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

MEMORANDUM

Amended
Agenda Item No. 14(A)(2)

TO:	Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners	**DATE:**	April 22, 2008
FROM:	R. A. Cuevas, Jr. County Attorney	**SUBJECT:**	Resolution authorizing Mayor to approve extension of time for the County to enforce its Deed Reverter on land transferred from the County to South Miami Heights Community Development Corp.
		R#447-08	

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: April 22, 2008

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

SUBJECT: Amended Agenda Item No. 14(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

Approved _____ Mayor
Veto _____
Override _____

Amended
Agenda Item No. 14(A)(2)
4-22-08

RESOLUTION NO. R-**447-08**

RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNEE 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, and Resolution No. 1404-07 authorized extensions 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 is 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 Mayor or his designee 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 April 30, 2008 to July 31, 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 July 31, 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 July 31, 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 **Dennis C. Moss**, who moved its adoption. The motion was seconded by Commissioner **Joe A. Martinez** 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	**aye**	Audrey M. Edmonson	**aye**
Carlos A. Gimenez	**aye**	Sally A. Heyman	**aye**
Joe A. Martinez	**aye**	Dennis C. Moss	**aye**
Dorrin D. Rolle	**aye**	Natacha Seijas	**aye**
Katy Sorenson	**aye**	Rebeca Sosa	**aye**
Sen. Javier D. Souto	**aye**		

The Chairperson thereupon declared the resolution duly passed and adopted this 22nd day of April, 2008. 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: **Kay Sullivan**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Thomas Goldstein

Instrument prepared under the direction of
Thomas Goldstein, Assistant County Attorney
111 N.W. lst Street, 28th floor
Miami, Florida 33128-1907

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

CORRECTIVE COUNTY DEED

The purpose of this Corrective County Deed is to extend the time of Reverter on the subject property to July 31, 2008, in order for the Grantee to secure financing and to work out all financial and other development arrangements required by and with Miami-Dade County for its Caribbean Palms Development Project on the property. This Corrective County Deed shall supersede and replace the restrictions stated in the previous County Deed recorded on the Property in Official Records Book 26135 at Pages 2576-2577, on December 31, 2007 and Official Records Book 19518, at Page 1303 on February 27, 2001, of the Public Records of Miami-Dade County, and of any Corrective County Deed previously executed.

THIS DEED, made this _____ day of April, 2008, 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 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 of 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.

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, or until July 31, 2008, whichever date is later, 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.

OFFICIAL SEAL

ATTEST:
HARVEY RUVIN, CLERK

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

BY: _____
Deputy Clerk

BY: _____
Mayor

The foregoing was authorized and approved by Resolution No. 447-08 of the Board of County Commissioners of Miami-Dade County, Florida, on the 22nd day of April, 2008.

Approved to form and legal sufficiency _____