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

MEMORANDUM

Agenda Item No. 11(A)(12)

TO: Honorable Chairwoman Audrey M. Edmonson and Members, Board of County Commissioners

DATE: July 21, 2020

FROM: Abigail Price-Williams County Attorney

SUBJECT: Resolution approving, pursuant to section 17-02 of the Code, a loan in an amount not to exceed $400,000.00 of Documentary Stamp Surtax Program funds to Solimar Associates, Ltd. or related entity, for development of a multi-family affordable housing rental townhome project located at 815 NW 5th Avenue, Florida City, all based upon prepayment by Cornerstone Group of previous loans; authorizing the County Mayor to execute a conditional loan commitment and standard shell contracts, standard shell loan documents, amendments and other documents or agreements necessary to accomplish the purposes of this resolution; and authorizing the County Mayor to subordinate the County's interests and to exercise the termination, waiver, acceleration, and other provisions contained therein

Resolution No. R-751-20

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Dennis C. Moss.

Abigail Price-Williams
County Attorney

APW/uw

MEMORANDUM

(Revised)

TO: Honorable Chairwoman Audrey M. Edmonson and Members, Board of County Commissioners

DATE: July 21, 2020

FROM: Abigail Price-Williams County Attorney

SUBJECT: Agenda Item No. 11(A)(12)

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**

_____ **Statement of social equity 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 present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) 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)(12)
7-21-20

RESOLUTION NO. R-751-20

RESOLUTION APPROVING, PURSUANT TO SECTION 17-02 OF THE CODE OF MIAMI-DADE COUNTY, A LOAN IN AN AMOUNT NOT TO EXCEED $400,000.00 OF DOCUMENTARY STAMP SURTAX PROGRAM FUNDS TO SOLIMAR ASSOCIATES, LTD. OR RELATED ENTITY, FOR DEVELOPMENT OF A MULTI-FAMILY AFFORDABLE HOUSING RENTAL TOWNHOME PROJECT LOCATED AT 815 NW 5TH AVENUE, FLORIDA CITY, ALL BASED UPON PREPAYMENT BY CORNERSTONE GROUP OF PREVIOUS LOANS; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE A CONDITIONAL LOAN COMMITMENT AND STANDARD SHELL CONTRACTS, STANDARD SHELL LOAN DOCUMENTS, AMENDMENTS AND OTHER DOCUMENTS OR AGREEMENTS NECESSARY TO ACCOMPLISH THE PURPOSES OF THIS RESOLUTION; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO SUBORDINATE THE COUNTY'S INTERESTS AND TO EXERCISE THE TERMINATION, WAIVER, ACCELERATION, AND OTHER PROVISIONS CONTAINED THEREIN

WHEREAS, The Cornerstone Group and related entities ("Cornerstone"), through Solimar Associates, Ltd., is planning to develop Solimar, a 180-unit rental townhome community located at 815 NW 5th Avenue, Florida City; and

WHEREAS, Cornerstone previously developed Siesta Pointe, a 392 unit affordable rental development; and

WHEREAS, Solimar and Siesta Pointe are both owned and operated by The Cornerstone Group and related entities ("Cornerstone"); and

WHEREAS, on March 25, 2020, the Department of Public Housing and Community Development (PHCD) received a request from Cornerstone to allow it to access $800,000.00 of funds available to it from a prepayment of Documentary Stamp Surtax ("Surtax") loans for Hibiscus Pointe and Hidden Cove for the Solimar development; and

WHEREAS, on June 2, 2020, this Board passed Resolution No. R-567-20 granting Cornerstone's request to allow it to access the $800,000.00; and

WHEREAS, Solimar is to be financed with Florida Housing Finance Corporation ("FHFC") tax-exempt bonds, four percent tax credits, FHFC Workforce State Apartment Incentive Loan program ("SAIL") funds, and local subsidy; and

WHEREAS, the four percent tax credit rate has fallen to historical lows in the past few months and as a result the tax credit equity for the Solimar project has declined by $400,000.00 creating a funding gap for the project; and

WHEREAS, in order to fill this new funding gap, on June 8, 2020, Cornerstone submitted a request to PHCD to allow Cornerstone to access an additional $400,000.00 available to it from a prepayment of Surtax loans for Siesta Pointe for the Solimar development; and

WHEREAS, the loans prepaid for Siesta Pointe were not set to mature until after 2028; and

WHEREAS, section 17-02 of the Code of Miami Dade County provides that any developer or other entity that has received a loan from Miami-Dade County for the provision of affordable housing and repays such loan in full before the date on which the loan is due in full, may upon approval of the Board of County Commissioners, have the repaid funds loaned to it, or a related entity, for additional eligible affordable housing projects,

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 recitals above as if fully set forth herein.

Section 2. This Board approves, pursuant to the provisions of section 17-02 of the Code of Miami Dade County, a loan to Solimar Associates, Ltd., or related entity, in an amount not to exceed $400,000.00 of Documentary Stamp Surtax Program funds for the development of Solimar affordable housing development which is a 180-unit rental townhome community located at 815 NW 5th Avenue, Florida City.

Section 3. All funding awards are contingent upon the recipient agency's (borrower) compliance with the conditions set forth in this resolution and conditional loan commitments, including actual prepayment of the loaned funds. For the loan approved herein, the County Mayor or County Mayor's designee is authorized to execute conditional loan commitments, standard shell contracts, standard shell loan documents, amendments and other agreements necessary to fulfill the purposes of this resolution. This Board further authorizes the County Mayor or County Mayor's designee, upon a determination that such actions are in the best interest of the County, to subordinate and/or modify the terms of contracts, agreements, amendments and loan documents so long as such modifications are approved by the County Attorney's Office and are not substantially inconsistent with this resolution and to exercise the termination, waiver, acceleration, or other provisions set forth therein.

The Prime Sponsor of the foregoing resolution is Commissioner Dennis C. Moss. It was offered by Commissioner **Jean Monestime**, who moved its adoption. The motion was seconded by Commissioner **Dennis C. Moss** and upon being put to a vote, the vote was as follows:

Audrey M. Edmonson, Chairwoman	**aye**		
Rebeca Sosa, Vice Chairwoman	**aye**		
Esteban L. Bovo, Jr.	**aye**	Daniella Levine Cava	**aye**
Jose "Pepe" Diaz	**aye**	Sally A. Heyman	**aye**
Eileen Higgins	**aye**	Barbara J. Jordan	**aye**
Joe A. Martinez	**aye**	Jean Monestime	**aye**
Dennis C. Moss	**aye**	Sen. Javier D. Souto	**aye**
Xavier L. Suarez	**absent**		

The Chairperson thereupon declared the resolution duly passed and adopted this 21st day of July, 2020. 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: **Melissa Adames**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Shannon D. Summerset-Williams