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

Memorandum

MIAMI-DADE COUNTY

Agenda Item No. 8(F)(1)(H)

Date: December 7, 2010

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

From: George M. Burgess
County Manager

Resolution No. R-1172-10

Subject: Resolution authorizing the exchange of County-owned property located at approximately SW 213 Street and SW 120 Avenue for an infill housing lot located at approximately SW 179 Street and SW 103 Avenue being returned by D.S. Development Corporation

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This item was amended during the November 9, 2010 Government Operations Committee meeting to correct a scrivener's error in the first paragraph of the County Deed to reflect the name of the Party of the Second Part as D.S. Development Corporation instead of O.S. Development Corporation.

Recommendation

It is recommended that the Board approve the attached resolution authorizing the exchange of County-owned property located at approximately SW 213 Street and SW 120 Avenue, Miami, for an infill housing lot, located at approximately SW 179 Street and SW 103 Avenue, Miami, being returned by D.S. Development Corporation, and authorizing the Mayor to execute a County Deed for such purpose, subject to the standard infill housing restrictions.

Scope:

FOLIO NO. OF COUNTY LOT:	30-6912-004-0240
ADDRESS OF COUNTY LOT:	Approximately SW 213 Street and SW 120 Avenue
SIZE OF COUNTY LOT:	6,240 Sq. Ft.
2010 ASSESSED VALUE OF COUNTY LOT:	$15,600.00
ZONING OF COUNTY LOT:	RU-2
CURRENT USE OF COUNTY LOT:	Unimproved
COMMISSION DISTRICT OF COUNTY LOT:	9
FOLIO NO. OF RETURNED LOT:	30-5032-000-0990
ADDRESS OF RETURNED LOT:	Approximately SW 179 Street and SW 103 Avenue
SIZE OF RETURNED LOT:	6,534 Sq. Ft.

/

2010 ASSESSED VALUE OF RETURNED LOT:	$21,236.00
ZONING OF RETURNED LOT:	RU-2
CURRENT USE OF RETURNED LOT:	Unimproved
COMMISSION DISTRICT OF RETURNED LOT:	9
FISCAL IMPACT:	No Fiscal Impact

BACKGROUND:

On May 11, 2004, K & K Custom Homes, Inc. purchased, via competitive bid, two lots through the County's Infill Housing Program. K & K Custom Homes' bid in the amount of $16,100.00 was the highest. The sale was authorized by Resolution No. R-557-04. K & K Custom Homes completed one home, and sold it to a low-income family, but was unable to proceed with construction on the second lot due to the fact that they discovered that a portion of the adjacent home, located at 17821 SW 103 Ave., was encroaching on the lot. Attached is a survey that shows the encroachment (Exhibit "A"). In addition, the lot is located in the newly created West Perrine Urban Design Zoning District which requires certain design elements that cannot be accommodated on a lot of this shape and size.

Mr. Jose Diaz, the principal director of K & K Custom Homes would like to return the non-buildable lot for a lot that is buildable. Also, Mr. Diaz is requesting that the lot be conveyed to his new corporation, D.S. Development Corporation, which is the company that presently holds title to the lot that is being returned to the County. K & K Custom Homes was voluntarily dissolved on September 25, 2008 by Mr. Diaz when he partnered with Mr. Rafael Suarez, another single family home developer, and created D.S. Development Corporation. D.S. Development Corporation and K & K Custom Homes have built a total of three (3) homes through the County's Infill Housing Initiative, all of which have been sold to low-income families.

JUSTIFICATION:	The County-owned property being recommended for conveyance is buildable and is assessed at a lesser value than the one being returned. Once Mr. Diaz conveys his property back to the County, the County will convey the replacement lot via County Deed, subject to the standard Infill Housing restrictions.

Track Record/Monitor:

MANAGING DEPARTMENT:	General Services Administration
MONITOR:	Alan Eson, Real Estate Officer
DELEGATED AUTHORITY:	Authorizes the County Mayor to execute and record a County Deed.

