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OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Agenda Item No. 11(A)(5)

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

DATE: November 3, 2015

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution declaring surplus County-owned land located at 230 NW 15th Street, Miami, Florida, authorizing the conveyance of same to the Lotus Endowment Fund, Inc., a Florida not-for-profit Corporation, for use in connection with the Lotus Village Project including shelter and support services for the public for $36,960.00; waiving Administrative Order 8-4 as it relates to review by the Planning Advisory Board and policy set forth in Resolution No. R-256-13 requiring a lease rather than a deed when conveying property to not-for-profit entities under Florida Statute Section 125.38; authorizing the Chairperson or Vice-Chairperson of the Board to execute a County Deed with restrictions for such purpose; and authorizing the County Mayor to take all actions necessary to accomplish the conveyance of said property

Resolution No. R-1000-15

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

Abigail Price-Williams
County Attorney

APW/lmp

MEMORANDUM

(Revised)

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

DATE: November 3, 2015

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 11(A)(5)

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)(5)
11-3-15

RESOLUTION NO. R-1000-15

RESOLUTION DECLARING SURPLUS COUNTY-OWNED LAND LOCATED AT 230 NW 15TH STREET, MIAMI, FLORIDA, AUTHORIZING THE CONVEYANCE OF SAME TO THE LOTUS ENDOWMENT FUND, INC., A FLORIDA NOT-FOR-PROFIT CORPORATION, FOR USE IN CONNECTION WITH THE LOTUS VILLAGE PROJECT INCLUDING SHELTER AND SUPPORT SERVICES FOR THE PUBLIC FOR $36,960.00; WAIVING ADMINISTRATIVE ORDER 8-4 AS IT RELATES TO REVIEW BY THE PLANNING ADVISORY BOARD AND POLICY SET FORTH IN RESOLUTION NO. R-256-13 REQUIRING A LEASE RATHER THAN A DEED WHEN CONVEYING PROPERTY TO NOT-FOR-PROFIT ENTITIES UNDER FLORIDA STATUTE SECTION 125.38; AUTHORIZING THE CHAIRPERSON OR VICE-CHAIRPERSON OF THE BOARD TO EXECUTE A COUNTY DEED WITH RESTRICTIONS FOR SUCH PURPOSE; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO TAKE ALL ACTIONS NECESSARY TO ACCOMPLISH THE CONVEYANCE OF SAID PROPERTY

WHEREAS, Lotus Endowment Fund, Inc. ("Lotus") is a Florida not-for-profit corporation which was organized for the community interest and welfare purpose of providing support, education, tools and resources to disadvantaged and homeless women, youth and children in the community; and

WHEREAS, Lotus owns, acquires and improves land and facilities utilized by Lotus House, a non-profit public charity providing such shelter and supportive services to the public ("Lotus House"); and

WHEREAS, Lotus House has a main campus including five parcels of land and facilities, including properties located at 211-229 NW 15th Street, 1540 NW 2nd Avenue, 1514 NW 2nd Avenue, and 226 NW 16th Street, Miami, Florida; and

WHEREAS, Lotus House is desirous of expanding its main campus because its current facilities are insufficient to meet the demand for additional shelter capacity for homeless individuals and families; and

WHEREAS, Lotus is currently proposing a project called Lotus Village, including an expansion of the Lotus House main campus, and seeks to acquire additional property in the area to meet its community interest and welfare purposes; and

WHEREAS, the County owns property located at 230 NW 15th Street, Miami, Florida (the "Property") with an assessed value of $36,960.00 and a market value of $63,000.00 according to the Miami-Dade County Property Appraiser's website; and

WHEREAS, Lotus has applied to the County for the conveyance of the Property for the purpose of inclusion in its shelter facilities and support programs servicing homeless individuals and families, including the Overtown neighborhood, as set forth in further detail in the application letter attached hereto as Exhibit "A;" and

WHEREAS, the Property would be conveyed for $36,960.00 to Lotus by a County Deed, in substantially the form attached as Exhibit "B," which will require Lotus to utilize the Property for shelter and support services and related uses in connection with the Lotus Village project; and

