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

MEMORANDUM

Agenda Item No. 8(F)(2)

TO:	Honorable Chairman Jean Monestime and Members, Board of County Commissioners	**DATE:**	March 3, 2015
FROM:	R. A. Cuevas, Jr. County Attorney	**SUBJECT:**	Resolution amending Resolution No. R-168-14 to correct the legal description of the property declared as surplus and conveyed to the City of Miami located at 3749 Oak Avenue, Miami, Florida to include additional property; approving the conveyance of the remaining surplus property by County Deed Resolution No. R-204-15

The accompanying resolution was prepared by the Internal Services Department and placed on the agenda at the request of Prime Sponsor Commissioner Xavier L. Suarez.

R. A. Cuevas, Jr.
County Attorney

RAC/cp

Memorandum

MIAMI-DADE COUNTY

Date: March 3, 2015

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

From: Carlos A. Gimenez
Mayor

Subject: Amending Resolution R-168-14 to Correct Legal Description of Property Located at 3749 Oak Avenue, Miami, Florida, Transferred to the City of Miami

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Recommendation
It is recommended that the Board of County Commissioners (Board) approve this item, which amends Resolution R-168-14 to correct the legal description of the property located at 3749 Oak Avenue, Miami, Florida.

Resolution R-168-14 was adopted by the Board on February 19, 2014 to transfer the property to the City of Miami.

Scope
This property is located in Commission District 7, which is represented by Commissioner Xavier L. Suarez.

Fiscal Impact/Funding Source
This amendment to Resolution R-168-14 will not create a fiscal impact to the County.

Track Record/Monitoring
Shannon Clark of the Real Estate Development Division in the Internal Services Department is managing the conveyance of this property.

Delegation of Authority
This item authorizes the County Mayor or the County Mayor's designee to convey the property at no cost and take all actions necessary to accomplish the conveyance of this property, and authorizes the Chairperson or Vice Chairperson of the Board to execute a County Deed for such purpose.

Background
On February 19, 2014, through Resolution R-168-14, the Board declared a 5,450 square foot property located at 3749 Oak Avenue, Miami, Florida, as surplus and approved its conveyance to the City of Miami for its affordable housing program. This property included a 3,250 square foot portion acquired by tax deed escheatment and a 2,200 square foot property acquired by eminent domain. These two (2) parcels were later merged and assigned one (1) folio number. The legal description utilized in Resolution R-168-14 was derived from the tax deed portion and did not include the additional 2,200 square feet. Since the County Deed transferring title of the 3,250 square feet has already been recorded, it is recommended that a separate County Deed be executed for the remaining 2,200 square foot portion of the property.

Attachment

Edward Marquez
Deputy Mayor

MEMORANDUM

(Revised)

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

DATE: March 3, 2015

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

SUBJECT: Agenda Item No. 8(F)(2)

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(F)(2)
3-3-15

RESOLUTION NO. R-204-15

RESOLUTION AMENDING RESOLUTION NO. R-168-14 TO CORRECT THE LEGAL DESCRIPTION OF THE PROPERTY DECLARED AS SURPLUS AND CONVEYED TO THE CITY OF MIAMI LOCATED AT 3749 OAK AVENUE, MIAMI, FLORIDA TO INCLUDE ADDITIONAL PROPERTY; APPROVING THE CONVEYANCE OF THE REMAINING SURPLUS PROPERTY BY COUNTY DEED; AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO TAKE ALL ACTIONS NECESSARY TO ACCOMPLISH THE CONVEYANCE OF SAID ADDITIONAL PROPERTY; AND AUTHORIZING THE CHAIRPERSON OR VICE-CHAIRPERSON OF THE BOARD TO EXECUTE A COUNTY DEED FOR SUCH PURPOSES

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

WHEREAS, Pursuant to Resolution No. R-168-14 (the "Surplus Resolution") this Board declared as surplus and authorized the conveyance of the property located at 3749 Oak Avenue, Miami, Florida to the City of Miami (the "Property") for its affordable housing program; and

WHEREAS, although this Board declared as surplus and authorized the conveyance of the entire property consisting of 5,450 square feet, the legal description attached to the County Deed accompanying the Surplus Resolution only included 3,250 feet of the 5,450 square foot property; and

WHEREAS, in order to ensure compliance with the intent of this Board as set forth in the Surplus Resolution, the additional 2,200 square feet of the Property should be conveyed to the City of Miami by County Deed in order to complete the conveyance of the entire 5,450 square foot parcel,

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 amends Resolution No. R-168-14 to correct the legal description of the Property declared as surplus and conveyed to the City of Miami to include the additional 2,200 square feet legally described in the County Deed attached hereto. This Board approves the conveyance to the City of Miami of the remainder of the Property by County Deed in substantially the form attached hereto; authorizes the County Mayor or the County Mayor's designee to take all actions necessary to accomplish the conveyance of said real property, and authorizes the execution of said County Deed by the Board of County Commissioners acting by the Chairperson or Vice-Chairperson of the Board.

Section 3. 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 in the Public Records of Miami-Dade County, Florida; 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 **Rebeca Sosa**, who moved its adoption. The motion was seconded by Commissioner **Sally A. Heyman** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 3rd day of March, 2015. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the 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.

Debra Herman

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

Folio No.: 01-4120-013-0340

COUNTY DEED

THIS DEED, made this day of , 20__ A.D. 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 NW 1 Street Suite 17-202, Miami, Florida 33128-1963, and CITY OF MIAMI, FLORIDA, a municipal corporation of the State of Florida, party of the second part, whose address is P.O. Box 330708, 444 SW 2 Avenue, 2nd Floor, Miami, Florida 33130.

WITNESSETH:

That the said party of the first part, for and in consideration of the sum of Ten ($10.00) Dollars, 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, its successors and assigns forever, the following described land lying and being in Miami-Dade County, Florida, (the "Property"):

LEGAL DESCRIPTION

PERCIVAL PLAT REVD PB 1-140 S44FT of LOT 41
according to 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 single family housing within five (5) years of the recording of the deed recorded at O.R. Book 29075 Pages 3473-3475, as evidenced by the issuance of a final Certificate of Occupancy.

2. That the affordable housing developed on the Property shall be occupied solely by low income households whose income does not exceed 80% of the area median income as determined by the US Department of Housing and Urban Development for the Metropolitan Area of Miami-Dade County for a period of no less than twenty (20) years commencing on the date of the issuance of the final Certificate of Occupancy.

If in the sole discretion of Miami-Dade County, 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 Part. 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 Miami-Dade 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.

[THE REMAINDER OF THIS PAGE WAS INTENTIONALLY LEFT BLANK]
[ONLY THE SIGNATURE PAGE FOLLOWS)

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
BY ITS BOARD OF
COUNTY COMMISSIONERS

By: _____
Jean Monestime, Chairman

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__.