

MEMORANDUM

Agenda Item No. 8(K)(1)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: February 5, 2013

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

SUBJECT: Resolution declaring surplus
vacant county-owned real
property; authorizing the County
Mayor to sell or convey property
located at 1451 NW 68 Terrace,
Miami, FL in accordance with
Florida Statute 125.35(2); and
Florida Statute 197.592
Resolution No. R-89-13

The accompanying resolution was prepared by the Public Housing and Community Development Department and placed on the agenda at the request of Prime Commissioner Audrey M. Edmonson.



R. A. Cuevas, Jr.
County Attorney

RAC/smm

Memorandum



Date: February 5, 2013

To: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor 

Subject: Resolution Declaring as Surplus Vacant County-owned Real Property and Authorizing the Sale or Conveyance of Folio No. 01-3114-018-1250

RECOMMENDATION

It is recommended that the Board of County Commissioners (Board) approve the attached resolution which authorizes the following:

- Declares a County-owned parcel located at 1451 NW 68 Terrace, Miami, FL as surplus;
- Waives Administrative Order 8-4 as it relates to review by the Planning Advisory Board;
- Authorizes Public Housing and Community Development to notice the adjacent owners stating that the County is offering said property for sale;
- Authorizes the County Mayor or County Mayor's designee to sell or convey said property in accordance to Florida Statutes § 125.35(2)(b), which provides for the sale of County property to the adjacent property owner, either through private sale or by competitive bid, or, in accordance with Florida Statutes 197.592, which provides for the conveyance of County property acquired through tax deed to the governing board of the City of Miami; and
- Authorizes the County Mayor or the County Mayor's designee to take all actions necessary to accomplish the sale of the property, and authorizes the Chair of the Board to execute a County Deed (attached as Exhibit A) for such purpose.

SCOPE

The 3,600 square foot, single family residential T3 L-zoned property, folio number 01-3114-018-1250 is located in County Commission District 3 and has a 2012 assessed value of \$4,791.00 (as noted in Attachment A).

FISCAL IMPACT/FUNDING SOURCE

The sale or conveyance of this property will eliminate the County's obligation to maintain the property, which costs approximately \$175 per year. The County has paid approximately \$700 in maintenance costs since September, 2007.

TRACK RECORD/MONITOR

Jorge Cibran, Director of Facilities and Development Division, will manage the sale of this property.

BACKGROUND

The County reviews and periodically submits to the Board requests to sell or convey properties that are deemed unusable by County departments. This unimproved property, located within the City of Miami, escheated to the County on January 26, 1993. The property has an exempt status from paying real estate taxes and the County has been maintaining the property as noted above.

On June 7, 2001 the lot was conveyed, through County Deed for the Infill Housing Program, to Fortuna Trucking Company, Inc. a/k/a Fortex Construction, Inc. On September 16, 2008 the property reverted to the County due to non-performance.

On February 10, 2012 Public Housing and Community Development offered 117 lots, which included the subject property, to the approved Infill Developer Pool under Work Order Proposal Request #2; however, no proposals were received for Folio No. 01-3114-018-1250. On August 23, 2012 Public Housing and Community Development circulated the property to all County departments to determine whether there is a current or future need for the property, in which none was determined. Additionally, on October 26, 2012 the property was circulated to the City of Miami and the City did not express interest in the property. The Property will be taken out of the Infill Housing Program and surplus for this purpose.

The procedures and conditions for conveyance and sale of county-owned real property are provided for in Florida Statutes as follows:

- Florida Statute 125.35(2)(b) provides that whenever the Board identifies a County-owned parcel of real property to be valued at \$15,000 or less as determined by the Board's designated fee appraiser or by the County Property appraiser, and, when due to the characteristics and location of said property, the Board determines that such parcel of real property is of use to only one or more adjacent property owners, the Board may then cause a private sale and conveyance of said property to said adjacent owner(s).
- Additionally, as it relates to the sale of any tax deed property located within the boundaries of a municipality, the municipality will be notified of the availability, and, if desired by the municipality, the property will be conveyed for a nominal value of \$10.00 as prescribed in Florida Statutes 197.592(3).

To encourage the expeditious sale of this parcel, it is recommended that the County Mayor or the County Mayor's designee be authorized to sell the Property at a private sale; or through a competitive bidding process with the adjacent property owners; or offer and convey the property to the City of Miami for a nominal amount.

Attachments



Russell Benford, Deputy Mayor



Attachment A MIAMI-DADE COUNTY
OFFICE OF THE PROPERTY APPRAISER
PROPERTY SEARCH SUMMARY REPORT

Honorable Pedro J. Garcia
Property Appraiser

Property Information:	
Folio	01-3114-018-1250
Property Address	1451 NW 68 TER
Owner Name(s)	MIAMI DADE COUNTY GSA
Mailing Address	111 NW 1 ST #2460 MIAMI FL 33128
Primary Zone	0100 SINGLE FAMILY - GENERAL
Use Code	0080 VACANT LAND GOVERNMENT
Beds/Baths/Half	0/0/0
Floors	0
Living Units	0
Adj. Sq. Footage	0
Lot Size	3,600 SQ FT
Year Built	0
Legal Description	NEW LIBERTY CITY PB 39-28 LOT 11 BLK 6 LOT SIZE 40.000 X 90 OR 19706-655 0601 3 OR 26573 - 2199 09 2008 3
Assessment Information:	
	Current Previous
Year	2012 2011
Land Value	\$4,791 \$8,069
Building Value	\$0 \$0
Market Value	\$4,791 \$8,069
Assessed Value	\$4,791 \$8,069
Exemption Information:	
	Current Previous
Year	2012 2011
Homestead	\$0 \$0
2nd Homestead	\$0 \$0
Senior	\$0 \$0
Veteran Disability	\$0 \$0
Civilian Disability	\$0 \$0
Widow(er)	\$0 \$0



