



Miami-Dade Board of County Commissioners
Office of the Commission Auditor

Housing, Social Services & Economic Development
Committee (HSSSED) Meeting

April 15, 2019
12:00 P.M.
Commission Chambers

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Commission Auditor
Office of the Commission Auditor (OCA)
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Research Notes**

**Item No. 1G1
File No. 190480**

Researcher: JFP Reviewer: TD

ORDINANCE RELATING TO LEASES AND CONVEYANCES OF COUNTY PROPERTY; AMENDING SECTION 2-8.6.5 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING EXCLUSIVE METHOD PURSUANT TO SECTION 125.045, FLORIDA STATUTES, FOR NON-COMPETITIVE LEASE OR CONVEYANCE OF COUNTY PROPERTY FOR ECONOMIC DEVELOPMENT PURPOSES; SETTING FORTH REQUIRED INFORMATION WHICH MUST BE PROVIDED BY PROPOSED DEVELOPERS; REQUIRING RECOMMENDATION OF COUNTY MAYOR OR MAYOR'S DESIGNEE AND QUARTERLY REPORTS TO THE BOARD; REQUIRING INCLUSION OF REVERTER OR LEASE TERMINATION PROVISION; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should amend Section 2-8.6.5 of the County Code to prescribe a uniform standard for non-competitive lease or conveyance of County property for economic development purposes.

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Rebeca Sosa

Department/Requester: None

This item has no procedural history.

ANALYSIS

This purpose of this item is to amend Section 2-8.6.5 of the County Code to provide uniform standards and procedures to be used by the County in conveying or leasing property for the public purpose of economic development activities. Section 125.045, Florida Statutes permits such conveyance without competitive bidding in order to facilitate economic development in the form of the creation, retention, and expansion of businesses existing in the community as well as attraction of new businesses to the community.

The proposed amendment adds the definition of "proposed developer"—an individual or legal entity desiring to lease or acquire by conveyance from the County any real property owned or leased by the County for economic development purposes—and provides uniform standards and procedures for the developer in the submission of written requests to the County for such economic development conveyances. It also requires all economic development conveyances or leases to include a reverter or lease termination provision in the event that the economic development project is not constructed. Moreover, on at least a quarterly basis, the Mayor is to submit a written report to the Board on all written requests from proposed developers for the lease or conveyance of County Property for economic development purposes that have not been presented to or approved by the Board. The Board may direct the Mayor to further evaluate and present a recommendation to the Board on any particular proposal from a proposed developer that the Board desires to evaluate upon a majority vote of the Board members present.

The required Fiscal Impact Statement for this item is pending. However, since the amendment simply codifies uniform standards and procedures for an already existing policy, a showing of fiscal impact is not anticipated.

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The table below shows the original Section 2-8.6.5 of the County Code and the proposed changes. Words underlined constitute the amendment proposed.

Section 2-8.6.5 of the County Code	Proposed changes to Section 2-8.6.5 of the County Code
<p>Section 2-8.6.5 - Purchase, sale, lease of real property.</p> <p>(1) <i>Definitions.</i> As used in this section:</p> <p>(a) The term "Principal" means an owner, officer, or director. By exception, the term Principal shall not include the shareholders of a publicly traded corporation.</p> <p>(b) The term "Tenant" means an individual, corporation, partnership, joint venture, or other legal entity, including both for-profit and not-for-profit entities.</p> <p style="text-align: center;">* * *</p>	<p>Section 2-8.6.5 - Purchase, sale, lease of real property.</p> <p>(1) <i>Definitions.</i> As used in this section:</p> <p>(a) The term "Principal" means an owner, officer, or director. By exception, the term Principal shall not include the shareholders of a publicly traded corporation.</p> <p>(b) <u>The term "proposed developer" means an individual or legal entity desiring to lease or acquire by conveyance from the County any real property owned or leased by the County for economic development purposes.</u></p> <p>(c) The term "Tenant" means an individual, corporation, partnership, joint venture, or other legal entity, including both for-profit and not-for-profit entities.</p> <p style="text-align: center;">* * *</p> <p><u>(5) <i>Conveyances and Leases of County Property for Economic Development Purposes.</i></u></p> <p>(a) <u>The County is authorized, pursuant to section 125.045, Florida Statutes, to convey or lease real property for economic development activities in order to facilitate and encourage the growth and creation of business enterprises in the County. All non-competitive conveyances and leases of County-owned or County-leased property for economic development purposes which are made pursuant to section 125.045, as it may be amended from time to time, shall comply with and be subject to the provisions of this subsection. Notwithstanding the foregoing, nothing contained in this subsection shall preclude the County from issuing a competitive solicitation for the conveyance or lease of County-owned or County-leased property for economic development purposes.</u></p>

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- (b) A proposed developer shall submit a written request to the County Mayor or County Mayor's designee for the conveyance or lease of County property for economic development purposes setting forth a description of the proposed project including, but not limited to:
- (i) identification of the property requested and intended use;
 - (ii) identification of any other real property surrounding the requested County property that will be used as part of the economic development project and a description of the method by which the proposed developer intends to secure any necessary property interests;
 - (iii) a statement of how the proposed improvement and use of the requested property will facilitate growth and creation of business enterprises in the County, retain or expand businesses existing in the community, or attract new businesses to the community, and shall specifically identify the targeted business it will attract, retain, or expand;
 - (iv) a description of any relevant economic conditions of the surrounding community and how the use and improvement of the requested property will positively impact the economic condition, vitality, and job opportunities thereof;
 - (v) a description of how the project will contribute to short and long term job generation, including the projected number. Anticipated salaries, and type of new jobs it will assist in generating;
 - (vi) a schedule for the creation of permanent jobs and the retention period for said jobs;
 - (vii) the proposed purchase price or lease payments over time and the methodology for and circumstances