WHEREAS, this Board finds that, pursuant to Section 125.38 of the Florida Statutes, the Property is required for such use that the County does not otherwise require the property for a County purpose, and that the use intended would promote community interest and welfare; and

WHEREAS, in light of the nature of the proposed use of the subject property for the benefit of the community, and the payment of the assessed value as set forth in the Property Appraiser's website, this Board waives the policy set forth in Resolution No. R-256-13 which requires a lease rather than a deed of conveyance when transferring property to a not-for-profit corporation under Section 125.38, Florida Statutes,

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

Section 1. This Board ratifies and adopts the matters set forth in the foregoing recitals.

Section 2. This Board approves the conveyance of the Property to Lotus pursuant to Section 125.38 of the Florida Statutes for $36,960.00, waives Administrative Order 8-4 as it relates to review by the Planning Advisory Board and the board policy set forth in Resolution No. 256-13, authorizes the Chairperson or Vice-Chairperson of the Board to execute the County Deed in substantially the form attached as Exhibit "B," and authorizes the County Mayor or County Mayor's designee to take all actions necessary to effectuate this conveyance.

Section 3. This Board directs the County Mayor or the Mayor's designee to record the County Deed, in the public records of Miami-Dade County, and to provide a recorded copy of this documents to the Clerk of the Board within 30 days of their execution, and further directs the Clerk of the Board to attach and permanently store a recorded copy of the County Deed together with this resolution.

Section 4. This Board directs the County Mayor or County Mayor's designee to appoint staff to monitor compliance with the terms of this conveyance.

The Prime Sponsor of the foregoing resolution is Commissioner Audrey M. Edmonson. It was offered by Commissioner **Barbara J. Jordan**, who moved its adoption. The motion was seconded by Commissioner **Xavier L. Suarez** 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	**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	**aye**
Juan C. Zapata	**aye**		

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

Exhibit A

Lotus Endowment Fund, Inc.

June 16, 2015

The Honorable Audrey M. Edmonson
Miami Dade County Commission
Martin Luther King Office Plaza
2525 NW 62nd Street, Suite 4200
Miami Florida 33147

Re: Application of Lotus Endowment Fund, Inc., Supporting Lotus House, for Conveyance of Land Owned by Miami Dade County

Dear Commissioner Edmonson:

By this letter, Lotus Endowment Fund, Inc. ("Lotus Endowment") is requesting a conveyance from Miami Dade County of the Property described below for purposes of supporting the operations and redevelopment of the land and facilities of the Lotus House Women's Shelter, as described below.

Property Requested

The vacant parcel of land requested for conveyance to Lotus Endowment is legally described as:

> Lot 5, Block 6, Amended Plat of Erickson Addition to the City of Miami, according to the plat thereof, recorded in Plat Book B, page 88, of the Public Records of Miami Dade County, Florida,

commonly known as and located at 230 NW 15th Street, Miami Florida ("Property"). The Property has a lot size of approximately 50x105 square feet, bearing folio number 01-3136-021-0760, with an assessed value of $33,600, as published by the Office of the Appraiser.

Non-Profit Applicant

Lotus Endowment is a 501c3, non-profit charitable foundation, formed and operated exclusively to support and benefit the Sundari Foundation, Inc. dba Lotus House ("Lotus House"), itself a 501c3, non-profit public charity dedicated to providing support, education, tools and resources to disadvantaged and homeless women, youth and children in our community. Formed to assure that Lotus House will be a resource for generations to come, Lotus Endowment owns, acquires, and improves all the land and facilities that are utilized by Lotus House, providing them for $1 annually under a 50-year lease that renews in perpetuity provided the facilities include, among other

1514 NW 2nd Avenue Unit 1 Miami, FL 33136 lotusendowment.org

purposes, a shelter and supportive services for women, youth and children experiencing homelessness in our community.

