



MEMORANDUM

Agenda Item No. 8(F)(3)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: February 7, 2012

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

SUBJECT: Resolution authorizing the conveyance of two (2) single family home building sites located at approximately SW 181 St. and SW 105 Ave. to Habitat for Humanity of Greater Miami, Inc., for the development of Infill Housing

Resolution No. R-119-12

The accompanying resolution was prepared by the Internal Services Department and placed on the agenda at the request of Prime Sponsor Commissioner Dennis C. Moss.

A handwritten signature in black ink, appearing to read "RAC", is written over a horizontal line.

R. A. Cuevas, Jr.
County Attorney

RAC/cp

Memorandum



Date: February 7, 2012

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor 

Subject: Conveyance of Two Single Family Home Building Sites Located at Approximately SW 181 Street and 105 Avenue to Habitat for Humanity of Greater Miami, Inc., for the Development of Infill Housing
Folio Nos. 30-5032-012-0800 and 30-5032-012-0770

RECOMMENDATION

It is recommended that the Board of County Commissioners (Board) adopt the attached Resolution which does the following:

- authorizes the conveyance of two single family home building sites to Habitat for Humanity of Greater Miami, Inc. (Habitat), a not-for-profit Florida Corporation, through the Infill Housing Program;
- waives Administrative Order 3-44 as it relates to the conveyance process established in the section entitled "Availability of County Property;" and
- authorizes the County Mayor to execute a County Deed for the two lots, substantially in the form attached to the resolution as Attachment "A".

SCOPE

The properties are located at approximately SW 181 Street and 105 Avenue, Miami, FL, in Commission District 9. The folio numbers are 30-5032-012-0800 and 30-5032-012-0770.

FISCAL IMPACT

The conveyance of the two parcels will eliminate the County's obligation to maintain the parcels, (approximately \$1,300 per year) and pay the annual special assessments (currently \$248 per year). More detailed information on the expenses to date is described in the background section of this transmittal memorandum.

Once the homes are built and sold to qualified buyers, it is estimated that approximately \$1,500 in ad valorem taxes will be generated annually per home.

MONITORING

The person responsible for monitoring all properties under the County's Infill Property Program is Alan Eson, Real Estate Officer, Public Housing and Community Development Department.

BACKGROUND

Resolution R-376-11, approved by the Board on May 3, 2011, requires that any resolution authorizing the improvement, rehabilitation or conveyance of County-owned real property appropriate for or to be used for affordable housing include the following information:

Background: Habitat is in the process of constructing affordable housing and has requested the conveyance of two County-owned lots that are located within the boundaries of the Perrine Targeted Urban Area. The requested lots are part of the County's inventory of lots set aside for the Infill Housing Initiative.

The Affordable Housing Review Committee reviewed the lots and determined that they were suitable for the development of affordable single family housing. However, these lots may require corrective actions, such as variances of zoning and platting, of which Habitat is fully aware and willing to undertake. In 2004, one of the lots (Folio No. 30-5032-012-0800) was conveyed to the Miami Beach Community Foundation, a not-for-profit agency, for the development of infill housing. However, the lot reverted to the County as a result of them not building the housing within the required timeframe.

County Investment: The County has expended \$5,890 for lawn maintenance; \$2,398 for special assessments and prior year's taxes which had accumulated on one of the lots while it was under the control of the Miami Beach Community Foundation; and \$150 for two title searches.

Acquisition Costs: The County acquired the two properties by tax deed free and clear of liens, taxes, and mortgages.

2011 Assessed Value: Folio: 30-5032-012-0800 - \$37,304.
Folio: 30-5032-012-0770 - \$37,386.

Restrictions: The properties will be conveyed subject to the following restrictions:

- 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.
- That the affordable housing developed on the Property shall be sold to a low-income household.
- That the sales price of the home shall not exceed \$129,000.
- That a restrictive covenant shall be recorded on the property at time of sale to the qualified buyer stating that the property shall remain affordable during the control period, which commences on the initial sale date and resets automatically every 20 years for a maximum of 60 years. However, should the same purchaser remain in the home for 20 years, the restrictive covenant shall automatically be released.
- All real estate taxes and assessments shall be paid when due and no liens or unauthorized encumbrances shall be levied against the property.