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- that would allow changes to the lease payments over time; and
- (viii) any other additional material or information thereafter requested by the County.
- (c) The proposed developer shall submit a business or operational plan for the development of the requested property, including, but not limited to:
- (i) a development timetable, phasing schedule, and a cash flow analysis;
 - (ii) a market and financial feasibility analysis or economic development study describing the economic viability of the project, including an estimate of net proceeds over the planned life of the project, and in no event less than fifteen years after the initial transfer of the property;
 - (iii) a cost estimate for infrastructure and other investments needed for development of the property;
 - (iv) an estimate of the minimum capital investment which will be made into the requested property for economic development purposes;
 - (v) a description of the proposed capital improvements and development of the property requested, including a conceptual design of the improvements to be built thereon; and
 - (vi) a description of the general plans for financing the economic development project, including the sources of funds, identity of any dedicated revenue source, or proposed debt or equity investment.
- (d) Any conveyance or lease of County property presented to the Board for its approval shall include a recommendation by the County Mayor or County Mayor's designee confirming that:
- (i) the proposed terms and conditions set forth in the recommended contract for sale or lease or County property would satisfy economic development purposes;

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- (ii) the project is feasible and that no obstacles exist to the proposed conveyance or lease or to the proposed development or use of the property;
- (iii) the recommended contract is in the best interests of the County; and
- (iv) the proposed project provides n benefit to the County beyond that which would be achieved by competitively bidding the lease or conveyance of the property.
- (e) On at least a quarterly basis, the County Mayor or County Mayor's designee shall submit a written report to the Board on all written requests from proposed developers for the lease or conveyance of County Property for economic development purposes that have not been presented to or approved by the Board. Upon a majority vote of the Board members present, the Board may direct the County Mayor or County Mayor's designee to further evaluate and present a recommendation to the Board on any particular proposal from a proposed developer that the Board desires to evaluate.
- (f) All economic development conveyances or leases under this subsection, at a minimum, shall include a reverter or lease termination provision in the event that the economic development project is not constructed.

APPLICABLE LEGISLATION/POLICY

Section 125.045, Florida Statutes, (County economic development powers) allows the County to convey or lease County property for the public purpose of economic development activities without the necessity of competitive bidding.

http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=125.045&URL=0100-0199/0125/Sections/0125.045.html

Miami-Dade County Code Section 2-8.6.5 governs the purchase, sale and lease of real property.

https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.6.5PUSALEREPR

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**Item No. 2A
File No. 190711**

Researcher: PGE Reviewer: TD

RESOLUTION GRANTING FIRST CHOICE GROUP OF MIAMI, LLC, A FLORIDA LIMITED LIABILITY COMPANY, A ONE YEAR EXTENSION TO COMPLETE THE DEVELOPMENT OF THE MULTIFAMILY AFFORDABLE RENTAL HOUSING PROJECT ON THE PROPERTY LOCATED AT 777 NW 30 STREET, MIAMI, FLORIDA 33127, WHICH WAS CONVEYED TO FIRST CHOICE GROUP OF MIAMI, LLC IN ACCORDANCE WITH RESOLUTION NO. R-209-17; AND DIRECTING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO TAKE ALL NECESSARY STEPS SET FORTH IN THE COUNTY DEED TO EVIDENCE THE EXTENSION GRANTED HEREIN

ISSUE/REQUESTED ACTION

Whether the Board should approve a one-year extension for First Choice Group of Miami, LLC (First Choice) to complete the development of a multifamily affordable rental housing project on property in District 3 conveyed to it by the County.

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Audrey M. Edmonson, District 3

Requester/Department: N/A

ANALYSIS

The purpose of this item is to grant First Choice, an affordable housing developer, a one-year extension to complete construction of a multifamily affordable rental housing project located at 777 NW 30 Street, Miami, Florida, in District 3, which is represented by Commissioner Edmonson. First Choice partnered with Miami Dream Homes Investment Group, Inc., a participant in the County's Infill Housing Developer Pool, to develop the property. The property is approximately 17,212 square feet and was an abandoned building. First Choice is requesting the extension due to development setbacks, such as the 40-year certification process and architectural plan review in the City of Miami Building Department.

On March 7, 2017, the Board adopted Resolution No. R-209-17, which accomplished the following: (1) declared surplus one County-owned property located at 777 NW 30 Street, Miami, Florida, and revised the inventory list of real property to include the property; (2) conveyed the property to First Choice at a price of \$127,946 for development of affordable rental housing; and (3) directed the County Mayor to deposit the proceeds of the sale of the property with the Community Action and Human Services Department.

The deed evidencing the conveyance to First Choice is subject to a reverter, i.e., First Choice completing the project within two years of the effective date of the property transfer unless extended at the discretion of the County Commission. Other key deed provisions are: (1) the developer shall rent such affordable multifamily housing to qualified renters whose income range is established up to 140 percent of the most recent median family income for the County reported by the United States Department of Housing and Urban Development (HUD); (2) the developer shall execute a rental regulatory agreement that is approved by the County; and (3) the developer shall not assign or transfer its interest in the property absent consent of the Board.

Resolution No. R-209-17 also required the execution of a 20-year rental regulatory agreement to be recorded against the property. The rental regulatory agreement and the covenants run with the property. Under the agreement, the developer agrees that all residential tenant leases shall be for an initial term of not less than one year and be renewed

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at the end of each term except for good cause or mutual agreement of owner and tenant. The County and First Choice agree that rents may increase as median income increases as published by HUD. At the discretion of the County, up to 20 percent of the rental units per project may be designated for Housing Choice Voucher (Section 8) subsidy, either project-based or tenant-based.