Wendi J. Norris, Director
General Services Administration

MEMORANDUM
(Revised)

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

DATE: December 7, 2010

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

SUBJECT: Agenda Item No. 8(F)(1)(H)

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. 8(F)(1)(H)
12-7-10

RESOLUTION NO. R-1172-10

RESOLUTION APPROVING THE EXCHANGE OF COUNTY-OWNED PROPERTY LOCATED AT APPROXIMATELY SW 213 STREET AND SW 120 AVENUE WITH AN ASSESSED MARKET VALUE OF $15,600 FOR REAL PROPERTY OWNED BY D.S. DEVELOPMENT CORPORATION, LOCATED AT APPROXIMATELY SW 179 STREET AND SW 103 AVENUE WITH AN ASSESSED MARKET VALUE OF $21,236; AND AUTHORIZING THE COUNTY MAYOR TO EXECUTE A COUNTY DEED

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

WHEREAS, this Board is satisfied that said County Property can be used for the purpose of infill development and is not needed by the County for any other purpose; and

WHEREAS, this Board finds that pursuant to Section 125.37 of the Florida Statutes this exchange of property serves the best interest of the County,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board hereby approves the exchange of County-owned property, located at approximately SW 213 Street and SW 120 Avenue, Miami, for real property owned by D.S. Development Corporation, located at approximately SW 179 Street and SW 103 Avenue; authorizing the Mayor to execute a County Deed substantially in the form attached hereto, and, pursuant to Resolution No. R-974-09 (a) directing the County Mayor or his designee to record the County Deed authorized herein in the

public records of Miami-Dade County to provide a recorded copy of the County Deed to the Clerk of the Board within thirty (30) days of execution and final acceptance; and, (b) direct the Clerk of the Board to attach and permanently store a recorded copy of County Deed together with this resolution.

The foregoing resolution was offered by Commissioner **Sally A. Heyman** , who moved its adoption. The motion was seconded by Commissioner **Rebeca Sosa** 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	**aye**	Lynda Bell	**aye**
Audrey M. Edmonson	**aye**	Carlos A. Gimenez	**aye**
Sally A. Heyman	**aye**	Barbara J. Jordan	**aye**
Joe A. Martinez	**aye**	Jean Monestime	**aye**
Natacha Seijas	**aye**	Rebeca Sosa	**aye**
Sen. Javier D. Souto	**absent**		

The Chairperson thereupon declared the resolution duly passed and adopted this 7th day of December, 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

