attachment A, provide an extension of time to South Miami Heights Community Development Corporation, Inc., from January 5, 2006 to December 31, 2007, for the purpose of securing private financing for its Caribbean Palms Project.

Section 2. Upon failure of South Miami Heights Community Development Corporation, Inc., to secure said private financing by December 31, 2007, said deed shall be filed in the public records of Miami-Dade County, Florida.

Section 3. Upon successfully securing financing by December 31, 2007, said deed shall be stricken through and returned to the developer.

The foregoing resolution was sponsored by Commissioner Dennis C. Moss and 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:

Bruno A. Barreiro, Chairman
Barbara J. Jordan, Vice-Chairwoman

Jose "Pepe" Diaz	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Joe A. Martinez	Dennis C. Moss
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 10th day of July, 2007. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this 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.

Thomas Goldstein

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OFF REC 19518 PG. 1303

Instrument prepared by and return to:
Elva R. Marin
Miami-Dade County
General Services Administration
111 NW 1st St, Suite 2460
Miami, FL 33128

01R091982 2001 FEB 27 10:28

DOCSTPDEE 0.60 SURTX 0.00
HARVEY RUVIN, CLERK DADE COUNTY, FL

Folio No: 30-6912-013-0010
Grantees' Tax ID#:_____

COUNTY DEED

THIS DEED, made this 5th day of January, 2001, between **MIAMI-DADE COUNTY, FLORIDA, a political subdivision of the State of Florida,** whose address is: Stephen P. Clark Center, 111 N.W. 1 Street Suite 17-202, Miami, Florida 33128-1963, party of the first part, and **SOUTH MIAMI HEIGHTS COMMUNITY DEVELOPMENT CORPORATION, a Florida not-for-profit corporation**, whose address is: 12195 Quail Roost Drive, Building #3, Miami, Florida, party of the second part,

WITNESSETH, that said party of the first part, for and in consideration of the sum of Ten Dollars ($10.00), to it in hand paid by party of the second part, receipt whereof is hereby acknowledged, does hereby by grant, bargain and sell to party of the second part, its successors and assigns forever, the following described land, lying and being in Miami-Dade County, Florida, to wit:

LOTS 1-16 BLOCK 1, LOTS 1-16 BLOCK 2, LOTS 1-4 BLOCK 3, LOTS 1-9 BLOCK 4, TRACT B AND TRACT C, CARIBBEAN PALMS, AS RECORDED IN PLAT BOOK 156 AT PAGE 70 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA

SUBJECT TO:

1. Taxes for the year 2000 and subsequent years.
2. Matters appearing on the plat.
3. Existing zoning ordinances and other governmental regulations. Covenants, conditions, easements and restrictions or record, if any, but this shall not operate to reimpose same.
4. Mortgages and notes provided to Miami-Dade County, rental regulatory agreements, covenants of restriction, covenants, conditions, easements and restrictions of record, if any, but this shall not operate to reimpose same.

ATTACHMENT A ✗ 12

10.12

It is the express intention of the party of the second part, South Miami Heights Community Development Corporation, to construct affordable single family homes and a child day-care facility on the Property. If this land is not developed as affordable single family housing and a child day-care facility within five (5) years from the date of this conveyance, the Property shall automatically revert to the party of the first part, Miami-Dade County, its successors and assigns, and Miami-Dade County shall be entitled and have the right to immediate possession thereof.

This grant conveys only the interest of Miami-Dade County and its Board of County Commissioners in the Property herein described and shall not warrant title thereto.

IN WITNESS WHEREOF, the said party of the first part, has caused these presents to be executed in its name by its Board of County Commissioners acting by the Mayor of said Board, and attested by the Clerk or Deputy Clerk, the day and year aforesaid.

(OFFICIAL SEAL)

ATTEST:
HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

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

By: _____
Alexander Penelas, Mayor

The foregoing was authorized and approved by Resolution No. R-1158-98 of the Board of County Commissioners of Miami-Dade County, Florida, on the 6th day of October, 1998.

Approved to form and legal sufficiency _____

RECORDED IN OFFICIAL RECORDS BOOK
OF DADE COUNTY, FLORIDA
RECORD VERIFIED
HARVEY RUVIN
CLERK CIRCUIT COURT

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