

MEMORANDUM

Agenda Item No. 11(A)(13)

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

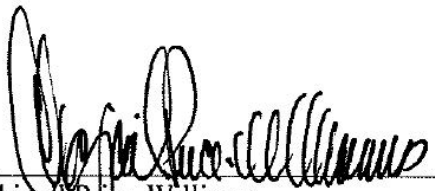
DATE: July 21, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution declaring surplus one County-owned property located in Miami, Florida (Folio No. 30-3110-028-1440) and in accordance with section 125.38, Florida Statutes; authorizing conveyance of the property to 79th Street Corridor Neighborhood Initiative, Inc., a Florida not-for-profit corporation, at a price of \$10.00, for the purpose of developing such property as a passive public community space, said conveyance being approved by a two-thirds vote of the Board members present as required by section 2-8.6.5 of the County code; authorizing the Chairperson or Vice-Chairperson of the Board of County Commissioners to execute a County Deed including Deed restrictions; waiving the four-week public notice requirement set forth in Resolution No. R-407-19; and authorizing the County Mayor to take all action necessary to enforce the provisions set forth in such County Deed

Resolution No. R-752-20

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Jean Monestime.



Abigail Price-Williams
County Attorney

APW/uw

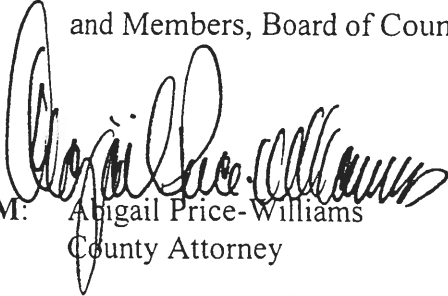


MEMORANDUM

(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)(13)

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)(13)
7-21-20

RESOLUTION NO. R-752-20

RESOLUTION DECLARING SURPLUS ONE COUNTY-OWNED PROPERTY LOCATED IN MIAMI, FLORIDA (FOLIO NO. 30-3110-028-1440) AND IN ACCORDANCE WITH SECTION 125.38, FLORIDA STATUTES; AUTHORIZING CONVEYANCE OF THE PROPERTY TO 79TH STREET CORRIDOR NEIGHBORHOOD INITIATIVE, INC., A FLORIDA NOT-FOR-PROFIT CORPORATION, AT A PRICE OF \$10.00, FOR THE PURPOSE OF DEVELOPING SUCH PROPERTY AS A PASSIVE PUBLIC COMMUNITY SPACE, SAID CONVEYANCE BEING APPROVED BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT AS REQUIRED BY SECTION 2-8.6.5 OF THE COUNTY CODE; AUTHORIZING THE CHAIRPERSON OR VICE-CHAIRPERSON OF THE BOARD OF COUNTY COMMISSIONERS TO EXECUTE A COUNTY DEED INCLUDING DEED RESTRICTIONS; WAIVING THE FOUR-WEEK PUBLIC NOTICE REQUIREMENT SET FORTH IN RESOLUTION NO. R-407-19; 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 DEED

WHEREAS, 79th Street Corridor Neighborhood Initiative, Inc. (the “Initiative”) is a Florida not-for-profit corporation whose mission is to use a Transit Oriented Development approach, along with existing community assets, to transform the 79th Street corridor neighborhoods into a community of choice for people to live, work and visit; and

WHEREAS, the 79th Street corridor is located in unincorporated Miami-Dade County has countless unrealized opportunities and underutilized resources; and

WHEREAS, the Initiative was created to utilize community assets to revitalize the area, to provide access to employment opportunities for area residents, to strengthen the area's access to public transportation, and to implement green initiatives that beautify the area and make businesses in the area more energy efficient, and to spur comprehensive redevelopment of the area; and

WHEREAS, on June 25, 2020, the Initiative submitted an application to the County Commissioner of District 2, a copy of which is attached hereto as Attachment "A" and incorporated herein by reference, requesting that the County convey one County-owned vacant property (Folio No. 30-3110-028-1440) (the "property") to the Initiative; and

WHEREAS, the property requested by the Initiative is more fully described in Attachment "B" attached hereto and incorporated herein by reference; and

WHEREAS, the property is contaminated with arsenic, which migrated from the adjacent property ("Corinthian property"), which is presently owned by Corinthian Apartments, Ltd. ("Corinthian"); and

WHEREAS, according to the County's Department of Regulatory and Economic Resources Division of Environmental Resources Management ("DERM"), the Corinthian property was utilized as a plant nursery from 1958 through the around 1985; and

WHEREAS, thereafter, the Corinthian property was developed with an affordable housing development known as Corinthian Apartments using, in part, the County's Documentary Stamps Surtax funds; and

WHEREAS, Corinthian is presently working with the Florida Department of Environmental Protection ("FDEP") to address the contamination on the Corinthian property, and

