OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Agenda Item No. 11(A)(4)

TO: Honorable Chairman Jean Monestime and Members, Board of County Commissioners

DATE: February 3, 2015

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

SUBJECT: Resolution declaring surplus County-owned real property located at the southwest corner of NW 54 Street and NW 27 Avenue, Unincorporated Miami-Dade County, acquired with Community Development Block Grant funds; authorizing the public sale of same to the highest bidder
Resolution No. R-124-15

A substitute was presented and forwarded to the BCC with a favorable recommendation at the January 13, 2015 Public Safety and Animal Services Committee. This substitute differs from the original in that it directs the County Mayor or Mayor's designee to return to the Board with recommendations for the reallocation of the sale proceeds to eligible projects in District Three (3) and reorders the exhibits.

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Audrey M. Edmonson.

R. A. Cuevas, Jr.
County Attorney

RAC/smm

/

MEMORANDUM
(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: February 3, 2015

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

SUBJECT: Agenda Item No. 11(A)(4)

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. 11(A)(4)
2-3-15

RESOLUTION NO. R-124-15

RESOLUTION DECLARING SURPLUS COUNTY-OWNED REAL PROPERTY LOCATED AT THE SOUTHWEST CORNER OF NW 54 STREET AND NW 27 AVENUE, UNINCORPORATED MIAMI-DADE COUNTY, ACQUIRED WITH COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS; AUTHORIZING THE PUBLIC SALE OF SAME TO THE HIGHEST BIDDER; AUTHORIZING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO TAKE ALL ACTIONS NECESSARY TO ACCOMPLISH THE SALE OF SAID PROPERTY AND TO FILE A SUBSTANTIAL AMENDMENT TO ANY RELEVANT ACTION PLAN AND CONSOLIDATED PLAN WITH THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; AND DIRECTING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO RETURN TO THE BOARD WITH RECOMMENDATIONS FOR THE REALLOCATION OF THE SALE PROCEEDS TO PROJECTS IN DISTRICT 3 ELIGIBLE FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS

WHEREAS, [[~~this Board desires to accomplish the purposes outlined in the accompanying memorandum, for the property described in the accompanying County Deed~~]][1] >>the County acquired a 73,394 square foot or 1.685 acre, more or less, parcel of land located at the southwest corner of NW 54 Street and NW 27 Avenue (Folio No. 30-3121-057-0190) (hereinafter the "Property") in District Three (3) in unincorporated Miami-Dade County; and

WHEREAS, the Property was purchased by the County in 1987 with $347,000 of Community Development Block Grant ("CDBG") funds and has been maintained with CDBG funds since that time, which maintenance cost approximately $5,045 per year; and

WHEREAS, the property is zoned Model City Community Urban Center District (MCUCD); and

[1] The differences between the substitute and the original item are indicated as follows: Words stricken through and/or [[double bracketed]] shall be deleted, words underscored and/or >>double arrowed<< are added.

WHEREAS, the Internal Services Department circulated the Property to all County departments to determine whether the County has a present or future need for the property; and

WHEREAS, both the Public Works and Waste Management Department ("PWWM") and Miami-Dade Transit Department ("MDT") identified portions of the Property that are needed for the following purposes: (1) PWWM identified the need for a 3,986 square foot easement for right-of-way to comply with the zoned right-of-way requirements for NW 54 Street, previously not dedicated when the plat for this property was approved in 1989; and (2) MDT identified the need for a 675 square-foot easement for a bus station to be constructed as part of the NW 27 Avenue Enhanced Bus Service; and

WHEREAS, in light of the above easements, the County is reserving public easements for transportation uses, to include, but not be limited to, a future road right of way and a bus station, on approximately 4,661 square feet; and

WHEREAS, Quinlivan Appraisal, P.A., an independent State of Florida Certified Appraiser, valued the property at $1,025,000 on April 29, 2014; however, less the value of the easements referenced above, which combined are valued at $48,900, the minimum bid for this property is $976,100; and

WHEREAS, following the sale, the County Mayor or Mayor's designee will reimburse the County's Community Development Block Grant ("CDBG") account with the proceeds of the sale minus any portion of the value of the Property attributable to a contribution of non-CDBG funds for acquisition of or improvements; and

WHEREAS, the County's purchase of the Property was intended to benefit low- and moderate-income people in District Three (3); and