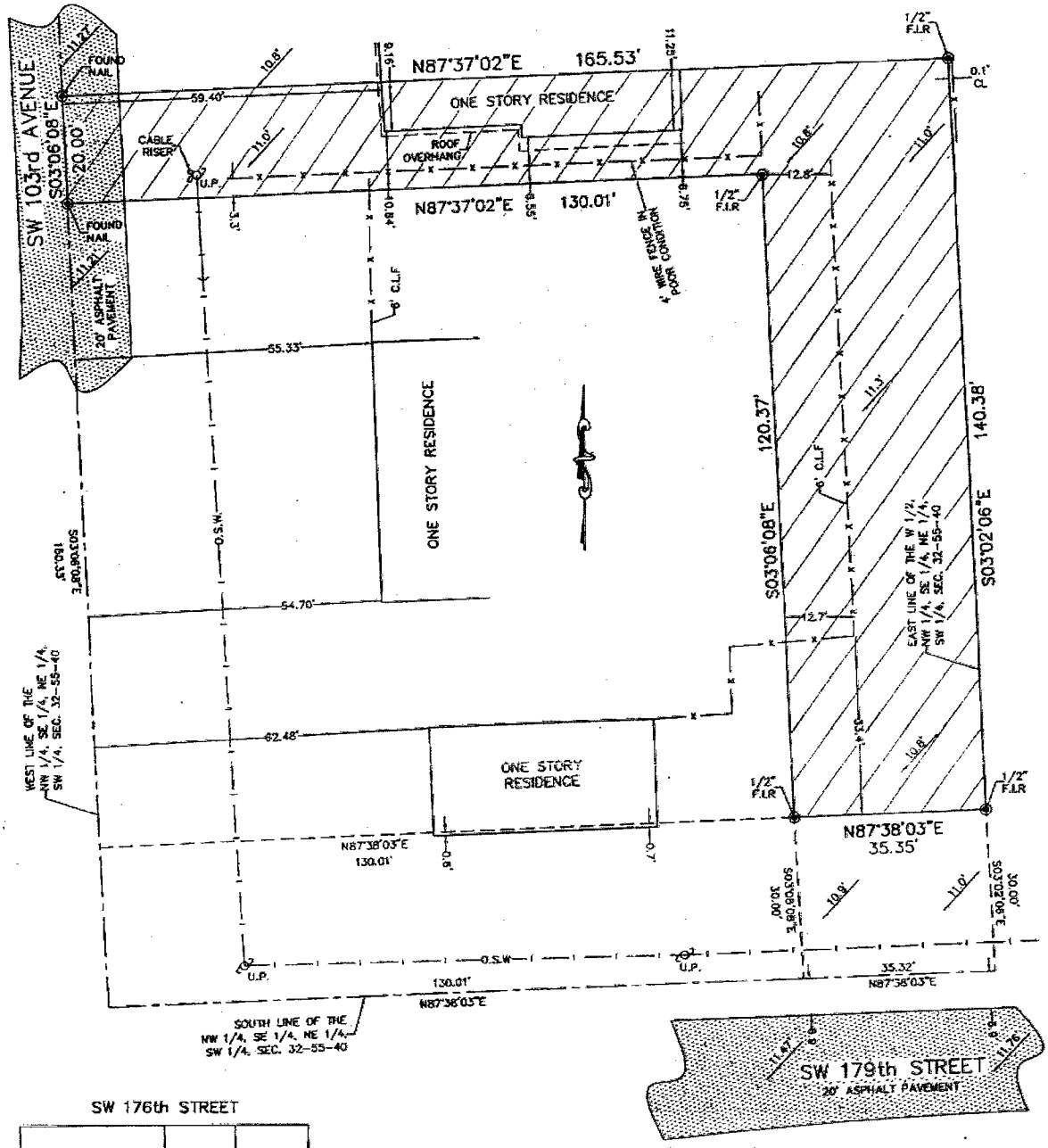
HARVEY RUVIN, CLERK

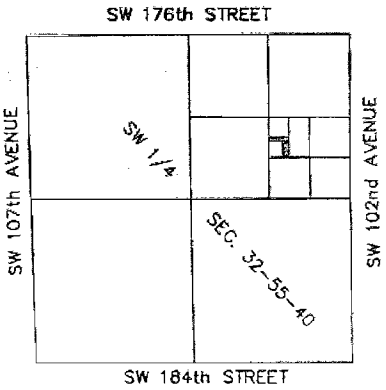
By: **DIANE COLLINS**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

EXHIBIT "A"
MAP OF BOUNDARY SURVEY

(BOUNDARY SURVEY)
SCALE 1" = 20'





LOCATION SKETCH
(NOT TO SCALE)

LEGAL NOTES

THIS SKETCH REFLECTS ALL EASEMENT AND RIGHT OF WAY AS SHOWN ON THE REFERENCED PLAT. UNDERGROUND PHYSICAL USED AND/OR FOUNDATIONS NOT LOCATED OR SHOWN. THERE ARE NO VISUAL ENCROACHMENTS OTHER THAN THOSE SHOWN HEREON. ELEVATIONS SHOWN HEREON (IF APPLICABLE) REFER TO N.G.V.D. 1929. A TITLE REPORT WAS NOT PROVIDED FOR THIS SURVEY. THEREFORE, THERE MAY BE RESTRICTIONS ON THIS PARCEL THAT ARE NOT SHOWN AND MAY BE FOUND IN THE PUBLIC RECORDS OF THE ABOVE INDICATED COUNTY. THIS SURVEY DOES NOT REFLECT OR DETERMINE OWNERSHIP IN ANY MANNER. IT IS A VIOLATION OF RULE 61G17-6 OF THE FLORIDA ADMINISTRATIVE CODE TO ALTER THIS SURVEY DRAWING WITHOUT THE PRIOR WRITTEN CONSENT OF THE SURVEYOR.
NO APPRAISAL SHOULD BE MADE BASED ON THE SURVEY INFORMATION.
THE CERTIFICATE DOES NOT EXTEND TO ANY UNNAMED ENTITY.
LIABILITY LIMITED TO THE SURVEY FEE CHARGED