Corinthian is seeking FDEP approval of a closure plan for the Corinthian property, which would need to address adjacent sites that were impacted by the contamination, including the property; and

WHEREAS, such a closure plan would require all of the property owners impacted by the contamination, including, but not limited to, Corinthian and the County, to execute covenants that would restrict the use of each owners' property; and

WHEREAS, DERM anticipates that, notwithstanding the contamination and the possible limitations on the use of the property, the property could still be developed with some type of passive community space that is open to the public as long as there are no activities that would disturb the contaminated groundwater, but because FDEP is managing this matter, proposed uses of the property may require approval FDEP or concurrence; and

WHEREAS, the County has disclosed the existence of the contamination on the property to the Initiative and the Initiative is willing to accept the property; and

WHEREAS, the Initiative proposes to develop the property with a passive community space that would be open to the public and the Initiative has further agreed to sign the FDEP covenant; and

WHEREAS, the Initiative has further represented that it will be submitting a grant application to the South Florida Regional Planning Council through the Brownfield program, which if awarded, will aide in the Initiative conducting the required environmental assessments and cleanup of the property; and

WHEREAS, pursuant to Administrative Order No. 8-4, Miami-Dade Internal Services Department previously announced the availability of the property to all County departments and determined there was no interest in the property; and

WHEREAS, in accordance with Resolution No. R-333-15, information concerning the property is included in Attachment “C,” which is attached hereto and incorporated herein by reference; and

WHEREAS, this Board has reviewed the information in Attachment “C,” and this Board is satisfied; and

WHEREAS, the property will be conveyed to the Initiative in accordance with section 125.38, Florida Statutes, subject to a reverter, on the condition that the Initiative develops the property with a passive public community space to maintained and operated by the Initiative within two years from the date the County Deed is recorded in the public record of Miami-Dade County, unless such time is extended by this Board, and the Initiative executes a covenant pertaining to the use of the property as required by FDEP; and

WHEREAS, section 2-8.6.5(4) of the Code of Miami-Dade County (the “Code”) requires that all conveyances to not-for-profit entities for a public purpose or community interest and welfare under section 125.38, Florida Statutes, as may be amended from time to time, shall be by lease and not by deed, and such lease shall include a timeframe for lease termination in the event the purpose of the lease is not effectuated within the period specified in such lease; and

WHEREAS, the Code further provides that this Board may, by resolution adopted by two-thirds vote of the Board members present, waive the before-mentioned requirements upon a finding that a compelling circumstance exists for conveyance of County property to a not-for-profit entity by deed; and

WHEREAS, this Board wishes to find there are compelling reasons to waive the requirements of the Code because (1) the County has no use for the property, especially in light of the existing contamination; (2) the Initiative has agreed to accept the property on the condition

that the execute the appropriate covenants with the state, thus relieving the County of future liability as it relates to the property; (3) the Initiative intends to apply for funding to assist in any cleanup of the property, at the Initiative's sole cost; and (4) the Initiative proposes to utilize the property as a passive public community space for the benefit of all residents of Miami-Dade County and those living and working along the 79th Street corridor; and

WHEREAS, on April 15, 2019, this Board adopted Resolution No. R-407-19, which requires the County Mayor or the County Mayor's to provide written notice to the public no less than four weeks prior to consideration by this Board, or any Committee of this Board, of any proposed conveyance or lease of County-owned property for use by a not for profit entity for community interest and welfare purposes pursuant to section 125.38, Florida Statutes; and

WHEREAS, although on July 8, 2020, the Initiative complied with the requirements of Resolution No. R-407-19 by posting a sign on the property, this Board wishes to waive the four-week public notice period to expedite the conveyance of the property to the Initiative; and

WHEREAS, this Board is satisfied that, pursuant to section 125.38, Florida Statutes, the Initiative requires the property for a use consistent with its mission for which it was organized, and finds that such conveyance of the property for that use, would promote the community interest and welfare, and that the property is not otherwise needed for any County purposes,

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 declares one County-owned property (Folio No. 30-3110-028-1440) (the “Property”) as surplus, and after a public hearing and in accordance with section 125.379(1), Florida Statutes, revises the County’s affordable housing inventory list to add the property.

Section 3. Pursuant to section 125.38, Florida Statutes, this Board hereby approves the conveyance of the property to the 79th Street Corridor Neighborhood Initiative, Inc. (the “Initiative”) for a price of \$10.00, on the condition that the Initiative develops the property with a passive public community space to maintained and operated by the Initiative within two years from the date the County Deed is recorded in the public record of Miami-Dade County, unless such time is extended by this Board, and the Initiative executes a covenant pertaining to the use of the property as required by Florida Department of Environmental Protection.