WHEREAS, the Board desires to retain the benefit to low- and moderate-income people in District Three (3) and therefore desires to reallocate the sale proceeds to other projects eligible to receive Community Development Block Grant Funds in District Three (3); and

WHEREAS, upon repayment of the fair market value of the Property to the Community Development Block Grant ("CDBG") account, the Property shall be released from the CDBG restrictions and the Property could potentially be placed back on the tax roll, generating approximately $18,297 in annual ad valorem taxes; and

WHEREAS, the Board desires to declare the Property surplus and authorize the County Mayor or Mayor's designee to sell the Property to the highest bidder through the County's competitive bidding process at a minimum bid amount of $976,100 (as determined in the certification of value prepared by Quinlivan Appraisal, P.A., attached hereto as Exhibit B) or fair market value (as established by an appraisal which shall have established value not more than six months from the time of sale); and<<

WHEREAS, pursuant to Section 125.35(1) of the Florida Statutes, the Board has determined that it is in the best interest of the County to sell County-owned real property located at the southwest corner of NW 54 Street and NW 27 Avenue, Unincorporated Miami-Dade County, to the highest bidder. The Planning Advisory Board, at their August 20, 2012 meeting, recommended that the parcel be declared surplus and made available for sale,

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

Section 1. The Board ratifies and adopts the matters set forth in the foregoing recitals [[~~and in the accompanying justification memorandum~~]] >>as if fully set forth herein<<.

Section 2. Pursuant to Section 125.35(1) of the Florida Statutes, this Board hereby declares surplus County-owned real property located at the southwest corner of NW 54 Street

and NW 27 Avenue, Unincorporated Miami-Dade County, folio number 30-3121-057-0190, as described in the accompanying County Deed (attached hereto as Exhibit A) which was acquired in 1987 by the County using $347,000.00 of Community Development Block Grant (CDBG) funds (hereinafter the "Property"); authorizes the sale >>of the Property<< to the highest bidder via competitive bidding for no less than the higher of $976,100.00 or fair market value (as established by an appraisal which shall have established value not more than six months from the time of sale); authorizes the County Mayor or Mayor's designee to take all actions necessary to accomplish the sale of the Property, legally described in the aforementioned County Deed, and to reimburse the County's CDBG account with the proceeds of the sale minus any portion attributable to a contribution of non-CDBG funds for acquisition of or improvements; authorizes the County Mayor or Mayor's designee to file a substantial amendment to any relevant Action Plan and Consolidated Plan with the United States Department of Housing and Urban Development; and authorizes the execution of the aforementioned County Deed by the Board of County Commissioners acting through the Chairperson or Vice Chairperson of the Board and any other agreements necessary to fulfill the purposes set forth in this resolution.

Section 3. Pursuant to Resolution No. R-974-09, the Board directs the County Mayor or Mayor's designee to record the instrument of conveyance accepted herein in 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.

>>**Section 4.** The County Mayor or Mayor's designee is directed to return to the Board with recommendations for the reallocation of the sale proceeds to eligible projects in District Three (3) without displacing or substituting the sale proceeds for funds that otherwise would be

allocated to eligible projects in District Three (3) through the County's regular Request for Application or recapture and reallocation processes.<<

The Prime Sponsor of the foregoing resolution is Commissioner Audrey M. Edmonson. It was offered by Commissioner **Audrey Edmonson**, who moved its adoption. The motion was seconded by Commissioner **Esteban L. Bovo, Jr.** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 3rd day of February, 2015. 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.

Brenda Kuhns Neuman

Instrument prepared by and returned to:
Internal Services Department
Real Estate Development Division
111 N.W. 1 Street, Suite 2460
Miami, Florida 33128-1907

EXHIBIT A

Folio No. 30-3121-057-0190

COUNTY DEED

THIS DEED, made this day of , 2014 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 NW 1 Street Suite 17-202, Miami, Florida 33128-1963, and _____, party of the second part, whose address is _____, Florida.

WITNESSETH:

That the party of the first part, for and in consideration of the sum of _____ Dollars ($_____.00) and other good and valuable considerations, to it in hand paid by the party of the second part, receipt whereof is hereby acknowledged, has granted, bargained and sold to the party of the second part, his or her heirs and assigns forever, the following described land lying and being in Miami-Dade County, Florida:

LEGAL DESCRIPTION

Tract "A" of PHOENIX HOMES, according to the plat thereof recorded in Plat Book 138, Page 9 of the Public Records of Miami-Dade County, Florida.

