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

MEMORANDUM Agenda Item No. 11(A)(5)

TO: Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

DATE: April 7, 2009

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

SUBJECT: Resolution establishing official County policy that when the County conveys property with reverter clauses or conditions in deeds, County department shall request from tax collector annual tax notices on said property until conditions for reverter are no longer valid

Resolution No. R-377-09

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Carlos A. Gimenez.

R. A. Cuevas, Jr.
County Attorney

RAC/cp

RESO\2078

MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

DATE: April 7, 2009

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

SUBJECT: Agenda Item No. 11(A)(5)

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 Mayor'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. 11(A)(5)

4-7-09

RESOLUTION NO. **R-377-09**

RESOLUTION ESTABLISHING OFFICIAL COUNTY POLICY THAT WHEN THE COUNTY CONVEYS PROPERTY WITH REVERTER CLAUSES OR CONDITIONS IN DEEDS, COUNTY DEPARTMENT SHALL REQUEST FROM TAX COLLECTOR ANNUAL TAX NOTICES ON SAID PROPERTY UNTIL CONDITIONS FOR REVERTER ARE NO LONGER VALID

WHEREAS, the County frequently conveys property by donation or sale, requiring compliance with certain conditions such as development within a specified number of years, the annual payment of taxes, or other such similar conditions; and

WHEREAS, in situations where such conditions are not complied with, the County may have a right to reclaim possession of such property; and

WHEREAS, in situations where the County retains a reverter right in such property if taxes are not paid, it is in the County's best interest to annually monitor the payment of taxes on said property to ensure that said property is not lost through the nonpayment of taxes,

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

Section 1. For all County agencies and departments involved in the sale or transfer of property wherein the deed of transfer evidences an obligation to comply with certain conditions or contains a right of reverter, involved agencies or departments shall request that the Miami-Dade County Tax Collector provide them with duplicate annual tax notices for the property pursuant to Section 197.343, Florida Statutes.

Section 2. Mayor shall distribute a copy of this resolution to all County agencies and departments conveying property, so that henceforth they undertake the practice of monitoring the

tax payment history on parcels of real property which has been conveyed with conditions or a right of reverter.

The Prime Sponsor of the foregoing resolution is Commissioner Carlos A. Gimenez. It was offered by Commissioner **Joe A. Martinez**, who moved its adoption. The motion was seconded by Commissioner **Jose "Pepe" Diaz** and upon being put to a vote, the vote was as follows:

Dennis C. Moss, Chairman **aye**
Jose "Pepe" Diaz, Vice-Chairman **aye**

Bruno A. Barreiro	**absent**	Audrey M. Edmonson	**aye**
Carlos A. Gimenez	**aye**	Sally A. Heyman	**aye**
Barbara J. Jordan	**aye**	Joe A. Martinez	**aye**
Dorrin D. Rolle	**aye**	Natacha Seijas	**aye**
Katy Sorenson	**aye**	Rebeca Sosa	**aye**
Sen. Javier D. Souto	**aye**		

The Chairman thereupon declared the resolution duly passed and adopted this 7th day of April, 2009. 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.

James K. Kracht

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