Section 4. This Board finds, pursuant to section 2-8.6.5 of the Code of Miami-Dade County, by a two-thirds vote of the Board members present, that in light of the fact that: (1) the County has no use for the property, especially in light of the existing contamination; (2) the Initiative has agreed to accept the property on the condition that the execute the appropriate covenants with the state, thus relieving the County of future liability as it relates to the property; (3) the Initiative intends to apply for funding to assist in any cleanup of the property, at the Initiative’s sole cost; and (4) the Initiative proposes to utilize the property as a community space for the benefit of all residents of Miami-Dade County and those living and working along the 79th Street corridor, that a compelling circumstance exists to convey the property for nominal value by deed rather than by lease.

Section 5. This Board hereby waives the four-week public notice period required by Resolution No. R-407-19 in order to expedite the conveyance of the property to the Initiative.

Section 6. Pursuant to section 125.411, Florida Statutes, this Board authorizes the Chairperson or Vice-Chairperson to execute the County Deed, in substantially the form attached as Attachment “D” attached hereto and incorporated herein by reference.

Section 7. This Board further authorizes the County Mayor or the County Mayor’s designee to take all actions necessary to effectuate the conveyance, to exercise all rights set forth in the County Deed, other than those reserved to this Board therein, including, but not limited to, exercising the County’s option to enforce its reversionary interest after conducting all due diligence, including title searches and environmental reviews. In the event, the County Mayor or the County Mayor’s designee should exercise the County’s reversionary interest, then the County Mayor or the County Mayor’s designee shall execute and record an instrument approved by the County Attorney’s Office in the Public Records of Miami-Dade County and provide a copy of such instrument to the County Property Appraiser. This Board further authorizes the County Mayor or the County Mayor’s designee to receive on behalf of the County from the Initiative, after conducting all due diligence, including, but not limited to, title searches, and environmental reviews, a deed which conveys the property back to the County in the event the Initiative is unable or fails to comply with the deed restrictions set forth in the County Deed. Upon the receipt of a deed from the Initiative, the County Mayor or the County Mayor’s designee shall record such deed in the Public Records of Miami-Dade County. Notwithstanding the foregoing, any extensions beyond the two years to complete the development of the property as contemplated herein shall be subject to this Board’s approval.

Section 8. This Board directs the County Mayor or the County Mayor’s designee to (i) ensure that proper signage is placed on the property identifying the County’s name and the name

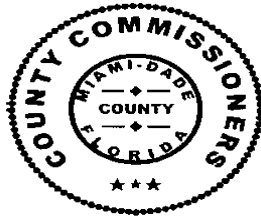
of the district commissioner; (ii) provide copies of the recorded County Deed and the restrictive covenants required by the County Deed to the Property Appraiser; and (iii) appoint staff to monitor compliance with the terms of the conveyance.

Section 9. This Board directs the County Mayor or the County Mayor’s designee, pursuant to Resolution No. R-974-09, to record in the public record the County Deed, covenant, and reverter creating or reserving a real property interest in favor of the County and to provide a copy of such recorded instruments to the Clerk of the Board within 30 days of execution and final acceptance. This Board directs the Clerk of the Board, pursuant to Resolution No. R-974-09, to attach and permanently store a recorded copy of any instrument provided in accordance herewith together with this resolution.

The Prime Sponsor of the foregoing resolution is Commissioner Jean Monestime. 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
Jose “Pepe” Diaz	aye
Eileen Higgins	aye
Joe A. Martinez	aye
Dennis C. Moss	aye
Xavier L. Suarez	absent
Daniella Levine Cava	aye
Sally A. Heyman	aye
Barbara J. Jordan	aye
Jean Monestime	aye
Sen. Javier D. Souto	aye

The Chairperson thereupon declared this 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

Melissa Adames

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

A handwritten signature in black ink, appearing to be "TAS", is written over a horizontal line.

Terrence A. Smith



79th Street Corridor Initiative
7900 NW 27th Ave #236,
Miami, FL 33147

June 24, 2020

Commissioner Jean Monestime
District 2 Main Office
915 N.E. 125th Street, Suite 2A,
Miami, FL 33161

Dear Commissioner Monestime:

Thank you very much for the opportunity to secure a vacant parcel in the 79th Street area to create more useable community space for our residents.

We are formally requesting conveyance of the property with folio number 30-3110-028-1440 to the 79th Street Corridor Neighborhood Initiative. We are excited to have the opportunity to clean this contaminated parcel and prepare it for use by local residents. We are submitting a grant application to the SF Regional Planning Council to conduct an environmental site assessment of the parcel on NW 76th Street. A Phase I environmental assessment may be conducted, and there will be clean up funds awarded under this Brownfields program. Up to \$500,000 may be available for the assessment and clean up.

This parcel will add value to our revitalization efforts. We very much appreciate your consideration of our request for this parcel.

In advance, thanks for your continued support of our work.

A handwritten signature in blue ink, appearing to read "Ron Butler", is positioned above the printed name and title.