15278 SW 39th TERRACE,
MIAMI, FLORIDA 33185

JULIO E. PEREZ, P.S.M.
PROFESSIONAL SURVEYOR & MAPPER
CERTIFICATE No LS- 6029 STATE OF FLORIDA.

CELL (305) 342-6810
PHONE (305) 485-1758
FAX (305) 485-3505

ORDER NO. 04-486
DATE OF SURVEY: AUG. 19, 2004
SHEET 2 OF 2
NOT VALID WITHOUT SHEET 1 OF 2.

My Home
Miami-Dade County, Florida

miamidade.gov

MIAMI-DADE

Property Information Map

Aerial Photography - 2009 0 113 ft

This map was created on 11/29/2010 7:46:22 AM for reference purposes only.

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Close

Summary Details:

Folio No.:	30-6912-004-0240
Property:	
Mailing Address:	MIAMI-DADE COUNTY GSA R/E MGMT 111 NW 1 ST STE 2460 MIAMI FL 33128-1929

Property Information:

Primary Zone:	5700 TWO FAMILY RESIDENCE
CLUC:	0080 VACANT LAND-GOVERNMENTAL
Beds/Baths:	0/0
Floors:	0
Living Units:	0
Adj Sq Footage:	0
Lot Size:	6,240 SQ FT
Year Built:	0
Legal Description:	SYMMES-SHARMAN TRACT PB 9-170 LOT 1 BLK 2 LOT SIZE 47.900 X 130 OR 19870-4954 0801 3

Assessment Information:

Year:	2010	2009
Land Value:	$15,600	$34,320
Building Value:	$0	$0
Market Value:	$15,600	$34,320
Assessed Value:	$15,600	$34,320

Taxable Value Information:

Year:	2010	2009
Taxing Authority:	Applied Exemption/ Taxable Value:	Applied Exemption/ Taxable Value:
Regional:	$15,600/$0	$34,320/$0
County:	$15,600/$0	$34,320/$0
School Board:	$15,600/$0	$34,320/$0

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My Home
Miami-Dade County, Florida

miamidade.gov

MIAMI-DADE

Property Information Map

Aerial Photography - 2009 0 115 ft

This map was created on 11/29/2010 7:46:54 AM for reference purposes only.

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Close

Summary Details:

Folio No.:	30-5032-000-0990
Property:	
Mailing Address:	D S DEVELOPMENT CORP 3721 SW 127 AVE MIAMI FL 33175-

Property Information:

Primary Zone:	5700 TWO FAMILY RESIDENCE
CLUC:	0081 VACANT LAND
Beds/Baths:	0/0
Floors:	0
Living Units:	0
Adj Sq Footage:	0
Lot Size:	6,534 SQ FT
Year Built:	0
Legal Description:	32 55 40 .15 AC S1/2 OF W1/2 OF NW1/4-SE1/4-NE1/4 SW1/4 & LESS S.30FT RD & LESS N40FT OF S70FT OF W130FT LESS S75FT OF N95FT OF W130FT LOT SIZE SITE VALUE

Assessment Information:

Year:	2010	2009
Land Value:	$21,236	$47,372
Building Value:	$0	$0
Market Value:	$21,236	$47,372
Assessed Value:	$21,236	$47,372

Taxable Value Information:

Year:	2010	2009
Taxing Authority:	Applied Exemption/ Taxable Value:	Applied Exemption/ Taxable Value:
Regional:	$0/$21,236	$0/$47,372
County:	$0/$21,236	$0/$47,372
School Board:	$0/$21,236	$0/$47,372

Sale Information:

Sale Date:	9/2009
Sale Amount:	$47,300
Sale O/R:	27029-2014
Sales Qualification Description:	Transaction involving affiliated parties (family, corporate, business, landlord-tenant).
View Additional Sales	