SUBJECT TO a public easement, forever being reserved by the grantor for transportation uses and purposes incidental thereto, lying within those portions of said Tract "A" , being more particularly described as follows:

BEGINNING at the Point of Tangency of a circular curve concave to the Northwest in the Southwest of said Tract "A"; thence run N 89°54'40"W, perpendicular to the East line of said Tract "A", for a distance of 15.00 feet to a point; thence run N0°05'20"E, along a line 15.00 feet west of and parallel with the East line of said Tract "A", for a distance of 45.00 feet to a point; thence run S 89°54'40"E, for a distance of 15.00 feet to a point of intersection with the East line of said Tract "A"; thence run S0°05'20"W, along the East line of said Tract "A", for a distance of 45.00 to the POINT OF BEGINNING; AND

The North 15.00 feet of said Tract "A"; AND

That part of said Tract "A" which lies within the external area formed by a 25.00 feet radius arc, concave to the Southwest, tangent to the South line of the North 15.00 feet of said Tract "A" and tangent to the East line of said Tract "A".

Containing 73,394 square-feet or 1.685 acres more or less

This grant conveys only the interest of the County and its Board of County Commissioners in the land 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 Chairperson or Vice Chairperson of said Board, the day and year aforesaid.

(OFFICIAL SEAL)

ATTEST:

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

By: _____
Rebeca Sosa, Chairperson

Approved for legal sufficiency: _____

The foregoing was authorized by Resolution No. R- approved by the Board of County Commissioners of Miami-Dade County, Florida, on the day of , 2014.

CERTIFICATION OF VALUE

The undersigned hereby certifies that, to the best of my knowledge and belief:

(A) The statements of fact contained in the report are true and correct.

(B) The reported analyses, opinions and conclusions are limited only by the assumptions and limiting conditions set forth, and are my personal, unbiased professional analyses, opinions and conclusions.

(C) I have no present or prospective interest in the property that is the subject of this report, and we have no personal interest or bias with respect to the parties involved.

(D) I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.

(E) My engagement in this assignment is not contingent upon developing or reporting predetermined results.

(F) The appraiser's compensation for completing this assignment is not contingent upon the reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value estimate, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal. Furthermore, the appraisal assignment is not based on a requested minimum valuation, a specific valuation or the approval of a loan.

(G) The appraiser's analyses, opinions and conclusions are developed, and this report is prepared, in conformity with the Uniform Standards of Professional Appraisal Practice, and the requirements of the State of Florida for state-certified appraisers.

(H) Use of this report is subject to the requirements of the State of Florida relating to review by the Real Estate Appraisal Subcommittee of the Florida Real Estate Commission.

(I) Thomas F. Magenheimer has made a personal inspection of the property that is the subject of this report.

(J) No one provided significant professional assistance to the person signing this report.

(K) The reported analyses, opinions, and conclusions are developed, and this report is prepared, in conformity with the requirements of the Code of Professional Ethics and the Standards of Professional Appraisal Practice of the Appraisal Institute.

(L) The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.

(M) The undersigned performed market value appraisals concerning the subject property dated June 13, 2012 and January 30, 2014.

As of the date of this report, Thomas F. Magenheimer has completed the requirements under the continuing education program for The Appraisal Institute.

Based on the inspection of the property and the investigation and analyses undertaken, subject to the assumptions and limiting conditions set forth in the Addendum of this report, I have formed the opinion, as of April 29, 2014 the subject property had a Market Value of:

NINE HUNDRED SEVENTY-SIX THOUSAND ONE HUNDRED DOLLARS

$976,100

Thomas F. Magenheimer

THOMAS F. MAGENHEIMER, MAI
State-Certified General Appraiser
Certification Number: RZ0000553

VALUE OF SURFACE EASEMENTS

The site will be encumbered by two easements. A 3,986 roadway easement will be a 15-foot strip of land along the north property line of the sites. The 675 square foot bus stop easement is located in the southeast corner of the site.