Ron Butler
Executive Director

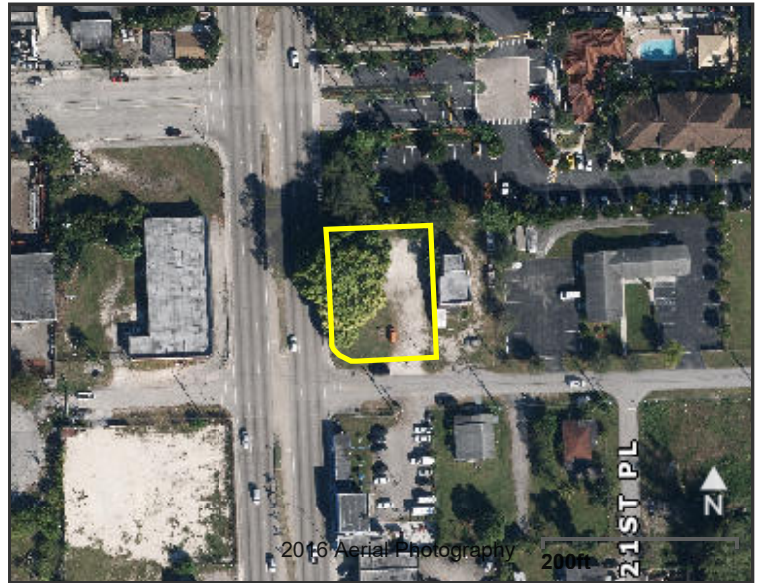


OFFICE OF THE PROPERTY APPRAISER

Detailed Report

Generated On : 6/22/2020

Property Information	
Folio:	30-3110-028-1440
Property Address:	
Owner	MIAMI-DADE COUNTY GSA R/E MGMT
Mailing Address	111 NW 1 ST STE 2460 MIAMI, FL 33128-1929
PA Primary Zone	6400 COMMERCIAL - CENTRAL
Primary Land Use	8080 VACANT GOVERNMENTAL : VACANT LAND - GOVERNMENTAL
Beds / Baths / Half	0 / 0 / 0
Floors	0
Living Units	0
Actual Area	0 Sq.Ft
Living Area	0 Sq.Ft
Adjusted Area	0 Sq.Ft
Lot Size	14,700 Sq.Ft
Year Built	0



Assessment Information			
Year	2019	2018	2017
Land Value	\$147,000	\$102,900	\$102,900
Building Value	\$0	\$0	\$0
XF Value	\$0	\$0	\$0
Market Value	\$147,000	\$102,900	\$102,900
Assessed Value	\$113,190	\$102,900	\$102,900

Benefits Information				
Benefit	Type	2019	2018	2017
Non-Homestead Cap	Assessment Reduction	\$33,810		
County	Exemption	\$113,190	\$102,900	\$102,900
Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).				

Taxable Value Information			
	2019	2018	2017
County			
Exemption Value	\$113,190	\$102,900	\$102,900
Taxable Value	\$0	\$0	\$0
School Board			
Exemption Value	\$147,000	\$102,900	\$102,900
Taxable Value	\$0	\$0	\$0
City			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$0	\$0	\$0
Regional			
Exemption Value	\$113,190	\$102,900	\$102,900
Taxable Value	\$0	\$0	\$0

The Office of the Property Appraiser is continually editing and updating the tax roll. This website may not reflect the most current information on record. The Property Appraiser and Miami-Dade County assumes no liability, see full disclaimer and User Agreement at <http://www.miamidade.gov/info/disclaimer.asp>

Version:



OFFICE OF THE PROPERTY APPRAISER

Generated On : 6/22/2020

Property Information

Folio: 30-3110-028-1440

Property Address:

Roll Year **2019** Land, Building and Extra-Feature Details

Land Information					
Land Use	Muni Zone	PA Zone	Unit Type	Units	Calc Value
GENERAL	BU-2	6400	Square Ft.	14,700.00	\$147,000

Building Information						
Building Number	Sub Area	Year Built	Actual Sq.Ft.	Living Sq.Ft.	Adj Sq.Ft.	Calc Value

Extra Features			
Description	Year Built	Units	Calc Value

The Office of the Property Appraiser is continually editing and updating the tax roll. This website may not reflect the most current information on record. The Property Appraiser and Miami-Dade County assumes no liability, see full disclaimer and User Agreement at <http://www.miamidade.gov/info/disclaimer.asp>

Version:



OFFICE OF THE PROPERTY APPRAISER

Generated On : 6/22/2020

Property Information

Folio: 30-3110-028-1440

Property Address:

Roll Year **2018** Land, Building and Extra-Feature Details

Land Information					
Land Use	Muni Zone	PA Zone	Unit Type	Units	Calc Value
GENERAL	BU-2	6400	Square Ft.	14,700.00	\$102,900

Building Information						
Building Number	Sub Area	Year Built	Actual Sq.Ft.	Living Sq.Ft.	Adj Sq.Ft.	Calc Value