Since opening its doors in March 2006, Lotus House has provided shelter with wrap around support services to women, youth and children experiencing homelessness. With often complex, multi-faceted medical and/or mental health issues, layered with histories of domestic violence and trauma, these women and children are amongst the most fragile and needy in our community. Lotus House has served over 1,600 women, youth and children since opening its doors, with over 80% of those who completed the program exiting outside the shelter system since inception. With a unique maternity program, it is the proud mother to 113 newborns and counting, who will some day call Lotus House their first home. Via its non-profit subsidiaries, Lotus Wellness Center, LLC operates a free health and wellness clinic, under the auspices of the Florida Department of Health providing women's wellness exams, HIV testing and other basic screenings for both women sheltered by Lotus House and our Overtown neighborhood, social services coordination and counseling services, educational facilities, job readiness training, move out assistance and more to uplift and empower these very special women, youth and children to improve the quality of their lives on every level, build the foundation for the future and transition to their new homes.

Funding for the operation of Lotus House is from the Miami Dade Homeless Trust, City of Miami Beach, the State of Florida Department of Education, and a wide range of other private and public foundations, corporations and individuals in our community.

Need for Redevelopment and This Property

Lotus House has grown from housing 34 women daily to over 185 women and children daily (165 at our main campus). The properties owned by Lotus Endowment and provided to Lotus House at its main campus currently include five parcels of land and facilities located at 211-229 NW 15th Street, 1540 NW 2nd Avenue, 1514 NW 2nd Avenue, and 226 NW 16th Street, Miami, Florida.

The facilities occupied by Lotus House are older structures, deteriorating with heavy usage, and in need of redevelopment. Space for indoor dining, a state of the art daycare and health and wellness center are needed among other things. The demand for additional shelter capacity for homeless individuals and families in our community is likewise pressing. In the past year, Lotus House was forced to turn away over 1,000 women, youth and families in need, to devastating consequences in some cases.

Recognizing this need, Lotus Endowment is prepared to provide the charitable capital investment needed to expand what Lotus House does with facilities worthy of future generations, as described in the Lotus Village project below, of which the total cost, with land, is approximately $20 Million. Additional parcels of land are needed to complete the project. The Property is one such parcel that would be instrumental to the redevelopment. With a line of credit assured, we have the capacity to move very swiftly toward completion of this project, with your help.

The Project – Lotus Village

Lotus Village is envisioned as a mixed-use "village" with combined state of the art shelter facilities and supportive services serving homeless individuals and families, as well as our Overtown neighborhood. In addition to both campus and apartment style units, the Village will include on-site, wrap around support services for high special needs individuals and families, a children's wellness center offering child therapy services, nurturing parenting classes and a day care, food service and dining facilities with training programs for life skills and job readiness, a health and wellness clinic offering a complement of basic and preventive health care, eye and dental care, counseling and wellness programming, along with community rooms, offices, and a health and wellness clinic serving both the shelter and surrounding neighborhoods.

Once completed, the shelter facilities will be provided by Lotus Endowment to Lotus House for $1 per year, under its existing lease, renewing in perpetuity in the fulfillment of its mission to provide shelter, support, education, tools and resources for individuals and families experiencing homelessness. The planned day care, health clinic, computer library and other supportive facilities will also be leased to Lotus House and possibly other community providers to advance the support and community services to those sheltered by Lotus House and our Overtown community.

Together

It Takes A Village is a centuries old proverb recognizing the value of every child, every individual, the preciousness of every human life, and reminds us that we are greater than the sum of our individual parts in the strength of our community. Over the past ten years, our community has gathered together in Lotus House to shelter, support, and uplift women, youth and children who are vulnerable and experiencing homelessness, so that they might realize the promise of a safe, secure home and happy and healthy lives. We have all been enriched by the fruit of their potential realized and the gift of service to our selves.

Lotus Endowment seeks to provide much needed shelter capacity in Lotus House and build in Lotus Village facilities truly worthy of future generations. Your help in conveying this parcel to Lotus Endowment (or a development subsidiary) is essential, life changing, life saving, and laying the foundation for our collective future - our children, because we are all one family, one village, one love. Thank you for caring, thank you for making a difference for us all in granting our request for conveyance of this Property.