The value of the easement areas of the subject site is estimated by an analysis of sales of easement sites and unencumbered sites. The unit prices of sales of encumbered sites are compared to the unit prices of sales of unencumbered sites to establish a diminution ratio of value for encumbered sites. The ratio is then applied to the previously estimated unencumbered value of $14.00 per square foot to estimate the value of the easement. The land sales utilized for the valuation of the site as unencumbered are equally applicable to the valuation of the easement areas. The easements areas are valued as part of the whole larger parcel.

A search for sales of easements located in Miami-Dade County was conducted. Since easements are typically purchased by utility departments, said easements seldom trade on the open market. The diminution of value for the easement is estimated by matched pair analyses of sites encumbered by an easement and sites unencumbered. An *Analysis of Easement Sales* is contained in the Addendum of this report.

The matched pair analyses indicated a diminution ratio ranging from 49% to 89%. The majority of the Land Value Diminution ratios range from 63% to 85%. The easements encumbering the site will be surface easements that will take most of the surface and air rights of the easement areas. Building improvements will not be permitted in the easement areas. Accordingly, the diminution ratio applicable to the subject easement areas should be at the upper end of the range of the ratios above.

Based on the matched pair analyses, the value of the subject permanent overhead easement is estimated based on a diminution ratio of 75%.

Accordingly, the value of the area to be acquired is estimated as follows:

Unencumbered Unit Price		Ratio		Easement Value Unit Price
$14.00	x	0.75	=	$10.50

Roadway Easement Site		Easement Unit Price		Value of Perpetual Easement
3,986 Square Feet	x	$10.50	=	$41,853

Bus Stop Easement Site		Easement Unit Price		Value of Perpetual Easement
675 Square Feet	x	$10.50	=	$7,088

Summary of Easement Values

Roadway Easement	$ 41,853
Bus Stop Easement	$ 7,088
Total Easement Value	$ 48,941
Easement Value (Rd)	$ 48,900

Final Reconciliation of Market Value

Land Value as Unencumbered	$1,025,000
LESS: Easement Value	- 48,900
"As Is" Market Value Indication	$ 976,100

LEGAL DESCRIPTION

Tract "A" of PHOENIX HOMES, according to the plat thereof recorded in Plat Book 138, Page 9 of the Public Records of Miami-Dade County, Florida.

SUBJECT TO a public easement, forever being reserved by the grantor for transportation uses and purposes incidental thereto, lying within those portions of said Tract "A , being more particularly described as follows:

BEGINNING at the Point of Tangency of a circular curve concave to the Northwest in the Southeast of said Tract "A"; thence run N 89°54'40"W, perpendicular to the East line of said Tract "A", for a distance of 15.00 feet to a point; thence run N0°05'20"E, along a line 15.00 feet west of and parallel with the East line of said Tract "A", for a distance of 45.00 feet to a point; thence run S 89°54'40"E, for a distance of 15.00 feet to a point of intersection with the East line of said Tract "A"; thence run S0°05'20"W, along the East line of said Tract "A", for a distance of 45.00 to the POINT OF BEGINNING; AND

The North 15.00 feet of said Tract "A"; AND

That part of said Tract "A" which lies within the external area formed by a 25.00 feet radius arc, concave to the Southwest, tangent to the South line of the North 15.00 feet of said Tract "A" and tangent to the East line of said Tract "A".