Extra Features			
Description	Year Built	Units	Calc Value

The Office of the Property Appraiser is continually editing and updating the tax roll. This website may not reflect the most current information on record. The Property Appraiser and Miami-Dade County assumes no liability, see full disclaimer and User Agreement at <http://www.miamidade.gov/info/disclaimer.asp>

Version:



OFFICE OF THE PROPERTY APPRAISER

Generated On : 6/22/2020

Property Information

Folio: 30-3110-028-1440

Property Address:

Roll Year **2017** Land, Building and Extra-Feature Details

Land Information					
Land Use	Muni Zone	PA Zone	Unit Type	Units	Calc Value
GENERAL	BU-2	6400	Square Ft.	14,700.00	\$102,900

Building Information						
Building Number	Sub Area	Year Built	Actual Sq.Ft.	Living Sq.Ft.	Adj Sq.Ft.	Calc Value

Extra Features			
Description	Year Built	Units	Calc Value

The Office of the Property Appraiser is continually editing and updating the tax roll. This website may not reflect the most current information on record. The Property Appraiser and Miami-Dade County assumes no liability, see full disclaimer and User Agreement at <http://www.miamidade.gov/info/disclaimer.asp>

Version:



OFFICE OF THE PROPERTY APPRAISER

Generated On : 6/22/2020

Property Information

Folio: 30-3110-028-1440

Property Address:

Full Legal Description
10 53 41
PARA VILLA HGTS PB 3-106
W140FT LESS W35FT FOR R/W BLK 28
LOT SIZE 14700 SQ FEET
OR 20543-1455 0702 3

Sales Information			
Previous Sale	Price	OR Book-Page	Qualification Description
03/01/1985	\$0	00000-00000	Sales which are disqualified as a result of examination of the deed
05/01/1972	\$13,500	00000-00000	Sales which are qualified

The Office of the Property Appraiser is continually editing and updating the tax roll. This website may not reflect the most current information on record. The Property Appraiser and Miami-Dade County assumes no liability, see full disclaimer and User Agreement at <http://www.miamidade.gov/info/disclaimer.asp>

Version:

Attachment "C"

LOT INFORMATION IN ACCORDANCE WITH RESOLUTION R-376-11 AND R-333-15 - 79TH STREET INITIATIVE-NORTHSIDE LLC

Folio	Annual Tax Revenue Generated	Lot Size Sq. Ft.	Comm District	2019 Market Value	Legal Description	Zoning	Annual Cost to Maintain	Address	Circulated To County Departments	Surplus	Deed Type
3031100281440	\$2,643.91	14,700 SQ FT	2	\$147,000.00	10 53 41 PARA VILLA HGTS PB 3-106 W140FT LESS W35FT FOR R/W BLK 28	BU-2	\$902	ADJACENT WEST OF 2175 NW 76 ST	YES 4/11/2019	NO	ESCHEATMENT TAX DEED 7/15/2002

ATTACHMENT “D”

Instrument prepared by and returned to:
Terrence A. Smith
Assistant County Attorney
111 N.W. 1st Street, Suite 2810
Miami, Florida 33128

Folio No: See Exhibit “A” attached.

COUNTY DEED

THIS DEED, made this ____ day of _____, 2020 by **MIAMI-DADE COUNTY**, a political subdivision of the State of Florida, (hereinafter “County”), whose address is: Stephen P. Clark Center, 111 N.W. 1 Street, Miami, Florida 33128-1963, and **79TH STREET CORRIDOR INITIATIVE, INC.**, a Florida not-for-profit corporation (the “Initiative”), whose address is 7900 NW 27th Ave., Suite 236 Miami, Florida 33147, its successors and assigns.

WITNESSETH that the County, for and in consideration of the sum of Ten Dollars and No/100 (\$10.00) to it in hand paid by the Initiative, receipt whereof is hereby acknowledged, has granted, bargained, and sold to the Initiative, its successors and assigns forever, the following described land lying and being in Miami-Dade County, Florida (hereinafter the “Property”):

As legally described in Exhibit “A” attached hereto and made a part hereof

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 by the Initiative with a public community space in accordance with section 125.378, Florida Statutes, which shall be maintained and operated solely by the Initiative (the “Project”).
2. That the Initiative, at its sole costs, shall be responsible for any environmental assessments, environmental remediation, and any other costs or action associated with environmental contamination on the Property, and shall upon the recording of this Deed, execute and record a Declaration of Restrictive Covenants related to said environmental contamination, in a form approved by the Florida Department of Environmental Protection. As part of the consideration of this conveyance, Miami-Dade County shall not be responsible or liable for any costs or actions related in any way to environmental contamination on the Property.
3. That the Property shall be developed within two (2) years of the recording of this Deed. Notwithstanding the foregoing restriction contained in this Paragraph 3, the County may, in its sole discretion, waive this requirement upon the Miami-Dade Board of County Commissioners finding it necessary

to extend the timeframe in which Initiative must complete the Project. In order for such waiver by the County to be effective, it shall:

- a. Be given by the County Mayor or the County Mayor's designee prior to the event of the reverter; and
 - b. Be evidenced by the preparation of a letter executed by the County Mayor or the County Mayor's designee giving such waiver and specifying the new time frame in which Initiative must complete the Dwelling Units. The letter by the County shall be conclusive evidence upon which any party may rely that the condition of the reverter has been extended to such date as specified in said waiver. If no waiver is recorded and a certificate of occupancy is not issued within two (2) years from the date of this Deed, any party may rely upon the fact that the reverter has occurred and that title has reverted to the County.
4. That the Initiative shall not assign or transfer its interest in the Property or in this Deed absent consent of the Miami-Dade County Board of County Commissioners.
5. That the Initiative shall pay real estate taxes and assessments on the Property or any part thereof when due. Initiative shall not suffer any levy or attachment to be made, or any material or mechanic's lien, or any unauthorized encumbrance or lien to attach, provided, however, that Initiative may encumber the Property with:
 - a) Any mortgage(s) in favor of any institutional lender for the purpose of financing any hard costs or soft costs relating to the construction of the Project in an amount(s) not to exceed the value of the Improvements as determined by an appraiser; and
 - b) Any mortgage(s) in favor of any institutional lender refinancing any mortgage of the character described in clause a) hereof; in an amount(s) not to exceed the value of the Improvements as determined by an appraiser.
 - c) Any mortgage(s) in favor of any lender that may go into default, lis pendens, foreclosure, deed in lieu of foreclosure, certificate of title or tax deed issued by the government or through court order, the affordable deed restrictions are enforceable and can only be extinguished by the County. The deed restrictions shall run with the land notwithstanding the mortgage or change in ownership for the control period. The affordable deed restrictions apply to the "successors heirs and assigns" of the burdened land owner.
6. The recordation, together with any mortgage purporting to meet the requirements of paragraph 5(a) or 5(b) above, of a statement of value by a Member of the American Institute of Real Estate Appraisers (MAI), (or member of any similar or successor organization), stating the value of the Project is equal to or greater than the amount of such mortgages(s), shall constitute conclusive evidence that such mortgage meets such requirements,

and that the right of any reverter hereunder shall be subject to and limited by, and shall not defeat, render invalid, or limit in any way, the lien of such mortgage. For purposes of this paragraph an “institutional lender” shall mean any bank, savings and loan association, insurance company, foundation or other charitable entity, real estate or mortgage investment trust, pension funds, the Federal National Mortgage Association, agency of the United States Government or other governmental agency. In any event, the term “Institutional lender” shall be deemed to include Miami-Dade County and its respective successors and assigns.

7. If in the sole discretion of the County, the Property ceases to be used solely for the purpose set forth in paragraph 1 herein by the Initiative, or if the Initiative fails to develop the Property as described herein in the manner and within the timeframe set forth in paragraph 3 herein, or if the Initiative ceases to exist prior to completion of the Project, the Initiative shall correct or cure the default/violation within thirty (30) days of notification of the default by the County as determined in the sole discretion of the County. If the Initiative fails to remedy the default within thirty (30) days, title to the subject properties shall revert to the County, at the option of the County upon written notice of such failure to remedy the default. In the event of such reverter, the Initiative shall immediately deed such properties back to the County, and the County shall have the right to immediate possession of such properties, with any and all improvements thereon, at no cost to the County. The effectiveness of the reverter shall take place immediately upon notice being provided by the County, regardless of the deed back to the County by the Initiative. The County retains a reversionary interest in the Property, which right may be exercised by the County, at the option of 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.
8. All conditions and restrictions set forth herein shall run with the land, and shall be binding on any subsequent successors, assigns, transferees, and lessees, of any interest, in whole or in part, in the Property.

Upon receiving proof of compliance with all of the Deed restrictions listed above, to be determined in the County’s sole discretion, the County shall furnish Initiative with an appropriate instrument acknowledging satisfaction with all Deed restrictions listed above. Such satisfaction of Deed restrictions shall be in a form recordable in the Office of the Clerk of the Circuit Court of Miami-Dade County, Florida.

This grant conveys only the interest of the 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.

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 of the Board, the day and year aforesaid.

(OFFICIAL SEAL)

ATTEST:

HARVEY RUVIN, CLERK

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

By: _____
Deputy Clerk

By: _____
Audrey M. Edmonson, Chairwoman

Approved for legal sufficiency:

By: _____
Terrence A. Smith
Assistant County Attorney

The foregoing was authorized by Resolution No. R- -20 approved by the Board of County Commissioners of Miami-Dade County, Florida, on the day of , 2020.

IN WITNESS WHEREOF, the representative of **79TH STREET CORRIDOR INITIATIVE, INC.**, a Florida not-for-profit corporation, has caused this document to be executed by their respective and duly authorized representative on this _____ day of _____, 2020, and it is hereby approved and accepted.