Aerial Photography 2012

Taxable Value Information:		
	Current	Previous
Year	2012	2011
	Exemption/Taxable	Exemption/Taxable
County	\$4,791 / \$0	\$8,069 / \$0
School Board	\$4,791 / \$0	\$8,069 / \$0
City	\$4,791 / \$0	\$8,069 / \$0
Regional	\$4,791 / \$0	\$8,069 / \$0
Sale Information:		

Disclaimer:

The Office of the Property Appraiser and Miami-Dade County are continually editing and updating the tax roll and GIS data to reflect the latest property information and GIS positional accuracy. No warranties, expressed or implied, are provided for data and the positional or thematic accuracy of the data herein, its use, or its interpretation. Although this website is periodically updated, this information may not reflect the data currently on file at Miami-Dade County's systems of record. The Property Appraiser and Miami-Dade County assumes no liability either for any errors, omissions, or inaccuracies in the information provided regardless of the cause of such or for any decision made, action taken, or action not taken by the user in reliance upon any information provided herein. See Miami-Dade County full disclaimer and User Agreement at <http://www.miamidade.gov/info/disclaimer.asp>.

Property Information Inquiries, comments, and suggestions email: pawebmail@miamidade.gov
GIS inquiries, comments, and suggestions email: gis@miamidade.gov

Generated on: Friday, November 16, 2012.



MEMORANDUM

(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: February 5, 2013

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

SUBJECT: Agenda Item No. 8(K) (1)

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 Mayor'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(K)(1)
2-5-13

RESOLUTION NO. R-89-13

RESOLUTION DECLARING SURPLUS VACANT COUNTY-OWNED REAL PROPERTY; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO SELL OR CONVEY PROPERTY LOCATED AT 1451 NW 68 TERRACE, MIAMI, FL IN ACCORDANCE WITH FLORIDA STATUTE 125.35(2); AND FLORIDA STATUTE 197.592; AUTHORIZING THE WAIVER OF ADMINISTRATIVE ORDER 8-4 AS IT PERTAINS TO REVIEW BY THE PLANNING ADVISORY BOARD; AND AUTHORIZING EXECUTION OF COUNTY DEED BY THE BOARD OF COUNTY COMMISSIONERS ACTING BY THE CHAIR OF THE BOARD FOR SUCH PURPOSE

WHEREAS, pursuant to Florida Statute 125.35(2), the Board finds that the value of the property more fully described in "Exhibit A" (the "Property"), is \$15,000.00, or less, as determined by the County Property Appraiser; and

WHEREAS, the Board finds that due to the size, shape, location and value of the Property, it has been determined by this Board that the Property is of use only to one or more adjacent property owners; and

WHEREAS, based on the foregoing whereas clauses, the Board desires to effect a private sale of the Property; and

WHEREAS, Florida Statute 197.592(3) states that lands acquired by the County of the State for delinquent taxes in accordance with law which have not been previously sold, acquired for infill housing, affordable housing, or dedicated by the Board of County Commissioners, which the Board of County Commissioners has determined are not to be conveyed to the record fee simple owner in accordance with the provisions of subsections (1) and (2), and which are located within the boundaries of an incorporated municipality of the County shall be conveyed to the governing board of the municipality in which the land is located; and

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

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 authorizes waiving Administrative Order 8-4 as it pertains to review by the Planning Advisory Board.

Section 3. This Board authorizes the County Mayor or County Mayor's designee to sell the Property described in Exhibit "A", pursuant to Section 125.35(2), Florida Statute, either through private sale with the adjacent owner or through a competitive bidding process if two or more owners of adjacent property give notice of their desire to purchase the Property. Alternatively, pursuant to Section 197.592(3), the County Mayor or County Mayor's designee may convey the Property for a nominal amount to the City of Miami.

Section 4. The Board authorizes the Chairperson or the Vice-Chairperson of the Board to execute a County Deed for the purpose described herein, in substantially the form attached hereto.

Section 5. Pursuant to Resolution No. R-974-09, the Board directs the County Mayor or the County Mayor's designee to record the instrument of conveyance accepted herein the Public Records of Miami-Dade County, Florida; and to provide a recorded copy of the instrument to the Clerk of the Board within thirty (30) days of execution of said instrument; and directs the Clerk of the Board to attach and permanently store a recorded copy together with this resolution.

The foregoing resolution was offered by Commissioner **José "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:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 5th day of February, 2013. 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

Instrument prepared by and returned to:
Public Housing and Community Development
Attention: Alan Eson, Real Estate Officer
701 NW 1 Court, 16th Floor
Miami, Florida 33136

COUNTY DEED

THIS DEED, made this day of , 201 A.D. 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 party of the second part, whose address is .
Miami, Florida.

WITNESSETH:

That the said party of the first part, for and in consideration of the sum of Dollars and no/100 (\$.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:

SEE ATTACHED EXHIBIT "A"

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 Chair 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
Chairperson

By: _____
Chairperson or Vice

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 _____, 20

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