Remedies: In the event Habitat defaults on the deed restrictions, the County shall have the right to re-enter and take possession of the property.

JUSTIFICATION

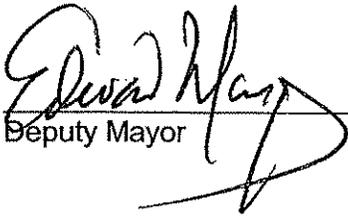
Conveyance of the two lots will enable Habitat to continue building affordable housing for low-income families. Habitat has a proven track record of building affordable housing for low- and very low-income families and has agreed to cap the sales price of the homes at \$129,000. Furthermore, Habitat shall assess each infill lot to determine if duplexes, triplexes or quadplexes can be built on these lots, and where feasible, make every effort to maximize the density on the properties, subject to the review and approval of the County Mayor or the County Mayor's designee.

In light of the fact that these lots are being conveyed directly to Habitat, it is necessary to waive the

section of Administrative Order 3-44 entitled "Availability of County Property," which states that properties that have been determined to be suitable for infill housing will be offered to a pre-qualified pool through a competitive work order proposal process. Regardless of the requirements of Administrative Order 3-44, the Board is further authorized to convey these lots to Habitat pursuant to section 125.38 of the Florida Statutes, which permits the Board to convey County property to a not for profit organized for the purpose of promoting community interest and welfare if the Board determines the property is not needed for use by the County and the not for profit organization will use said property for "public or community interest and welfare."

DELEGATED AUTHORITY

The County Mayor is authorized to execute and record a County Deed, substantially in the form attached, and the County Mayor or the County Mayor's designee is authorized to take all actions necessary to accomplish the conveyance of the two lots to Habitat and enforce the deed restrictions specified in the County Deed.


Deputy Mayor

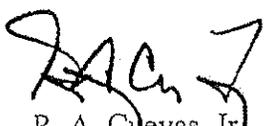


MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: February 7, 2012

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

SUBJECT: Agenda Item No. 8(F)(3)

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)(3)
2-7-12

RESOLUTION NO. R-119-12

RESOLUTION AUTHORIZING THE CONVEYANCE OF TWO SINGLE FAMILY HOME BUILDING SITES LOCATED AT APPROXIMATELY SW 181 STREET AND SW 105 AVENUE TO HABITAT FOR HUMANITY OF GREATER MIAMI, INC. A NOT-FOR-PROFIT FLORIDA CORPORATION, FOR INFILL HOUSING DEVELOPMENT AT A PRICE OF TEN DOLLARS (\$10.00) PURSUANT TO SECTION 125.38, FLORIDA STATUTES AND SECTIONS 17-121 ET SEQ. OF THE CODE OF MIAMI-DADE COUNTY; AUTHORIZING THE WAIVER OF ADMINISTRATIVE ORDER 3-44 AS IT RELATES TO THE SECTION ENTITLED "AVAILABILITY OF COUNTY PROPERTY"; AUTHORIZING THE EXECUTION OF COUNTY DEEDS FOR SUCH PURPOSE; AND AUTHORIZING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO TAKE ALL ACTION NECESSARY TO ACCOMPLISH THE CONVEYANCE OF SAID PROPERTY

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference; and

WHEREAS, Habitat for Humanity of Greater Miami, Inc., a Florida not-for-profit corporation ("Habitat"), has submitted an application to this Board requesting that the County convey two single family home building sites for infill housing development; and

WHEREAS, this Board is satisfied that said property can be used for the purpose of infill development and is not needed for County purposes; and

WHEREAS, this Board finds that pursuant to Section 125.38, Florida Statutes, the conveyance of said properties to Habitat, serves the best interest of the County,

6

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

Section 1. The foregoing recitals are incorporated in this resolution and are approved.

Section 2. This Board hereby approves the conveyance of two single family home building sites, legally described in Attachment "A" to the resolution, to Habitat for Humanity of Greater Miami, Inc., a not-for-profit Florida Corporation, for infill housing development at a price of ten dollars (\$10.00) pursuant to Section 125.38, Florida Statutes and Sections 17-121, et seq. of the Code of Miami-Dade County.

