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

MEMORANDUM Agenda Item No. 14(A)(3)

TO: Honorable Chairman Joe A. Martinez and Members, Board of County Commissioners

DATE: January 24, 2012

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

SUBJECT: Resolution terminating Regulatory Agreement dated November 7, 1995 with respect to grant to the Alternative Programs Inc. for purchase of land for development of affordable housing; and amending certain terms in connection with grant from Building Better Communities General Obligation Bond Program to Transforming Communities Foundation Inc. for development of seventy-two affordable rental units on that land to be known as Georgia Ayers Housing Project

Resolution No. R-102-12

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan.

R. A. Cuevas, Jr.
County Attorney

RAC/cp

MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez and Members, Board of County Commissioners

DATE: January 24, 2012

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

SUBJECT: Agenda Item No. 14(A)(3)

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 Manager'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. 14(A)(3)
1-24-12

RESOLUTION NO. R-102-12

RESOLUTION TERMINATING REGULATORY AGREEMENT DATED NOVEMBER 7, 1995 WITH RESPECT TO GRANT TO THE ALTERNATIVE PROGRAMS INC. FOR PURCHASE OF LAND FOR DEVELOPMENT OF AFFORDABLE HOUSING; AND AMENDING CERTAIN TERMS IN CONNECTION WITH GRANT FROM BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM TO TRANSFORMING COMMUNITIES FOUNDATION INC. FOR DEVELOPMENT OF SEVENTY-TWO AFFORDABLE RENTAL UNITS ON THAT LAND TO BE KNOWN AS GEORGIA AYERS HOUSING PROJECT

WHEREAS, this Board previously awarded a grant from Home Funds in 1995 to The Alternative Programs, Inc. ("Alternative Programs") in the amount of $500,000 ("1995 Grant") for the purchase of land located on Port Said Road, Opa Locka ("Property") to be developed into forty-nine (49) low income rental units as transition housing for the homeless; and

WHEREAS, pursuant to the 1995 Grant, Alternative Programs purchased the Property in 1995 but for a number reasons has not been able to fund the construction of the rental units as planned; and

WHEREAS, in connection with the 1995 Grant, the County and Alternative Programs recorded a Restrictive Covenant and Regulatory Agreement ("1995 Agreements") that provided, among other provisions, (i) the units be transitional housing with an emphasis on homeless referrals; (ii) the land be conveyed back to the County or loan documents be entered into if the housing was not completed by 1997; and (iii) that twenty percent of the units be leased to very low income individuals or families; and

WHEREAS, this Board previously approved a Building Better Communities GOB housing grant of $7,500,000 ("GOB Grant") to fund all or a portion of the construction of

seventy-two (72) low and moderate income rental units to be located on the Property (the "GOB Project") pursuant to Resolution No. R-84-09 adopted on January 22, 2009, as amended by Resolution No. R-881-11 adopted on October 4, 2011 (collectively, "Allocation Resolution"); and

WHEREAS, in preparing for a closing utilizing the GOB Grant, counsel for Alternative Programs discovered the 1995 Agreements in the public records which need to be terminated in order to proceed with funding of the GOB Project; and

WHEREAS, in furtherance of the GOB Grant, this Board wishes to file a termination of the 1995 Regulatory Agreement in the public records and replace it in the public records with the 2011 Regulatory Agreement previously approved by this Board pursuant to the Allocation Resolution with certain amendments pursuant to this resolution,

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. The 1995 Agreements recorded in the Official Record Book at 16994 Pages 4410 through 4421 are terminated and the County Mayor or County Mayor's designee are authorized to take all action necessary to effectuate the termination of the 1995 Agreements including recording any documents in the public records.

Section 3. The Grant Agreement and 2011 Regulatory Agreement which were previously approved pursuant to the Allocation Resolution shall be amended to provide that (i) the units shall be available to all low income individuals and families and not be limited to the elderly; and (ii) if construction of the units is not commenced within two years from the recordation of the 2011 Regulatory Agreement, Alternative Properties shall convey the Property

to the County or enter into loan documents with respect to the 1995 Grant. The County Mayor or County Mayor's designee is authorized to amend and execute the Grant Agreement and 2011 Regulatory Agreement consistent with this resolution after consultation with the Office of the Miami-Dade County Attorney. The County Mayor or County Mayor's designee is authorized to record the 2011 Regulatory Agreement, as amended above, in the public records.

The Prime Sponsor of the foregoing resolution is Commissioner Barbara J. Jordan. It was offered by Commissioner **Barbara J. Jordan**, 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:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 26th day January, 2012. 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.

Gerald T. Heffernan