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FLORIDA DEPARTMENT OF STATE
DIVISION OF CORPORATIONS

Detail by Entity Name

Florida Profit Corporation

D.S. DEVELOPMENT CORPORATION

Filing Information

Document Number	P04000026484
FEI/EIN Number	134273914
Date Filed	02/09/2004
State	FL
Status	ACTIVE

Principal Address

3721 SW 127 AVE
MIAMI FL 33175

Mailing Address

3721 SW 127 AVE
MIAMI FL 33175

Registered Agent Name & Address

SUAREZ, RAFAEL
3721 SW 127 AVE
MIAMI FL 33175

Officer/Director Detail

Name & Address

Title DP

SUAREZ, RAFAEL
3721 SW 127 AVE
MIAMI FL 33175

Title DV

DIAZ, JOSE L
3721 SW 127 AVE
MIAMI FL 33175

Annual Reports

Report Year	Filed Date
2008	06/13/2008
2009	04/30/2009
2010	03/01/2010

Document Images

10

Instrument Prepared by and Return to:
Miami-Dade County
GSA Infill Housing Program
111 N.W. 1 Street, Suite 2460
Miami, Florida 33128-1907

Folio No: 30-6912-004-0240

COUNTY DEED

THIS DEED, made this _____day of _____, 200__ AD. by MIAMI-DADE COUNTY, FLORIDA, a Political Subdivision of the State of Florida, Party of the First Part, whose address is: Stephen P. Clark Center, 111 N.W. 1 Street Suite 17-202, Miami, Florida 33128-1963, and D.S. Development Corporation, Party of the Second Part, whose address is 3721 SW 127 Avenue, Miami, Florida, 33175.

WITNESSETH:

That the said Party of the First Part, for and in consideration of the sum of Ten Dollars and No/100 ($10.00) to it in hand paid by the Party of the Second Part, receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said Party of the Second Part, his/her heirs and assigns forever, the following described land lying and being in Miami-Dade County, Florida (the "Property"):

LEGAL DESCRIPTION:

SYMMES-SHARMAN TRACT LOT 1, BLK 2, according to the Plat thereof, as recorded in Plat Book 9 at Page 170 of the public records of Miami-Dade County, Florida.

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 with affordable housing, as defined by and in accordance with the requirements of the Infill Housing Initiative established in Sections 17-121 through 128 of the Code of Miami-Dade County and the County's Infill Housing Initiative Guidelines.

2. That the Party of the Second Part shall not transfer, convey or sell any portion of the Property or enter into a joint development agreement with a third party to develop the property.

3. That the Property shall be developed with affordable housing within one (1) year of the recording of this deed, as evidenced by the issuance of a final Certificate of Occupancy. Notwithstanding the foregoing, Party of the First Part may, in its sole discretion, waive this restriction if Party of the First Part finds it necessary to extend the time frame in which Party of the Second Part must complete the home. Such waiver by Party of the First Part, to be effective must (i) be given prior to the expiration date of this restriction and (ii) shall be evidenced by the preparation of a letter executed by the County Manager or his designee giving such waiver and specifying the new time frame in which Party of the Second Part must complete the home. The letter by Party of the First Part 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.

4. That the affordable housing developed on the property shall be sold to a low or moderate income household (120% or less of median income), 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 Dollars and 00/100 ($205,000.00).

5. That the Party of the Second Part shall require that the qualified household purchasing the eligible home execute and record simultaneously with the deed of conveyance from the Party of the Second Part 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 the developer to the first qualified household, and resets automatically every 20 years for a maximum of 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."

6. That the Party of the Second Part (or successor in interest), shall pay real estate taxes and assessments on the property or any part thereof when due. Party of the Second Part 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, except:

   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 single family home 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) The recordation, together with any mortgage purporting to meet the requirements of clauses (a) or (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 single family home 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 re-entry 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.

   Upon receiving satisfactory proof of compliance with all of the deed restrictions listed above, the Party of the First Part shall furnish the Party of the Second Part 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.