Section 3. This Board hereby approves the waiver of Administrative Order 3-44 as it relates to the Section entitled "Availability of County Property."

Section 4. This Board directs the County Mayor or the County Mayor's designee to ensure that proper signage is placed on properties identifying the County's name and the name of the district commissioner.

Section 5. Pursuant to Section 125.411, Florida Statutes, this Board authorizes the County Mayor or the County Mayor's designee to execute a County Deed for the two lots, in substantially the form attached hereto and made a part hereof as Attachment "A". Further, the County Mayor or the County Mayor's designee, pursuant to Resolution No. R-974-09, shall record in the public record all deeds, covenants, reverters and mortgages creating or reserving a real property interest in favor of the County and shall provide a copy of such recorded instruments to the Clerk of the Board within thirty (30) days of execution and final acceptance. The Board directs the Clerk of the Board, pursuant to Resolution No. R-974-09, to attach and

7

permanently store a recorded copy of any instrument provided in accordance herewith together with this resolution.

The foregoing resolution was offered by Commissioner **Jose "Pepe" Diaz** who moved its adoption. The motion was seconded by Commissioner **Rebeca Sosa** and upon being put to a vote, the vote was as follows:

| | | |
|----------------------|-------------------------------------|------------------------------------|
| | Joe A. Martinez, Chairman | absent |
| | Audrey M. Edmonson, Vice Chairwoman | aye |
| Bruno A. Barreiro | aye | Lynda Bell aye |
| Esteban L. Bovo, Jr. | aye | Jose "Pepe" Diaz aye |
| Sally A. Heyman | aye | Barbara J. Jordan aye |
| Jean Monestime | aye | Dennis C. Moss aye |
| Rebeca Sosa | aye | Sen. Javier D. Souto absent |
| Xavier L. Suarez | aye | |

The Chairperson thereupon declared the resolution duly passed and adopted this 7th day of February, 2012. 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: **Christopher Agrippa**
Deputy Clerk



Approved by County Attorney as to form and legal sufficiency.

Terrence A. Smith

ATTACHMENT "A"

Instrument prepared by:
GSA Infill Housing Program
111 N.W. 1 Street, Suite 2460
Miami, Florida 33128-1907

Folio No: See Exhibit "A"

COUNTY DEED

THIS DEED, made this ____ day of _____, 2011 AD. by **MIAMI-DADE COUNTY, 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 2460, Miami, Florida 33128-1907, and Habitat for Humanity of Greater Miami, Inc., party of the second part, whose address is 3800 N.W. 22 Avenue, Miami, Florida 33142:

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 or her heirs and assigns forever, the following described land lying and being in Miami-Dade County, Florida:

As legally described in Exhibit "A" attached hereto and made a part hereof (the "Property").

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 as 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 Property shall be developed as 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, within one (1) year of the recording of this deed, as evidenced by the issuance of a final Certificate of Occupancy. In the event Party of the Second Part fails to complete the construction of the home within one (1) year from the date of this deed, Party of the First Part may grant an extension of the time frame in which Party of the Second Part must complete the home. To be effective, such extension by Party of the First Part, must (i) be requested in writing by Party of the Second part prior to its expiration date, and (ii) shall be evidenced by the preparation of a letter executed by the County Mayor or the County Mayor's designee approving such extension 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 restriction has been extended.
3. That the affordable housing developed on the Property shall be sold to a qualified household, as defined in Sections 17-122(n) of the Code of Miami-Dade County

but under no circumstances shall the sales price of the Property exceed One Hundred Twenty-Nine Thousand and 00/100 (\$129,000.00).

Party of the Second Part shall require that the qualified household purchasing the Property execute and record simultaneously with the deed of conveyance from the developer 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 Mayor or Mayor's designee. 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."

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, provided, however, that Party of the Second Part may encumber the property with:

- 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.

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 Property 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 reverter 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 proof of compliance with all the deed restrictions listed above, the County 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.