Please contact me in the event additional information is requested at president@lotushouse.org or my phone 305-613-1573. We are grateful for your consideration.

Sincerely,

Constance Collins,
On behalf of Lotus Endowment Fund, Inc.

Exhibit B

Instrument prepared by and returned to:
Debra Herman
Miami-Dade County Attorney's Office
111 N.W. 1 Street, Suite 2800
Miami, Florida 33128-1907

Folio No. : 01-3136-021-0760

---------- {{SPACE ABOVE THIS LINE RESERVED FOR RECORDING DATA} ----------

COUNTY DEED

THIS COUNTY DEED, made this day of , 2015, by Miami-Dade County, Florida, a political subdivision of the State of Florida, party of the first part (the "County"), whose address is: Stephen P. Clark Center, 111 N.W. 1st Street, Suite 2460, Miami, Florida 33128, and Lotus Endowment Fund, Inc., ("Lotus") a Florida not-for-profit corporation, party of the second part, whose address is: 283 Catalonia Avenue, Coral Gables, Florida 33134.

WITNESSETH:

That the said party of the first part, for and in consideration of the sum of Thirty Six Thousand Nine Hundred and Sixty Dollars ($36,960.00), to it in hand paid by the party of the second part, receipt whereof is hereby acknowledged has granted, bargained and sold, to the party of the second part, its successors and assigns forever, the following described lands lying and being in Miami-Dade County, Florida, (the "Property"):

LEGAL DESCRIPTION

Lot 5, Block 6, Amended Plat of Erickson Addition to the City of Miami, according to the plat thereof, recorded in Plat Book B, page 88, of the Public Records of Miami-Dade County (the "Property")

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 statement of facts concerning the same. This grant is made solely for the public not for profit purpose of use in connection with the Lotus Village project including shelter and

supportive services for homeless individuals and families, and any non-profit uses in connection therewith, and for no other use. Lotus shall not assign, lease, convey, or transfer the Property, other than a lease to Sundari Foundation, Inc. d/b/a Lotus House, without the prior written consent of the Miami-Dade County Board of County Commissioners, which may be withheld in its sole and absolute discretion.

If in the sole discretion of the County, the Property ceases to be used for these purposes, , or Lotus ceases to exist, or changes or loses its status as a not-for-profit corporation, or the terms of this deed restriction are violated, the County shall provide sixty (60) days' written notice to Lotus to provide Lotus an opportunity to cure the default ("Grace Period"). If after expiration of the sixty day Grace Period, Lotus has not remedied the default, as determined in the County's sole and absolute discretion, then at the option of the County and upon ten days' written notice, the Property shall revert to the County, along with any and all improvements thereon, without cost or expense to the County. This right shall be in addition to any other remedy that the County may have at law or in equity. The County retains a reversionary interest in the Property, which right may be exercised by the County in accordance with this Deed. Upon such reversion, the County may file a Notice of Reversion evidencing same in the public records of Miami-Dade County.

[THE REMAINDER OF THIS PAGE WAS INTENTIONALLY LEFT BLANK]

[ONLY THE SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF Miami-Dade County has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chairperson or Vice-Chair Person of said Board, the day and year aforesaid.

(OFFICIAL SEAL)

ATTEST:
FLORIDA

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

MIAMI-DADE COUNTY,

BY ITS BOARD OF
COUNTY COMMISSIONERS

By: _____

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 _____, 2015.

IN WITNESS WHEREOF, the representative of Lotus Endowment Fund, Inc. has caused this document to be executed by their respective and duly authorized representative on this _____ day of _____, 2015, and it is hereby approved and accepted by same.

_____ By:_____

Witness/Attest:

Name:_____

_____

Witness/Attest: Title:_____

_____

STATE OF _____

SS:

COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 2015, by _____, of Lotus Endowment Fund, Inc., a Florida Not for profit company, whose title is _____ and s/he has produced _____as identification.

(SEAL)

_____

_____

Notary Public-State of_____

Commission Number: _____