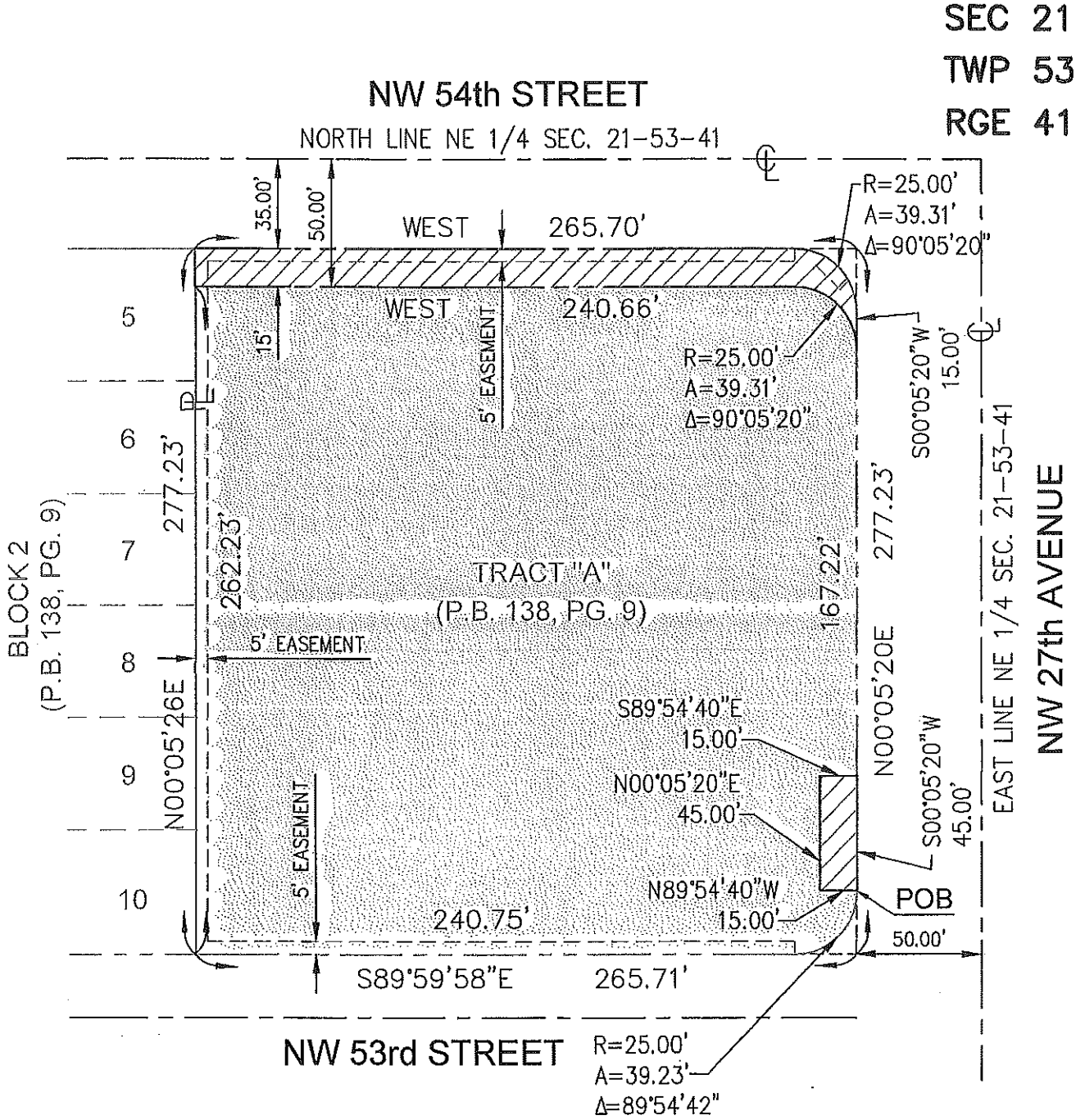
Containing 73,394 square-feet or 1.685 acres more or less

MIAMI-DADE PWWM

THIS IS NOT A SURVEY

MIAMI-DADE COUNTY PUBLIC WORKS AND WASTE MANAGEMENT DEPT. ROADWAY ENGINEERING/RIGHT-OF-WAY DIVISION ENGINEERING SECTION	PHCD SURPLUS NW 54 STREET & NW 27 AVENUE	SCALE:	DATE: 05-01-14
		CHECKED BY: W. Sutton	
		DRAWN BY: L. Espinosa	
		PROJECT:	SHEET:1 of 2

SEC 21
TWP 53 S
RGE 41 E



LEGEND

	BOUNDARY LINE		AREA NOT ENCUMBERED
	CENTER LINE		AREA RESERVED FOR PUBLIC EASEMENT
	RIGHT-OF-WAY LINE		
	LOT LINE	(POB)	POINT OF BEGINNING
PL	PROPERTY LINE	(POC)	POINT OF COMMENCEMENT
(A)	LENGTH	ML	MONUMENT LINE
(Δ)	DELTA	℄	CENTER LINE
P.B.	PLAT BOOK	(R)	RADIUS
PG.	PAGE	R/W	RIGHT-OF-WAY
SF	SQUARE FEET	COR	CORNER
		BLK	BLOCK

