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OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

Memorandum

MIAMI-DADE COUNTY

Agenda Item No. 14(A)30

Date: June 15, 2010

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

From: George M. Burgess
County Manager

Subject: Execution of a Release of Deed Restrictions on two (2) Infill Housing Program lots Located at 5313 NE 1 Avenue and 3235 NW 10 Avenue, Miami

Resolution No. R-656-10

Recommendation

It is recommended that the Board approve the attached resolution authorizing the Mayor to execute and record a Release of Deed Restrictions on two (2) Infill Housing Program lots located at 5313 NE 1 Avenue and 3235 NW 10 Avenue, Miami. This Release of Deed Restrictions was placed on the agenda at the request of the City of Miami.

Scope

COMMISSION DISTRICT(S): 3

COMMISSION DISTRICT(S) IMPACTED: 3

Background

MANAGING DEPARTMENT:	General Services Administration
FOLIO NUMBER:	01-3126-079-0010
LOT SIZE:	4,500 square feet
LOCATION:	3235 NW 10 Avenue
ZONING:	Two Family Residence
CURRENT USE:	Duplex Unit
FOLIO NUMBER:	01-3124-008-0120
LOT SIZE:	4,367 square feet
LOCATION:	5313 NE 1 Avenue
ZONING:	Two Family Residence
CURRENT USE:	Single Family Residence

JUSTIFICATION: Resolution No. R-623-02, approved by the Board on June 6, 2002, authorized the conveyance of four (4) lots to Affordable Housing Solutions for Florida, Inc. (Affordable Housing Solutions), a not-for-profit corporation, for the development of infill housing. Affordable Housing Solutions joint ventured with The Housing League, (Housing League) Inc., a not-for-profit corporation, who secured the financing from Florida Community Partners (lender), a not-for-profit corporation. They built two duplexes (four units) and one single family home on three of the lots. The fourth lot remains vacant. On January 23, 2009, Affordable Housing Solutions quit claimed all four lots to the Housing League, with the improvements. The Housing League sold three of the duplex units. However, they were unable to find buyers for the single family home and the remaining duplex unit and ended up deeding them to the lender.

The City of Miami, through its Neighborhood Stabilization Program (NSP), has purchased the single family home from the lender and has selected a low-income buyer for the home, which is ready to close. The City is also negotiating with the lender the purchase of the remaining duplex unit. Since they are using NSP funds, the City is required to use a restrictive covenant which contains the restrictions approved by US HUD. However, since the lots originated in the County's Infill Program, they are required to use the County's Infill Housing restrictive covenant, which is different than the City's restrictive covenant. The major difference between the two covenants is that the City's restrictions last for thirty years, while the County's restrictions can last up to sixty years if no single buyer stays in the home for twenty consecutive years. Attached is a letter from the City of Miami requesting that the County release its deed restrictions and a copy of the City's restrictive covenant

Although the County can enforce its reversionary rights pursuant to the County deed restrictions, the County would then be liable for the outstanding mortgage and would have to find buyers for the houses. The County does not have the funds to pay off the mortgage and NSP funds cannot be used due to the fact that the houses are located within the City of Miami. The release of restrictions will not be recorded until the City has purchased the house and duplex unit and the Housing League has conveyed the vacant lot back to the County, free and clear of any taxes and mortgages.

Fiscal Impact There is no fiscal impact to Miami-Dade County. No County funds used.

Track Record/Monitor

MONITOR: Elva R. Marin, Real Estate Manager

DELEGATED AUTHORITY: Authorizes the County Mayor to execute and record a Release of Deed Restrictions.

Wendi J. Norris, Director
General Services Administration

MEMORANDUM

(Revised)

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

DATE: June 15, 2010

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

SUBJECT: Agenda Item No. 14(A)(30)

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**

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

_____ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous _____) 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. 14(A)(30)
6-15-10

RESOLUTION NO. R-656-10

RESOLUTION AUTHORIZING THE COUNTY MAYOR TO EXECUTE AND RECORD RELEASES OF DEED RESTRICTIONS FOR TWO PROPERTIES LOCATED AT 5313 NE 1 AVE. AND 3235 NW 10 AVE., MIAMI, FLORIDA IF CERTAIN CONDITIONS ARE MET BY THE CITY OF MIAMI AND THE HOUSING LEAGUE, INC.; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN

WHEREAS, this Board desires to accomplish the purpose outlined in the accompanying memorandum, for the properties described in the accompanying Releases of Deed Restrictions, copies of which are incorporated herein and made a part thereof,

NOW, THEREOF, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board authorizes the County Mayor to execute and record a Releases of Deed Restrictions, in substantially the form attached hereto as Exhibit "A," and Exhibit "B," and made a part hereof, for properties located at 5323 NE 1 Avenue, Miami, Florida and 3235 NW 10 Avenue, Miami, Florida with the condition that City of Miami has purchased the housing units, which are more fully described in Exhibits "A" and "B" and The Housing League, Inc. has conveyed the vacant lot located at 152 N.W. 58 Street, Miami, Florida (Folio No. 0131130600270) to the County; pursuant to Resolution No. R-974-09 the Board (a) directs the County Mayor or the County Mayor's designee to record the Releases of Deed Restrictions authorized herein in the public records of Miami-Dade County and to provide a recorded copy of the County Deed to the Clerk of the Board within thirty (30) days of execution of the Releases of Deed Restrictions; and, (b) directs the Clerk of the Board to attach and permanently store a recorded copy of the Releases of Deed Restrictions together with this resolution; and authorizes the County Mayor or County Mayor's designee to exercise any and all other rights referred.

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The foregoing resolution was offered by Commissioner Barbara J. Jordan, who moved its adoption. The motion was seconded by Commissioner Audrey M. Edmonson 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	absent
Sen. Javier D. Souto	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 15th day of June, 2010. 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: DIANE COLLINS
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Terrence A. Smith