Per information found on the County's Property Appraiser's website on April 10, 2019, the market value of the property is \$174,904, and the property is within the De Leon Park subdivision.

ADDITIONAL INFORMATION

The Public Housing and Community Development Department oversees the Infill Housing Initiative Program and has developed guidelines for the administration of the program. The guidelines summarize the infill development process and requirements to be followed by developers.

<http://www.miamidade.gov/housing/library/guidelines/infill/infill-housing.pdf>

Infill Housing Homebuyer Requirements can be found at the below link.

<http://www.miamidade.gov/housing/infill-housing-homebuyers.asp>

APPLICABLE LEGISLATION/POLICY

Section 125.379 of the Florida Statutes governs the disposition of county property for affordable housing and requires each county to prepare an inventory list of all real property within its jurisdiction to which the county holds fee simple title that is appropriate for use as affordable housing; properties identified as appropriate for use as affordable housing on the inventory list adopted by the county may be offered for sale and the proceeds used to purchase land for the development of affordable housing or to increase the local government fund earmarked for affordable housing, or may be sold with a restriction that requires the development of the property as permanent affordable housing, or may be donated to a nonprofit housing organization for the construction of permanent affordable housing.

http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=125.379&URL=0100-0199/0125/Sections/0125.379.html

Section 125.411 of the Florida Statutes provides the form to be used for deeds of conveyance of land.

http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=125.411&URL=0100-0199/0125/Sections/0125.411.html

Section 17-121 of the Miami-Dade County Code relates to the Infill Housing Initiative Program, whose purpose is to increase the availability of affordable homes for very low, low and moderate income persons, maintain a stock of affordable housing, redevelop urban neighborhoods by eliminating the blight of vacant lots and dilapidated or abandoned properties, to equitably distribute homeownership opportunities within the Infill Target Areas, and generate payment of ad valorem taxes.

https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH17HO_ARTVIIIHOIN_S17-121TIPU

Section 2-8.6.5 of the Miami-Dade County Code governs the purchase, sale and lease of real property.

https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.6.5PUSALEREPR

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Implementing Order No. 3-44 establishes the process for the implementation and management of the Infill Housing Initiative Program for Miami-Dade County.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-44.pdf>

Administrative Order No. 8-4 states that the authority to sell, lease or otherwise dispose of County-owned real property lies solely with the Board of County Commissioners. Before action is taken on any proposed sale or lease of County-owned real property, unless expressly excluded herein, a recommendation will be requested from the Planning Advisory Board, to indicate whether such proposal is in the public interest and also recommending proper land use classification, if applicable.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/AO8-4.pdf>

Resolution No. R-376-11, adopted May 3, 2011, directs that any resolution authorizing the rehabilitation, improvement or conveyance of County-owned real property appropriate for or to be used as affordable housing shall include: (1) background information explaining how, when and why the County acquired the property; (2) an itemized accounting of the County's past and proposed future investment in the property, including acquisition, rehabilitation and maintenance costs; (3) the amount and an explanation of any mortgages, fines, liens or other costs paid by the County in acquiring the property; (4) the location of the property, including the commission district; (5) the assessed value of the property; (6) a summary of the terms, duties and responsibilities to be imposed upon the recipient of the property pursuant to any agreements; (7) a summary of remedies available to the County in the event that the proposed recipient does not fully comply with said agreements; and (8) a summary of future controls and transfer restrictions on the property or, in lieu of a summary, a copy of any restrictive covenant, restrictive deed or other controls to be placed upon the property by the County at the time of transfer or sale.

<https://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2011/R-376-11.pdf>

Resolution No. R-333-15, adopted April 21, 2015, establishes County policy to require disclosure of market value or market rental in legislative items authorizing the conveyance or lease of County-owned property to promote public disclosure and fiscal responsibility.

<https://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2015/R-333-15.pdf>

Resolution R-630-13, adopted July 16, 2013, requires a detailed project budget, sources and uses statement, certifications as to past defaults on agreements with non-County funding sources and a due diligence check prior to the County Mayor recommending a commitment of County funds to social services, economic development, community development and affordable housing agencies and providers.

<http://intra/gia/matter.asp?matter=131512&file=false&yearFolder=Y2013>

Resolution No. R-974-09, adopted July 21, 2009, directs that any resolution authorizing the execution of instruments creating a County interest in real property shall require such instruments to be recorded in the public records of Miami-Dade County.

<https://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2009/R-974-09.pdf>

Resolution No. R-380-17, adopted April 4, 2017, established the policy requiring the County Mayor to provide written notification to the District Commissioner in which the County-owned property lies no less than four weeks prior to placing any item on the agenda requesting approval of the sale, lease or surplus of County-owned property.

<http://intra/gia/matter.asp?matter=170414&file=true&yearFolder=Y2017>

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Resolution No. R-209-17, adopted March 7, 2017, accomplished the following: (1) declared surplus one County-owned property located at 777 NW 30 Street, Miami, Florida and revised the inventory list of real property to include that property; (2) conveyed the property to First Choice at a price of \$127,946 for development of affordable rental housing; and (3) directed the County Mayor to deposit the proceeds of the sale of the property with the Community Action and Human Services Department.