Witness/Attest

By:_____
Name:_____
Title:_____

Witness/Attest

STATE OF FLORIDA)
):SS
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me by means of [] physical presence or [] online notarization this __ day of _____, 2020 by _____, _____ of **79TH STREET CORRIDOR INITIATIVE, INC.**, a Florida not-for-profit corporation, on behalf of the corporation. He is () personally known to me or () has produced identification.

NOTARY SEAL:

NOTARY PUBLIC
Print Name:_____
Commission No._____
My Commission Expires:_____

EXHIBIT A

FOLIO NUMBER

LEGAL DESCRIPTIONS

30-3110-028-1440	PARA VILLA HGTS PB 3-106 W140FT LESS W35FT FOR R/W BLK 28
------------------	--



CFN 20200486130
OK BK 32075 Pgs 2351-2356 (6Pgs)
RECORDED 08/28/2020 12:30:05
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

Instrument prepared by and returned to:
Terrence A. Smith
Assistant County Attorney
111 N.W. 1st Street, Suite 2810
Miami, Florida 33128

Folio No: See Exhibit "A" attached.

COUNTY DEED

THIS DEED, made this 28th day of Aug., 2020 by **MIAMI-DADE COUNTY**, a political subdivision of the State of Florida, (hereinafter "County"), whose address is: Stephen P. Clark Center, 111 N.W. 1 Street, Miami, Florida 33128-1963, and **79TH STREET CORRIDOR NEIGHBORHOOD INITIATIVE, INC.**, a Florida not-for-profit corporation (the "Initiative"), whose address is 7900 NW 27th Ave., Suite 236 Miami, Florida 33147, its successors and assigns.

WITNESSETH that the County, for and in consideration of the sum of Ten Dollars and No/100 (\$10.00) to it in hand paid by the Initiative, receipt whereof is hereby acknowledged, has granted, bargained, and sold to the Initiative, its successors and assigns forever, the following described land lying and being in Miami-Dade County, Florida (hereinafter the "Property"):

As legally described in Exhibit "A" attached hereto and made a part hereof

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 by the Initiative with a public community space in accordance with section 125.378, Florida Statutes, which shall be maintained and operated solely by the Initiative (the "Project").
2. That the Initiative, at its sole costs, shall be responsible for any environmental assessments, environmental remediation, and any other costs or action associated with environmental contamination on the Property, and shall upon the recording of this Deed, execute and record a Declaration of Restrictive Covenants related to said environmental contamination, in a form approved by the Florida Department of Environmental Protection. As part of the consideration of this conveyance, Miami-Dade County shall not be responsible or liable for any costs or actions related in any way to environmental contamination on the Property.
3. That the Property shall be developed within two (2) years of the recording of this Deed. Notwithstanding the foregoing restriction contained in this Paragraph 3, the County may, in its sole discretion, waive this requirement upon the Miami-Dade Board of County Commissioners finding it necessary to extend the timeframe in which Initiative must complete the Project. In



order for such waiver by the County to be effective, it shall:

- a. Be given by the County Mayor or the County Mayor's designee prior to the event of the reverter; and
 - b. Be evidenced by the preparation of a letter executed by the County Mayor or the County Mayor's designee giving such waiver and specifying the new time frame in which Initiative must complete the Dwelling Units. The letter by the County shall be conclusive evidence upon which any party may rely that the condition of the reverter has been extended to such date as specified in said waiver. If no waiver is recorded and a certificate of occupancy is not issued within two (2) years from the date of this Deed, any party may rely upon the fact that the reverter has occurred and that title has reverted to the County.
4. That the Initiative shall not assign or transfer its interest in the Property or in this Deed absent consent of the Miami-Dade County Board of County Commissioners.
 5. That the Initiative shall pay real estate taxes and assessments on the Property or any part thereof when due. Initiative shall not suffer any levy or attachment to be made, or any material or mechanic's lien, or any unauthorized encumbrance or lien to attach, provided, however, that Initiative may encumber the Property with:
 - a) Any mortgage(s) in favor of any institutional lender for the purpose of financing any hard costs or soft costs relating to the construction of the Project in an amount(s) not to exceed the value of the Improvements as determined by an appraiser; and
 - b) Any mortgage(s) in favor of any institutional lender refinancing any mortgage of the character described in clause a) hereof; in an amount(s) not to exceed the value of the Improvements as determined by an appraiser.
 - c) Any mortgage(s) in favor of any lender that may go into default, lis pendens, foreclosure, deed in lieu of foreclosure, certificate of title or tax deed issued by the government or through court order, the affordable deed restrictions are enforceable and can only be extinguished by the County. The deed restrictions shall run with the land notwithstanding the mortgage or change in ownership for the control period. The affordable deed restrictions apply to the "successors heirs and assigns" of the burdened land owner.
 6. The recordation, together with any mortgage purporting to meet the requirements of paragraph 5(a) or 5(b) above, of a statement of value by a Member of the American Institute of Real Estate Appraisers (MAI), (or member of any similar or successor organization), stating the value of the Project is equal to or greater than the amount of such mortgages(s), shall constitute conclusive evidence that such mortgage meets such requirements, and that the right of any reverter hereunder shall be subject to and limited by,



and shall not defeat, render invalid, or limit in any way, the lien of such mortgage. For purposes of this paragraph an "institutional lender" shall mean any bank, savings and loan association, insurance company, foundation or other charitable entity, real estate or mortgage investment trust, pension funds, the Federal National Mortgage Association, agency of the United States Government or other governmental agency. In any event, the term "Institutional lender" shall be deemed to include Miami-Dade County and its respective successors and assigns.