7. In the event the Party of the Second Part, its successors or assigns, shall violate or otherwise fail to comply with any of the restrictions and covenants set forth herein above, the Party of the Second Part, its successors or assigns, shall correct or cure

the default/violation within (30) days of notification of the default by the Party of the First. If the Party of the Second Part, its successors or assigns, fails to remedy the default within thirty (30) days, the property shall automatically revert to the Party of the First Part without the necessity of filing any suit to enforce same and the Party of the First Part shall have the right to re-enter and take possession of the property and to terminate and revest in the Party of the First Part the estate conveyed by this Deed to the Party of the Second Part, its successors or assigns, and by such reverter to the Party of the First Part, shall forfeit all monetary investments and improvements without any compensation or right to compensation whatsoever; provided, that any such right of re-entry shall always be subjected to and limited by, and shall not defeat, render invalid, or limit any way the lien of any valid mortgage or Deed or Trust permitted by this Deed.

This grant conveys only the interest of the 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 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, 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: _____
Mayor

Approved for legal sufficiency _____

The foregoing was authorized by Resolution No.____ approved by the Board of County Commissioners of Miami-Dade County, Florida, on the ____ day of _____, 200___.

MIAMI-DADE COUNTY
BOARD OF COUNTY COMMISSIONERS
OFFICE OF THE COMMISSION AUDITOR

Legislative Notes

Agenda Item:	**8F(1)H**
File Number:	**102713**
Committee(s) of Reference:	**Board of County Commissioners**
Date of Analysis:	**November 23, 2010**
Type of Item:	**Resolution**

Summary
This resolution approves the conveyance of County-owned property, located at approximately S.W. 213 Street and S.W. 120 Avenue, Miami, to replace real property owned by D.S. Development Corporation, located at approximately S.W. 179 Street and S.W. 103 Avenue, Miami, to be returned by D.S. Development Corporation to the County.

Legislative Amendment
On November 09, 2010, the Government Operations Committee members approved an amendment *to correct a scrivener's error on handwritten page 11, in the first paragraph of the County Deed to reflect the name of the Party of the Second Part as D.S. Development Corporation instead of O.S. Development Corporation.*

Background and Relevant Information
On November 10, 2003, an Invitation To Bid (ITB) was issued for the sale of fifty-six County-owned lots to high bidders, subject to conditions listed in the Infill Housing Initiative Program. The ITB was advertised in the *Miami Daily Business Review* and the Miami-Dade County web site. Forty-eight printed bid packages were distributed and 450 packages were downloaded. A non-mandatory pre-bid conference was held on December 3, 2003; bids were opened on December 17, 2003.

On May 11, 2004, the Board of County Commissioners (BCC), through **Resolution 557-04**, authorized the sale of 56 county-owned lots for infill housing. At that time, K & K Custom Homes, Inc. had purchased two (2) parcels. **The resolution stated that each of the high bidders submitted a financial plan detailing how the construction of the homes would be financed.**

Resolution 557-04 provides the following conditions:

- Develop each parcel with an affordable single family home that meets guidelines of the Infill Housing Initiative.
- *Obtain building permits and commence construction of home(s) within six (6) months of acquiring the property.*
- *Complete construction and obtain certificate of occupancy of the homes within twelve (12) months of acquiring the property.*
- Build home(s) to meet or exceed the Minimum Housing Quality Standards for Surtax and SHIP funding.
- Pay all closing costs to purchase the lots and convey the completed home.

Furthermore, the 2004 County Deed between Miami-Dade County and K & K Customs Homes, Inc. specified that in case the Party, its successors or assigns, fails to comply with any of the restrictions and covenants, and no remedy is presented within 30 days:

> *"the County will have the right to re-enter and take possession of the property and to terminate and revest in the County the estate conveyed by this Deed to the Party of the second part, its successors or assigns, and by such reverter to the County, will forfeit all monetary investments and improvements without any compensation or right to compensation whatsoever."*

Question: How many extensions have K & K Homes, Inc. received over the past six (6) years?
Question: How many developers in the Infill Housing Program are experiencing similar difficulties?