<http://intra/gia/legistarfiles/MinMatters/Y2017/170328min.pdf>

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Item No. 2B

File No. 190601

Researcher: IL Reviewer: TD

RESOLUTION APPROVING A RELEASE OF DECLARATION OF RESTRICTIVE COVENANTS AND OF LEASE ON PROPERTY LOCATED AT 3468 NW 199 STREET AND 3450 NW 199 STREET, MIAMI GARDENS, FLORIDA TO REMOVE THE LIMITATION ON THE USE OF THE PROPERTIES TO THE DEVELOPMENT OF SENIOR AFFORDABLE HOUSING IN THE EVENT THAT THEY ARE DEVELOPED WITH RESIDENTIAL USES; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME, EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN AND TO PERFORM ALL ACTS NECESSARY TO EFFECTUATE SAME

ISSUE/REQUESTED ACTION

Whether the Board should approve a release of the declaration of restrictive covenants for the properties located at 3468 and 3450 N.W. 199 Street, in Miami Gardens, FL removing the limitation on the use of the properties to the development of senior affordable housing and allowing the development of the property for residential uses.

PROCEDURAL HISTORY

Prime Sponsor: Commissioner: Barbara J. Jordan, District 1

Department/Requester: None

This item was deferred from the Housing, Social Services & Economic Development Committee on March 11, 2019. Prior to the deferral, the following exchange took place:

- Assistant County Attorney Terrence Smith read the title of the proposed resolution into the record.
- Commissioner Monestime moved that the proposed item be forwarded to the BCC with a favorable recommendation. This motion was seconded by Commissioner Suarez, followed by discussion.
- Commissioner Martinez' requested clarification on how the property was released from the covenant to be a Senior Affordable Housing. Assistant County Attorney Monica Rizo explained that initially the County disposed of a property with a long-term lease, and like this subject property, it was competitively bid to the highest bidder. She added the property restrictions from the Community Council's approval for commercial use included; developments were limited to single family homes with no zero lot lines; no housing subsidies on the site; and to assume the existing lease. Assistant County Attorney Rizo further noted the YWCA initially was the highest bidder. The Board imposed new restrictions in 2017 requiring no property use for residential except for Senior Affordable Housing. The development plan was for two of the three not-for-profit facilities being moved.
- Commissioner Martinez noted the need for additional information and exercised the 3-Day Rule on the proposed item.
- Chairman Moss noted the item would be deferred to the April 15, 2019, HSSSED Committee meeting in order to receive more information.

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ANALYSIS

The purpose of this item is to seek approval of a release of declaration for restrictive covenants for the properties allowing the developer to build facilities, including residential uses for other than affordable senior housing purposes, and acknowledge that the prior lease between Miami-Dade County and Young Women's Christian Association, Inc. (YWCA) has expired and is therefore released and terminated and of no further force or effect.

This item will not have a negative fiscal impact on the County's general fund.

The County sold these properties to the YWCA for the sum of \$430,000.00 on December 7, 2001, the County deed contained four deed restrictions: 1) Approval by the Commission if commercial uses were developed on site, 2) Residential developments restricted to single family homes, 3) No housing subsidy be used in development on the site and 4) An assumption of an existing lease on the property between County and YWCA. The YWCA was the highest bidder of a competitive process and according to the mayoral memo removing the declaration and restrictions on the properties is consistent with the original conveyance.

Currently, there are three non-profit tenants operating on the property, they are His House, Inc., The Association of Retarded Citizens, South Florida, Inc., and The Center for Family and Child Enrichment, Inc. The developer seeks to build facilities for one or more of the not-for-profit entities that will be relocated.

Illustration of the land that will be developed.



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DEPARTMENTAL INPUT:

The following questions were asked to the department on April 12, 2019:

- If we allow the use to go beyond senior housing non-residential purposes are we opening the door to for-profit real estate sells?
- In the absence of Senior Affordable Housing, have provisions been made to alleviate any negative impact on this type of affordable housing.

APPLICABLE LEGISLATION/POLICY

Chapter 125.35 of the Florida Statutes, The board of county commissioners is expressly authorized to sell and convey any real or personal property, and to lease real property, belonging to the county, whenever the board determines that it is to the best interest of the county to do so, to the highest and best bidder for the particular use the board deems to be the highest and best, for such length of term and such conditions as the governing body may in its discretion determine.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0100-0199/0125/Sections/0125.35.html

Section 2-9 of the Code of Miami-Dade County, (Contracts with municipalities or governmental units for services-Authority of Manager), authorizes the County Manager/Mayor to enter into contracts in behalf of this County with municipalities and other governmental units for joint performance with the County or performance by any municipality or other governmental unit in behalf of the County or any function or service which the County is authorized or directed to perform under Section 11, Article VIII of the Florida Constitution, the Home Rule Charter, or any ordinance adopted by the Board.

https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-9COMUGOUNSEUTMA

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Section 2-10 of the Code of Miami-Dade County, (Same-Ratification of Board; duration; filing), all contracts authorized by [Section 2-9](#) shall be entered into subject to ratification by the County Commission and no such contract shall extend for a period longer than one (1) year without the express authorization of the Commission. All such contracts shall be filed with the Clerk of the Commission and the Clerk of the other governmental unit involved and shall be open to public inspection.

[https://library.municode.com/fl/miami -
dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-10SAATBODUFI](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-10SAATBODUFI)

Resolution No. 1167-00, adopted November 14, 2000, declared three County-owned parcels located on the South side of N.W. 199 Street and East and West of N.W. 37 Avenue, surplus and authorizing the public sale and conveyance to the highest bidder.

<http://www.miamidade.gov/govaction/matter.asp?matter=002262&file=false&fileAnalysis=false&yearFolder=Y2000>

Resolution No. 147-17, adopted February 7, 2017, authorize the recording and release of deed restrictions on property located at 3468 N.W. 199 Street and 3450 N.W. 199 Street, limiting the use of the properties to the development of senior affordable housing.