FOLIO: 30-3121-057-0190

AREA RESERVED FOR PUBLIC EASEMENT: 4,661 SF or 0.107 Acres

AREA PARENT TRACT: 73,394 SF or 1.685 Acres

MIAMI-DADE PWWM

THIS IS NOT A SURVEY

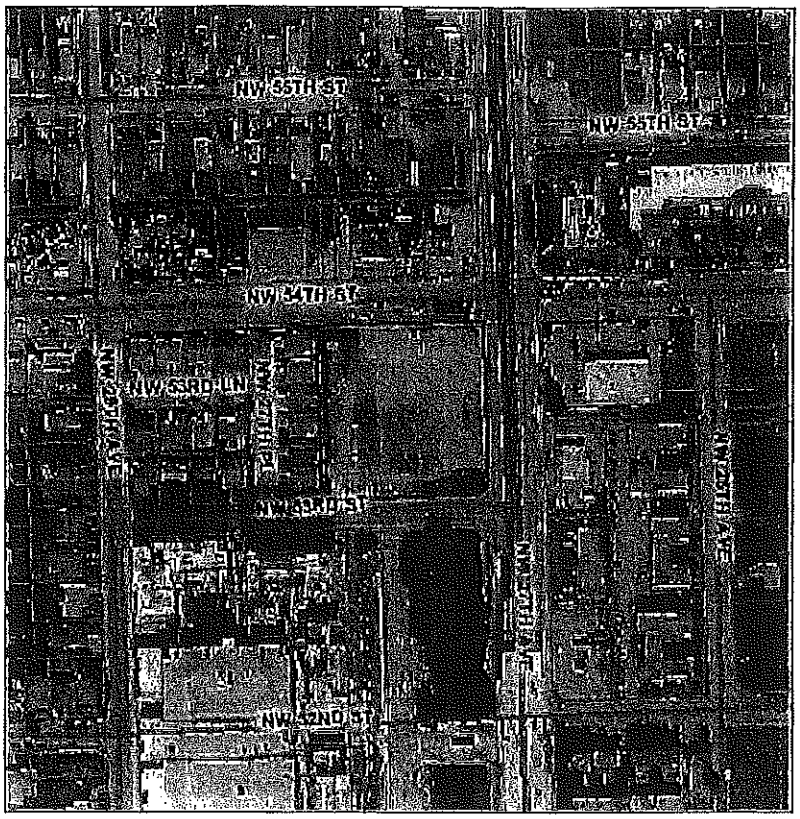
MIAMI-DADE COUNTY PUBLIC WORKS AND WASTE MANAGEMENT DEPT. ROADWAY ENGINEERING/RIGHT-OF-WAY DIVISION ENGINEERING SECTION	PHCD SURPLUS NW 54 STREET & NW 27 AVENUE	SCALE: 1"=60' DATE: 05-01-14
		CHECKED BY: W. Sutton
		DRAWN BY: L. Espinosa
		PROJECT: SHEET:2 of 2

My Home
Miami-Dade County, Florida

miamidade.gov

MIAMI-DADE

Property Information Map



Aerial Photography - 2012 0 129 ft

This map was created on 4/11/2014 4:39:28 PM for reference purposes only.

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

Close

Summary Details:

Folio No.:	30-3121-057-0190
Property:	
Mailing Address:	MIAMI-DADE COUNTY OCED 701 NW 1 CT 14TH FLOOR MIAMI FL 33136-

Property Information:

Primary Zone:	6600 COMMERCIAL - LIBERAL
CLUC:	0080 VACANT LAND GOVERNMENT
Beds/Baths:	0/0
Floors:	0
Living Units:	0
Adj Sq Footage:	0
Lot Size:	73,616 SQ FT *
Year Built:	0
Legal Description:	PHOENIX HOMES PB 138-9 LOT TR BLK A LOT SIZE 1.69 AC M/L 30-3121-035-0110

Assessment Information:

Year:	2013
Land Value:	$515,312
Building Value:	$0
Market Value:	$515,312
Assessed Value:	$515,312

Taxable Value Information:

Year:	2013
Taxing Authority:	Applied Exemption/ Taxable Value:
Regional:	$515,312/$0
County:	$515,312/$0
School Board:	$515,312/$0

*PWWM correctly calculated the folio as containing 73,394 square feet.

Per PWWM: The square footage for the whole parcel differed because the area shown on the face of the plat did not match the parcel geometry as shown on the plat.