See Infill Housing Program Guidelines attached- April 16, 2010[1]

Response from General Services Administration staff:

- Why did it take the developer so long (2004-2010) to realize that the land was not buildable? *When the developer acquired the lot, the Perrine Community Urban Center Zoning District (PCUCD) did not exist. However, it was in the process of being created and the developer was asked to wait until the new zoning took effect to start construction so that the housing would comply with whatever new design criteria was adopted. The PCUCD was approved in July 2007. Unfortunately, under the new zoning regulations, the lot must have a minimum lot width of 37.5 feet and the driveway is required to be on the side of the house. This lot is 35.5 feet wide and is not wide enough to accommodate a driveway on the side of the house.*
- *The County has the right to take the property back since the developer did not build on the lot within the required timeframes. However, since the developer paid for the lot and had no control of the new zoning regulations, staff is recommending that he be given another lot that he can build on.*
- *Construction never commenced.*
- *The County was not aware of encroachment on the property. In addition, as stated above, the PCUCD did not exist at the time.*
- *The property was not surveyed before it was identified as surplus.*

Legislative History

On May of 2001, the BCC, through Ordinance No. 01-47, created the Infill Housing Initiative to increase the availability of affordable homes for low and moderate income persons, redevelop urban neighborhoods by eliminating the blight of vacant lots and dilapidated or abandoned properties, and generate payment of ad valorem taxes. T*he Initiative developed a methodology for handling infill housing, including the identification of property; acquisition, transfer and sale of property; <u>reversion of title to the County in the event of non-performance</u>; forgiveness of liens; and, construction and rehabilitation loan provisions.*

On April 6, 2010, the BCC, through Resolution 347-10, rescinded Administrative Order 3-44 and approved Implementing Order 3-44 to provide direction to the County Mayor or the County Mayor's designee regarding the administration of the Infill Housing Initiative Program.

Attachment: Infill Housing Program Chart

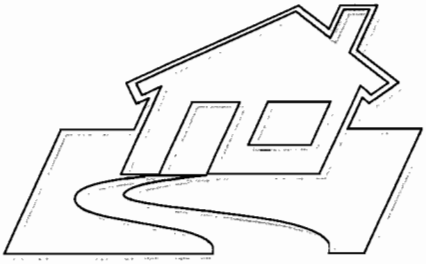
Prepared by: Michael Amador-Gil

[1] V. Process to Develop County-Owned Lots, Section C –County Deed; and VII. Extension Requests

MIAMI-DADE

Delivering Excellence Every Day

INFILL HOUSING PROGRAM GUIDELINES



Prepared By:
General Services Administration
Infill Housing Program
111 NW 1 Street, Suite 2460
Miami, FL 33128
(305) 375-4400

Revised: 4/16/2010

V. PROCESS TO DEVELOP COUNTY-OWNED LOTS

a) Selecting Qualified Developers

County-owned lots that are ready for development are offered to the Infill Housing Developer Pool, at no cost, however there is a closing processing fee (See Section XVII). The Infill Housing Developer Pool is selected through a Request for Qualifications (RFQ) process that is issued by the Department of Procurement Management. Qualified Developers are selected based on the following criteria:

Proposer's past performance and experience
Proposer's construction financial capability
Proposer's approach to meeting time schedule and budgets
Proposer's marketing skills and ability reach eligible households

b) Awarding County Lots

County lots that are determined to be ready for development are made available to the pool of qualified developers through a Work Order Proposal Request (WOPR). The WOPR specifies the lots that are being made available as well as the targeted income level of the buyer. Only developers in the pool will be given the opportunity to respond to the WOPR. Award of the lots will take into account the following criteria:

- **Architectural Design:** The developer must provide two sets of plans for each model being proposed consisting of a site plan, floor plan and front, side and rear elevations. All homes must comply with the Minimum Architectural and Space Requirements found in Section IV herein and any and all other National, City, County and Florida Building Code requirements. The developer should provide variations in design and building facades; however, the design of the home should be compatible with the character of the neighborhood.