<http://www.miamidade.gov/govaction/matter.asp?matter=170042&file=true&fileAnalysis=false&yearFolder=Y2017>

Resolution No. 237-18, adopted March 6, 2018, authorizing the lease of approximately 140 acres, potentially increased by 10-15 additional acres, of County land at 20000 N.W. 47 Avenue for an initial term of 30 years for a rent of no less than \$33,382,655.07 to be leased to non-profit agencies to be funded using \$7,500,000.00 of Building Better Communities and lease of the property located 11005 S.W. 84 Street and 16345 N.W. 25 Avenue for an initial 5-year term to His House, Inc. The Center for Family and Child Enrichment, Inc., Association for Retarded Citizens, South Florida, Inc.

<http://www.miamidade.gov/govaction/matter.asp?matter=181447&file=false&fileAnalysis=false&yearFolder=Y2018>

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**Item No. 2F
File No. 190887**

Researcher: LE Reviewer: TD

RESOLUTION DECLARING SURPLUS ONE COUNTY-OWNED PROPERTY (FOLIO NO. 30-5032-000-0370) LOCATED IN HOMESTEAD, FLORIDA; REVISING THE INVENTORY LIST OF AFFORDABLE HOUSING SITES, AFTER A PUBLIC HEARING, TO INCLUDE SUCH PROPERTY AND AN ADDITIONAL TWO COUNTY OWNED PROPERTIES (FOLIO NOS. 10-7813-050-0380 AND 30-5032-000-0380) ALSO LOCATED IN HOMESTEAD, FLORIDA IN ACCORDANCE WITH SECTION 125.379(1), FLORIDA STATUTES; AUTHORIZING CONVEYANCE, PURSUANT TO SECTION 125.379(2), FLORIDA STATUTES, OF A TOTAL OF FIVE COUNTY-OWNED PROPERTIES TO BUILDING BETTER COMMUNITIES OF SOUTH FLORIDA, INC., A FLORIDA NOT-FOR-PROFIT CORPORATION, AT A PRICE OF \$10.00, FOR THE PURPOSE OF DEVELOPING SUCH PROPERTIES WITH AFFORDABLE HOUSING TO BE SOLD TO VERY LOW- LOW- OR MODERATE- INCOME HOUSEHOLDS IN ACCORDANCE WITH MIAMI-DADE COUNTY'S INFILL HOUSING INITIATIVE PROGRAM AND/OR THE APPLICABLE LAWS AND REGULATIONS GOVERNING THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM; AUTHORIZING THE CHAIRWOMAN OR VICE-CHAIRWOMAN OF THE BOARD OF COUNTY COMMISSIONERS TO EXECUTE COUNTY DEEDS; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO TAKE ALL ACTION NECESSARY TO ENFORCE THE PROVISIONS SET FORTH IN SUCH COUNTY DEEDS, TO PROVIDE COPIES OF THE COUNTY DEEDS AND THE RESTRICTIVE COVENANTS REQUIRED THEREIN TO THE PROPERTY APPRAISER'S OFFICE, AND TO ENSURE PLACEMENT OF APPROPRIATE SIGNAGE

ISSUE/REQUESTED ACTION

Whether the Board authorize conveyance of five County-owned properties to Building Better Communities of South Florida for the purpose of developing the properties with affordable housing to be sold to very low, low, or moderate income households in accordance with Miami-Dade County's Infill Housing Initiative Program.

PROCEDURAL HISTORY

Prime Sponsor: Dennis C. Moss, District 9

Department/Requester: None

This item has no procedural history.

ANALYSIS

The purpose of this item is to request Board authorization to convey five County-owned properties to Building Better Communities of South Florida at a price of \$10.00 for the purpose of developing them into affordable housing for sale to very low, low, or moderate income households in accordance with Miami-Dade County's Infill Housing Initiative Program; declare one property as surplus; revise the affordable housing sites inventory list; and authorize execution of a County Deed.

The proposed item has a positive impact of \$10.00 towards the County for the conveyance of five properties to Building Better Communities of South Florida. The County will save approximately \$1,843 annually in property monitoring and maintenance and the new homes will generate real estate taxes to the County of approximately \$3,795.92 annually or approximately \$75,900 over the 20 year period of restricted covenant. The maximum sales price for infill homes cannot exceed \$205,000.00. Properties available to low-income families are subject to an affordable housing restrictive covenant for twenty (20) years.

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This item declares Folio No. 30-5032-000-0370 as surplus. Additionally, it recommends the Board to revise the Affordable Housing Inventory List to include properties Folio No. 10-7813-050-0380 and 30-5032-000-0380 as they are considered appropriate for affordable housing use. If Building Better Communities fails to comply with the deed restrictions, then the Properties will be subject to reverter. The properties revert to County control if not developed within two years of the signing of the deed and effective date of the conveyance of the Properties, unless time is extended at the discretion of the Board.

Building Better Communities seeks to provide attainable housing options to those who would not normally qualify for home purchase. On January 19, 2019, Building Better Communities submitted an application to District 9 County Commissioner requesting that the County convey five County-owned vacant properties located in the district. Building Better Communities proposed utilizing the construct the affordable housing described.

The Miami-Dade County Infill Housing Initiative Program was created to provide more housing opportunities for low-income and working families. Applicants were evaluated based on the following criteria: 1) experience and past performance in developing homes pursuant to the Infill Housing Program; 2) development team, key personnel and functions; 3) approach to providing services to each homeowner; 4) building plans for single family home models; 5) financial capability and demonstrated ability to obtain financing; 6) approach to meeting time schedule and budgets; and 7) marketing skills and ability to reach eligible households.