7. If in the sole discretion of the County, the Property ceases to be used solely for the purpose set forth in paragraph 1 herein by the Initiative, or if the Initiative fails to develop the Property as described herein in the manner and within the timeframe set forth in paragraph 3 herein, or if the Initiative ceases to exist prior to completion of the Project, the Initiative shall correct or cure the default/violation within thirty (30) days of notification of the default by the County as determined in the sole discretion of the County. If the Initiative fails to remedy the default within thirty (30) days, title to the subject properties shall revert to the County, at the option of the County upon written notice of such failure to remedy the default. In the event of such reverter, the Initiative shall immediately deed such properties back to the County, and the County shall have the right to immediate possession of such properties, with any and all improvements thereon, at no cost to the County. The effectiveness of the reverter shall take place immediately upon notice being provided by the County, regardless of the deed back to the County by the Initiative. The County retains a reversionary interest in the Property, which right may be exercised by the County, at the option of 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.
8. All conditions and restrictions set forth herein shall run with the land, and shall be binding on any subsequent successors, assigns, transferees, and lessees, of any interest, in whole or in part, in the Property.

Upon receiving proof of compliance with all of the Deed restrictions listed above, to be determined in the County's sole discretion, the County shall furnish Initiative with an appropriate instrument acknowledging satisfaction with all Deed restrictions listed above. Such satisfaction of Deed restrictions shall be in a form recordable in the Office of the Clerk of the Circuit Court of Miami-Dade County, Florida.

This grant conveys only the interest of the 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.

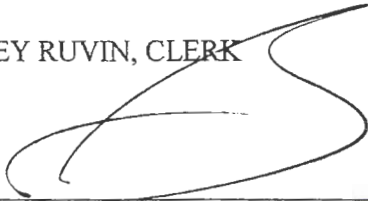


IN WITNESS WHEREOF Miami-Dade County has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chairperson of the Board, the day and year aforesaid.

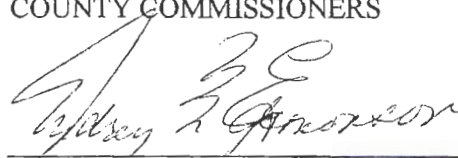
(OFFICIAL SEAL)

ATTEST:

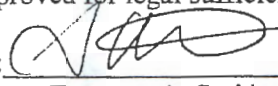
HARVEY RUVIN, CLERK

By: 
Deputy Clerk

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

By: 
Audrey M. Edmonson, Chairwoman

Approved for legal sufficiency:

By: 
Terrence A. Smith
Assistant County Attorney



The foregoing was authorized by Resolution No. R-752-20 approved by the Board of County Commissioners of Miami-Dade County, Florida, on the 21st day of July, 2020.



IN WITNESS WHEREOF, the representative of 79TH STREET CORRIDOR NEIGHBORHOOD INITIATIVE, INC., a Florida not-for-profit corporation, has caused this document to be executed by their respective and duly authorized representative on this 7th day of August, 2020, and it is hereby approved and accepted.

[Signature]
Witness/Attest

[Signature]
Witness/Attest

By: [Signature]
Name: Oliver L. Gross
Title: Chairperson

STATE OF FLORIDA)
):SS
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 7th day of August, 2020 by Oliver L. Gross, of 79TH STREET CORRIDOR NEIGHBORHOOD INITIATIVE, INC., a Florida not-for-profit corporation, on behalf of the corporation. He is () personally known to me or () has produced identification.



[Signature]
NOTARY PUBLIC
Print Name: Natacha Desamours
Commission No. GG 316927
My Commission Expires: 7/23/20



EXHIBIT A

FOLIO NUMBER

LEGAL DESCRIPTIONS

30-3110-028-1440	PARA VILLA HGTS PB 3-106 W140FT LESS W35FT FOR R/W BLK 28
------------------	--

STATE OF FLORIDA, COUNTY OF MIAMI-DADE
I HEREBY CERTIFY that this is a true copy of the
original filed in this office on AUG 28 2020 day of _____, AD 20____

WITNESS my hand and Official Seal.

HARVEY RUBIN, Clerk of Circuit and County Courts
By Nicole Davis D.C.

NICOLE DAVIS #79943