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, the Party of the Second Part, its successors or assigns, shall correct or cure the default/violation within thirty (30) days of notification of the default by the County. If the Party of the Second Part, its successors or assigns, fails to remedy the default within thirty (30) days, the County shall have the right to re-enter and take possession of the Property and to terminate and re-vest 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, the Party of the Second 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 of 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: _____
Carlos Gimenez, 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 _____, 2011.

11

EXHIBIT "A"

| Folio | Legal Descriptions |
|------------------|--|
| 30-5032-012-0800 | WEST PERRINE PB 43-15 N1/2 OF LOT 3 BLK 12 |
| 30-5032-012-0770 | WEST PERRINE PB 43-15 W1/2 OF LOT 2 BLK 12 |

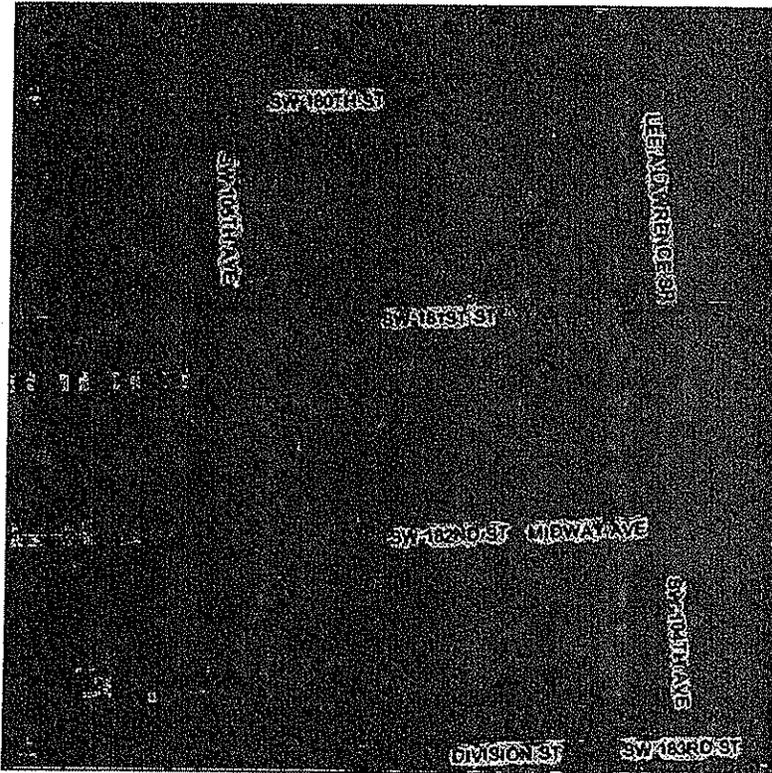
12

My Home
Miami-Dade County, Florida

miamidade.gov

MIAMI-DADE

Property Information Map



Aerial Photography - 2009

0 — 118 ft

This map was created on 10/28/2011 8:26:22 AM for reference purposes only.

Web Site © 2002 Miami-Dade County. All rights reserved.



Summary Details:

| | |
|------------------|---|
| Folio No.: | 30-5032-012-0800 |
| 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 GOVERNMENT |
| Beds/Baths: | 0/0 |
| Floors: | 0 |
| Living Units: | 0 |
| Adj Sq Footage: | 0 |
| Lot Size: | 22,304 SQ FT |
| Year Built: | 0 |
| Legal Description: | 32 55 40 0.54 AC WEST PERRINE PB 43-15 N1/2 OF LOT 3 BLK 12 LOT SIZE 164,000 X 136 OR 25609-1216 0806 3 OR 22108-1730 0204 01 |

Assessment Information:

| Year: | 2011 | 2010 |
|-----------------|----------|----------|
| Land Value: | \$37,304 | \$60,619 |
| Building Value: | \$0 | \$0 |
| Market Value: | \$37,304 | \$60,619 |
| Assessed Value: | \$37,304 | \$60,619 |

Taxable Value Information:

| Year: | 2011 | 2010 |
|-------------------|--------------------------------------|--------------------------------------|
| Taxing Authority: | Applied Exemption/ Taxable Value: | Applied Exemption/ Taxable Value: |
| Regional: | \$37,304/\$0 | \$60,619/\$0 |
| County: | \$37,304/\$0 | \$60,619/\$0 |
| School Board: | \$37,304/\$0 | \$60,619/\$0 |