Building Better Communities is recommended because their record of team members being involved in affordable housing production for over 30 years.

HSSD Meeting: April 15, 2019 Research Notes

The image below showcases the property located at 98 SW 5 St (Folio Number #10-7813-050-0380). The current market value for this property is \$36,000.00.

SEARCH:

Q

PROPERTY INFORMATION ⓘ

Folio: 10-7813-050-0380

Sub-Division:
TATUMS ADDN NO 1

Property Address
98 SW 5 ST

Owner
MIAMI-DADE COUNTY
GSA R/E MGMT

Mailing Address
111 NW 1 ST STE 2480
MIAMI, FL 33128-1929

PA Primary Zone
9400 PLANNED AREA DEVELOPMENT

Primary Land Use
8080 VACANT GOVERNMENTAL : VACANT LAND -
GOVERNMENTAL

Beds / Baths / Half 0 / 0 / 0

Floors 0

Living Units 0

Actual Area 0

Living Area 0

Adjusted Area 0

Lot Size 7,200 Sq.Ft

Year Built 0

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The image below showcases the property located adjacent west of 10231 SW 178 St (Folio Number #30-5032-000-0370) and showcases the property located adjacent north and west of 10231 SW 178 St (Folio Number #30-5032-000-0380). The current market value for the properties are \$91,200.00 and \$5,300.00 respectively.


SEARCH: 30-5032-000-0380


PROPERTY INFORMATION	
Folio:	30-5032-000-0380
Sub-Division:	
Property Address	
Owner	MIAMI-DADE COUNTY GSA R/E MGMT
Mailing Address	111 NW 1 ST STE 2400 MIAMI, FL 33128-1929
PA Primary Zone	3050 UC EDGE - RESIDENTIAL (R) 2 MAX HT
Primary Land Use	8080 VACANT GOVERNMENTAL : VACANT LAND - GOVERNMENTAL
Beds / Baths / Half	0 / 0 / 0
Floors	0
Living Units	0
Actual Area	0
Living Area	0
Adjusted Area	0
Lot Size	5,227 Sq.Ft
Year Built	0

2018 Aerial Photography 60ft

HSSSED Meeting: April 15, 2019 Research Notes

The image below showcases the property located at 221 NW 8 Ave (Folio Number #10-7813-024-1022). The current market value for this property is \$28,408.00.

SEARCH: 

PROPERTY INFORMATION 

Folio: 10-7813-024-1022

Sub-Division:
BLVD ADDN

Property Address
221 NW 8 AVE


Owner
MIAMI DADE COUNTY
HCD


Mailing Address
701 NW 1 CT 14TH FL
MIAMI, FL 33136

PA Primary Zone
0100 SINGLE FAMILY - GENERAL

Primary Land Use
8047 VACANT GOVERNMENTAL : DADE COUNTY

Beds / Baths / Half	0 / 0 / 0
Floors	0
Living Units	0
Actual Area	0
Living Area	0
Adjusted Area	0
Lot Size	7,102 Sq.Ft
Year Built	0

 Map View Layers



2018 Aerial Photography 60ft

HSSD Meeting: April 15, 2019 Research Notes

The image below showcases the property located adjacent east of 814 SW 5 St (Folio Number #10-7813-028-0280). The current market value for this property is \$31,850.00.

SEARCH: 10-7813-028-0280

PROPERTY INFORMATION

Folio: 10-7813-028-0280

Sub-Division:
BETTY LU HOMESITES

Property Address

Owner:
MIAMI DADE COUNTY
ISD RE MGMT

Mailing Address
111 NW 1 ST STE 2480
MIAMI, FL 33128

P8 Primary Zone
1900 RESIDENTIAL - PLANNED UNI

Primary Land Use
8080 VACANT GOVERNMENTAL : VACANT LAND -
GOVERNMENTAL

Beds / Baths / Half	0 / 0 / 0
Floors	0
Living Units	0
Actual Area	0
Living Area	0
Adjusted Area	0
Lot Size	7,740 Sq.Ft
Year Built	0

ADDITIONAL INFORMATION

The Miami-Dade County's Infill Housing Initiative Program's main goal is to increase the availability of affordable homes for very low, low, and moderate income families. Their additional goals include maintaining a stock of affordable housing, redeveloping urban neighborhoods by eliminating blight on properties, generate payment of ad valorem taxes, and equitable distributing homeownership opportunities.

<http://www.miamidade.gov/housing/infill-housing-developers.asp>

APPLICABLE LEGISLATION/POLICY

Section 125.379 of the Florida Statutes requires that each county prepare an inventory list of all real property within its jurisdiction to which the county holds fee simple title that is appropriate for use as affordable housing, and adopt a resolution that includes an inventory list of such property following a public hearing. The properties identified may be offered for sale and the proceeds used to purchase land for the development of affordable housing may be sold with restrictions or donated to a nonprofit housing organizing.

http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=Section+125.379&URL=0100-0199/0125/Sections/0125.379.html

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Administrative Order 8-4 provides that the authority to sell, lease or otherwise dispose of County-owned real property lies solely with the Board of County Commissioners. Before action is taken on any proposed sale or lease of County-owned real property, unless expressly excluded in the policy, a recommendation will be requested from the Planning Advisory Board, to indicate whether such proposal is in the public interest and also recommending proper land use classification, if applicable.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/AO8-4.pdf>

Resolution No. R-376-11, adopted May 3, 2011, authorizes the rehabilitation, improvement, or conveyance of County-owned real property appropriate for or to be used as affordable housing.