- **Unit Price:** The maximum sales price for each unit shall be based on cost of development (including hard and soft costs and developer profit). Failure to adhere to the maximum sales price will result in a one-year suspension from the pool for the first incident and removal from the pool after the second incident. Increases may be approved by the Affordable Housing Selection Committee only in **extraordinary** circumstances, i.e. natural disaster or fire which may have caused a delay in the project. In no event shall the home exceed the Program's maximum sales price, which is currently **$175,000**.

c) County Deed:

The County will transfer title of the lots to the selected developer via a County Deed with the restriction that the property must be developed with affordable housing in accordance with the Infill Housing Initiative Guidelines. Failure to do

so will result in the recapture of the lots and any and all improvements made thereto, without any rights to monetary compensation.

VI. PROCESS TO DEVELOP PRIVATELY-OWNED LOTS

a) Applying to the Program

The County may encourage private property owners to rehabilitate or redevelop their properties as infill housing through the release of County liens that predate the private property owner's date of ownership. Private property owners who wish to develop their properties through the Infill Housing Program may do so by filing an "Application for Private Lots" with the Infill Housing Program. Staff will verify that the property falls within the Program boundaries and that it is properly zoned.

b) Architectural Plans Review

The developer must provide a copy of the site plan, floor plan, and front, side and rear elevation plans of the home along with the "Application for Private Lots". The Infill Housing Program will review them for compliance with the Minimum Architectural and Space Requirements.

VII. EXTENSION REQUESTS

All homes constructed through the Infill Housing Program are monitored by GSA's Infill Housing staff. Extension may be granted by GSA, however, only under the following circumstances:

- Regulations change after the developer enters the Program
- A variance of Zoning or DERM regulations is required
- Platting is required
- Complications with water/sewer connections

The Infill Housing Program staff is available to assist developers with any problems they may encounter during the construction process. Should the developer encounter problems that may result in a delay in the project, it is essential that they immediately notify the Infill Housing Program staff and request an extension, if necessary.

VIII. BUILDING PERMIT EXPEDITE PROCESS

Building permit applications for homes being built in the Unincorporated Municipal Service Area (UMSA) through the Infill Housing Program qualify for the Building Department's expedite process. GSA provides developers a letter indicating that the lot is being developed through the Infill Housing Program. That letter must be presented to the Building Department when applying for a building permit in order to qualify for the expedite process.

Infill Housing Program
Lots Pending Construction
11/05/2010

The Office of the Commission Auditor requested General Services Administration (GSA) staff provide the information below showing how many developers in GSA's Infill Housing database have requested extensions; did not request extensions ; and properties that do not require extensions because are still within the one-year current time frame.

Commission District	Lot Type	Comments
1	Conveyed	27 sites are current.
2	Conveyed	3 sites did not request extensions.
2	Conveyed	55 sites are current.
2	Bids, Bids Splits, Conveyed, and Conveyed Spilt	79 sites requested extensions.
3	Bids and Conveyed	6 sites did not request extensions.
3	Conveyed	9 sites are current.[1]
3	Bids, Bids Splits, Conveyed, and Conveyed Spilt	49 sites requested extensions.
5	Conveyed	1 site did not request an extension.
9	Bids	22 sites did not request extensions.
9	Conveyed and Conveyed Split	12 sites requested extensions.
9	Bid and Bid Split	8 returning lots

Source: GSA

The Infill Housing Initiative is an affordable housing program administered by the Department of General Services Administration through its Infill Housing Program (the "Program"). The purpose of the Infill Housing Initiative is to increase the availability of affordable homes for low and moderate income families; maintain a stock of affordable housing; redevelop urban neighborhoods by eliminating the blight of vacant, dilapidated or abandoned properties; equitably distribute homeownership opportunities within the Infill Target Areas; and generate payment of ad valorem taxes.

The Infill Housing Initiative provides incentives to encourage developers to build affordable housing. These incentives include:

- Forgiveness of County liens
- Refund of impact fees for homes sold to low income buyers(80% or below AMI)
- Funding assistance in the form of second mortgages for qualified buyers (subject to availability).

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[1] Current status indicates that the property is still within the one-year time frame, and, therefore, no extension is required.