Sale Information:

| | |
|----------------------------------|---|
| Sale Date: | 2/2004 |
| Sale Amount: | \$0 |
| Sale O/R: | 22108-1730 |
| Sales Qualification Description: | Sales which are disqualified as a result of examination of the deed |
| View Additional Sales | |

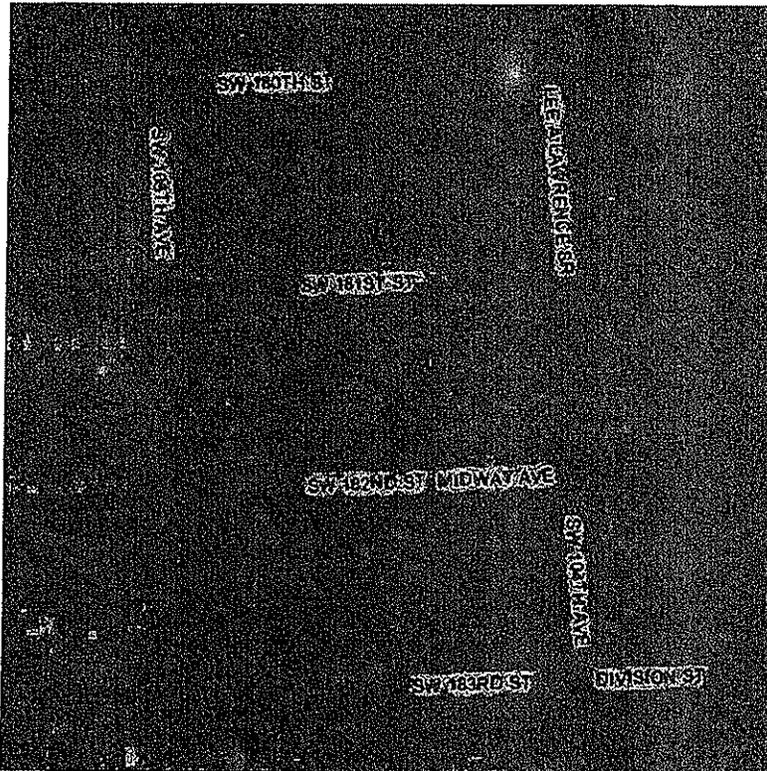
13

My Home
Miami-Dade County, Florida

miamidade.gov

MIAMI-DADE

Property Information Map



Summary Details:

| | |
|------------------|---|
| Folio No.: | 30-5032-012-0770 |
| Property: | 10450 SW 181 ST |
| 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 GOVERNMENT |
| Beds/Baths: | 0/0 |
| Floors: | 0 |
| Living Units: | 0 |
| Adj Sq Footage: | 0 |
| Lot Size: | 22,386 SQ FT |
| Year Built: | 0 |
| Legal Description: | 32 55 40 .51 AC WEST PERRINE PB 43-15 W1/2 OF LOT 2 BLK 12 LOT SIZE 82.000 X 273 OR 22059-0101 0204 3 |

Assessment Information:

| Year: | 2011 | 2010 |
|-----------------|----------|----------|
| Land Value: | \$37,386 | \$60,752 |
| Building Value: | \$0 | \$0 |
| Market Value: | \$37,386 | \$60,752 |
| Assessed Value: | \$37,386 | \$60,752 |

Taxable Value Information:

| Year: | 2011 | 2010 |
|-------------------|--------------------------------------|--------------------------------------|
| Taxing Authority: | Applied Exemption/ Taxable Value: | Applied Exemption/ Taxable Value: |
| Regional: | \$37,386/\$0 | \$60,752/\$0 |
| County: | \$37,386/\$0 | \$60,752/\$0 |
| School Board: | \$37,386/\$0 | \$60,752/\$0 |

Aerial Photography - 2009

0 ——— 128 ft

This map was created on 10/28/2011 8:26:59 AM for reference purposes only.

Web Site © 2002 Miami-Dade County. All rights reserved.



Close

14