<http://intra/gia/matter.asp?matter=110684&file=true&yearFolder=Y2011>

Resolution No. R-333-15, adopted April 21, 2015, entitled “Resolution establishing County policy to require disclosure of market value of market rental in legislative items authorizing the conveyance or lease of County-owned property to promote disclosure and fiscal responsibility”.

<http://intra/gia/matter.asp?matter=150446&file=true&yearFolder=Y2015>

Resolution No. R-974-09, adopted July 21, 2009, directs that any resolution authorizing execution of instruments creating a County interest in real property shall require such instruments to be recorded in the public records of Miami-Dade County and attached to the authorizing resolution.

<http://intra/gia/matter.asp?matter=091900&file=true&yearFolder=Y2009>

**HSSSED Meeting: April 15, 2019
Research Notes**

Item No. 3B

File No. 190735

Researcher: JFP Reviewer: TD

RESOLUTION APPROVING THE BUDGET FOR FISCAL YEAR 2018-19 FOR THE NORTH MIAMI BEACH COMMUNITY REDEVELOPMENT AGENCY AND THE NORTH MIAMI BEACH COMMUNITY REDEVELOPMENT AREA TOTALING \$3,707,740.00

ISSUE/REQUESTED ACTION

Whether the Board should approve the \$3,707,740 budget for the North Miami Beach Community Redevelopment Agency (CRA) and the North Miami Beach Community Redevelopment Area for Fiscal Year 2018-19.

PROCEDURAL HISTORY

Prime Sponsor: Housing, Social Services & Economic Development Committee

Department/Requester: Office of Management and Budget

This item has no procedural history.

ANALYSIS

The purpose of this item is to approve the North Miami Beach CRA FY 2018-2019 budget in the amount of \$3,707,740. The Area lies within District 2 and 4, which are represented by Commissioner Monestime and Commissioner Heyman, respectively. The North Miami Beach Community Redevelopment Agency, created by the Board in 2005, and the North Miami Beach Community Redevelopment Area both sunset in 2028.

The CRA's main revenue source is tax increment financing (TIF), which earmarks a specific portion of property tax dollars collected by the City of North Miami Beach and Miami-Dade County for the CRA. The below table highlights the County's investment via TIF into the North Miami Beach Community Redevelopment Agency's trust fund.

Payment into the North Miami Beach Community Redevelopment Agency's Trust Fund by Source

Fiscal Year	County's TIF Payment	City's TIF Payment
FY 2018-2019	\$710,641	\$932,099

The remainder of the budget includes carryover of \$2,050,000 and interest earnings of \$15,000.

The CRA's goals are to:

- 1) Eliminate and prevent blight,
- 2) Improve the public infrastructure, and
- 3) Prevent and reduce incidents of crime.

To this end, the CRA's FY 2018-2019 budget includes the following operating expenses:

- \$1,510,000 for grant programs
 - \$1,000,000 for Targeted Industry Incentive Projects, intended to create new employment opportunities through the attraction of targeted industries;
 - \$150,000 for the Commercial Improvement Grants program, which will pay for 50% of the total cost of an approved project up to a maximum cost of \$25,000;
 - \$300,000 for a Wastewater Connection Fee assistance Program, which will reimburse up to 50% of the impact and connection fees; and

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- \$60,000 for Art in Public Places pilot program, which will utilize local artists to create local themes.
- \$1,519,729 for Capital Infrastructure Improvements including:
 - \$769,729 for land acquisition opportunities to include workforce/affordable housing;
 - \$200,000 for the West Dixie Highway Implementation Strategy;
 - \$200,000 for swale compacting and irrigation;
 - \$200,000 for Corona Del Mar sewer
 - \$150,000 for wayfinding signage, place making, and branding, and
- \$204,900 for the debt service payment on a 2007 loan that matures in 2027.
- \$163,548 for other operating expenditures, including salary and fringes associated with Agency operations, legal services, marketing, printing and publishing.
- \$40,000 for consulting services to assist with review of TIF Recapture Incentive applications, targeted industry market analysis, branding and economic development services.

It is important to note that the budget does not include a contingency reserve.

The table below provides a comparison of the CRA's current budget and that of the previous year, noting a 65% increase in total operating expenses.

**North Miami Beach Community Redevelopment Agency
Budget Summary**

	FY 2017-2018	FY 2018-2019
Total Administrative Expenses	\$230,051	\$269,563
Total Operating Expenses	\$1,735,357	\$2,668,448
Capital Improvements	\$767,422	\$769,729
Total CRA Budget	\$2,7732,830	\$3,707,740

The Agency's FY 2018-2019 budget was approved by the Agency on August 23, 2018 and by the City of North Miami Beach on September 27, 2018, and is now subject to the Board's approval, pursuant to the 2005 Interlocal Agreement between Miami-Dade County, the City of North Miami Beach, and the North Miami Beach CRA.

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The below map indicates the North Miami Beach Community Redevelopment Area's geographic boundaries.

North Miami Beach Community Redevelopment Area

CRA
Community Redevelopment Area

CITY OF NORTH MIAMI BEACH
MIAMI DADE COUNTY, FLORIDA
DOWNTOWN NORTH MIAMI BEACH AREA

CRA BOUNDARY
(Redevelopment Area)

MIAMI-DADE COUNTY

MIAMI-DADE COUNTY

MIAMI-DADE COUNTY

MIAMI-DADE COUNTY

CITY OF NORTH MIAMI

CRA - Community Redevelopment Area

0 500 1,000 1,500 2,000 Feet

MIAMI BEACH, FL 33146-2014 - CRA Manager
CRA LOCATION: DOWNTOWN
MIAMI BEACH, FL 33146-2014
CRA 2014-2015-2016

ADDITIONAL INFORMATION
North Miami Beach CRA website:

<https://www.citynmb.com/304/Community-Redevelopment-Agency-CRA>

APPLICABLE LEGISLATION/POLICY
Part III of Chapter 163 of Florida Statutes defines the meaning of a “blighted area” to constitute

Part III of Chapter 105 of Florida Statutes defines the meaning of a "blighted area" to constitute a serious and growing menace, injurious to the public health, safety, morals, and welfare of the residents of the state; that the existence of such areas contributes substantially and increasingly to the spread of disease and crime, constitutes an economic and social liability imposing onerous burdens which decrease the tax base and reduce tax revenues, substantially impairs or arrests sound growth, retards the provision of housing accommodations, aggravates traffic problems, and substantially hampers the elimination of traffic hazards and the improvement of traffic facilities.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0100-0199/0163/01

Section 163.356, Florida Statutes governs the creation of community redevelopment agencies.
http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=

[Display Statute&Search String=163.356&URL=0100-0199/0163/Sections/0163.356.html](#)

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Section 163.387, Florida Statutes governs redevelopment trust funds. A redevelopment trust fund may be established for each community redevelopment agency after approval of a community redevelopment plan. Funds in the trust shall be used by the agency to finance or refinance any community redevelopment in accordance with the approved community redevelopment plan.

http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=163.387&URL=0100-0199/0163/Sections/0163.387.html

Section 163.410 of Florida Statutes states that the exercise of powers in counties with home rule charters does not affect any Community Redevelopment Agency created by a municipality prior to the adoption of a county home rule charter.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0100-0199/0163/0163.html

Resolution No. R-599-15, adopted June 30, 2015, allows for designee to be appointed to a CRA.

<http://intra/gia/matter.asp?matter=151301&file=true&yearFolder=Y2015>

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Research Notes**

Item No. 3C

File No. 190871

Researcher: IL Reviewer: TD

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE A SETTLEMENT AGREEMENT WITH MBCDC: THE MADISON, LLC F/K/A M.B. APARTMENTS ASSOCIATES, LTD. AND TO ACCEPT A SPECIAL WARRANTY DEED CONVEYING TO THE COUNTY REAL PROPERTY NAMED MADISON APARTMENTS, LOCATED AT 259 WASHINGTON AVENUE, MIAMI BEACH, FLORIDA, AND TO EXECUTE OTHER AGREEMENTS NECESSARY TO ACCOMPLISH THE PURPOSES OF THIS RESOLUTION

ISSUE/REQUESTED ACTION

Whether the Board should approve a settlement agreement between the County and Miami Beach Community Development Corporation (MBCDC), for the rehabilitation and conveyance of the Madison apartments to Miami-Dade County.

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Eileen Higgins, District 5

Department/Requester: Public Housing and Community Development (PHCD)

This item has no procedural history.

ANALYSIS

The purpose of this item is to approve the settlement agreement rehabilitating and conveying via Special Warranty Deed, the Madison Apartments to the County as a result of MBCDC's failure to make payments to a prior County loan of \$350,000.00. The property is located at 259 Washington Avenue, Miami Beach, Florida 33139.

The Madison Apartments is an affordable housing project consisting of 17 units. On January 18, 1994, the BCC approved an allocation of \$307,000 from the Hurricane Andrew Trust funds to MBCDC to rehabilitate the Madison apartments. Additionally, on December 13, 1994 the BCC approved an allocation of \$350,000.00 and a \$150,000.000 of HOME 1995 funds pursuant to R-1899-94. Moreover, the BCC approved a supplemental allocation of \$375,000.00 of Surtax 2000 funds on December 9, 1999, pursuant to R131-99.

Both the \$307,000.00 note and the \$150,000.00 note were declared satisfied as forgivable loans. The HOME loan (\$350,000) was not deemed satisfied and came into maturity as of December 2015 (after 20 years from the closing date). MBCDC has made interest-only payments on the loan while it was in default and on August 2017 MBCDC requested a loan modification. PHCD rejected the request and served MBCDC a default letter on March 2018. PHCD sent a second letter on August 2018 enforcing the assignment of leases and rents. On September 2018 PHCD sent notice to the residents of the Madison Apartments with instructions to send their rent payments to PHCD. At a meeting held on October 2018 between the County and MBCDC, MBCDC agreed to convey the Madison Apartments to the County as the satisfaction of the unpaid principle balance on the HOME Loan.

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DEPARTMENTAL INPUT:

The following questions were asked to the department on April 12, 2019:

- What is the value of the property?
- Does PHCD have an accountability for what the \$307,000 and \$150,000 loan were used for? Were renovations made?
- Are there any complaints against Miami Beach Community Development Corporation (MBCDC) during their tenure of management and has MBCDC file for bankruptcy?

APPLICABLE LEGISLATION/POLICY

Resolution No. R-73-94, adopted January 18, 1994, approved the Hurricane Andrew Trust Fund evaluation and selection committee and fund of \$13,976,000. (File is available upon demand)

Resolution No. R-1899-94, adopted December 13, 1994, approves the re-allocation of \$1,000,000 from the Community Development Block Grant Supplemental disaster relief and HOME Supplemental Disaster relief funds and the allocation of the 1994 HOME funds and partial allocation of the 1995 HOME funds. (File is available upon demand)

Resolution No. R-1331-99, adopted December 7, 1999, for FY 2000 funding recommendations for the state Housing Initiative Partnership and Surtax Programs; authorizing the filing with U.S. HUD of Miami-Dade County's FY 2000 action plan with projected uses of funds for the County's Community Development Block Grant, Home Investment Partnership and Emergency Shelter grant programs;

<http://intra/gia/matter.asp?matter=000095&file=false&yearFolder=Y2000>