

MEMORANDUM

Agenda Item No. 14(A)(2)

TO: Honorable Acting Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: December 1, 2020

FROM: Geri Bonzon-Keenan
Successor County Attorney

SUBJECT: Resolution granting Miami Association of REALTORS, Inc. (Miami Realtors), a 501(c)(6) not-for-profit organization, a six month extension to obtain a final certificate of occupancy for the home that has been constructed on the former County-owned property located at 6180 S.W. 63rd Terrace, Miami, Florida (Folio No. 09-4025-009-0010), which was conveyed to Miami Realtors in accordance with Resolution No. R-1119-18; and directing the County Mayor to take all necessary steps set forth in the County Deed to evidence the extension granted herein

Resolution No. R-1229-20

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Raquel A. Regalado.



Geri Bonzon-Keenan
Successor County Attorney

GBK/uw



MEMORANDUM (Revised)

TO: Honorable Acting Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: December 1, 2020

FROM: 
Gen Bonzon-Keenan
Successor County Attorney

SUBJECT: Agenda Item No. 14(A)(2)

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. 14(A)(2)
12-1-20

RESOLUTION NO. R-1229-20

RESOLUTION GRANTING MIAMI ASSOCIATION OF REALTORS, INC. (MIAMI REALTORS), A 501(C)(6) NOT-FOR-PROFIT ORGANIZATION, A SIX MONTH EXTENSION TO OBTAIN A FINAL CERTIFICATE OF OCCUPANCY FOR THE HOME THAT HAS BEEN CONSTRUCTED ON THE FORMER COUNTY-OWNED PROPERTY LOCATED AT 6180 S.W. 63RD TERRACE, MIAMI, FLORIDA (FOLIO NO. 09-4025-009-0010), WHICH WAS CONVEYED TO MIAMI REALTORS IN ACCORDANCE WITH RESOLUTION NO. R-1119-18; 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

WHEREAS, Miami Association of REALTORS, Inc. (“Miami Realtors”) is a 501(c)(6) not-for-profit organization, which has joined with Cobo Construction and Little River Box Company to develop a former County-owned property located at 6180 S.W. 63rd Terrace, South Miami, Florida (Folio No. 09-4025-009-0010) (the “property”) with a home made from shipping containers; and

WHEREAS, on November 8, 2018, this Board adopted Resolution No. R-1119-18, which authorized the conveyance of the property to Miami Realtors; and

WHEREAS, as required by Resolution No. R-1119-18, a County Deed, dated December 4, 2018, a copy of which is attached hereto as Attachment “A” and incorporated herein by reference, was executed by the Chairperson of the Board and subsequently recorded in the public records of Miami-Dade County, Florida; and

WHEREAS, in accordance with Resolution No. R-1119-18 and the County Deed, Miami Realtors is required to develop the property within two years of the effective date of the County Deed, as evidenced by the issuance of a final certificate of occupancy, unless such time is extended at the sole discretion of this Board; and

WHEREAS, Miami Realtors has represented to the County that although the home has been constructed, there has been a delay in obtaining the certificate of occupancy; and

WHEREAS, specifically, Miami Realtors has represented that the original surveyor did not catch that there was a dedication on the property, and therefore, the property no longer meets the minimum setback requirements on the south side of such property; and

WHEREAS, according to Miami Realtors, the property requires a setback of 25 feet, but presently the property only has a setback of 15 feet; and

WHEREAS, accordingly, Miami Realtors has advised the County that it needs to file a variance application with the City of South Miami; and

WHEREAS, according to Miami Realtors, consideration of Miami Realtors' variance application by the City Commission will not occur until February 2021; and

WHEREAS, therefore, Miami Realtors requests that that this Board grant it a six month extension from the recording of the instrument executed by the County Mayor or County Mayor's designee to obtain the final certificate of occupancy for the home; and

WHEREAS, this Board has considered Miami Realtors' request and desires to grant the requested extension,

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 grants Miami Association of REALTORS, Inc. (“Miami Realtors”) a six month extension from the recording of the instrument executed by the County Mayor or County Mayor’s designee required by section 3 of the resolution to obtain a final certificate of occupancy for the home that has been constructed on the former County-owned property located at 6180 S.W. 63rd Terrace, Miami, Florida (Folio No. 09-4025-009-0010) (the “property”), which was previously conveyed to Miami Realtors in accordance with Resolution No. R-1119-18. Notwithstanding the extension granted herein, neither the instrument executed pursuant to section 3 of this resolution or this resolution shall be construed as a waiver of the County’s reversionary interest set forth in the County Deed or the County’s right to enforce such reversionary interest.

Section 3. This Board directs the County Mayor or the County Mayor’s designee to take all necessary steps as set forth in the County Deed to evidence the extension granted herein, including recording in the public record of Miami-Dade County an instrument prepared and executed by the County Mayor or the County Mayor’s designee and accepted by Miami Realtors granting the extension and specifying a new timeframe in which Miami Realtors must obtain the final certificate of occupancy, subject to the County Attorney’s Office approval.

Section 4. This Board directs the County Mayor or County Mayor’s designee, pursuant to Resolution No. R-974-09, to provide a copy of the recorded instrument described in section 3 of this resolution to the Clerk of the Board within 30 days of execution and final acceptance. This Board further 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 Raquel A. Regalado. It was offered by Commissioner **Raquel A. Regalado**, 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:

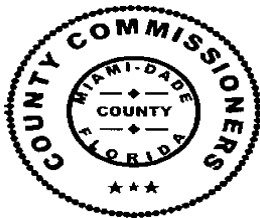
	Rebeca Sosa, Acting Chairwoman	aye	
Jose "Pepe" Diaz	aye	Sen. René García	aye
Oliver G. Gilbert, III	aye	Keon Hardemon	aye
Sally A. Heyman	aye	Eileen Higgins	aye
Joe A. Martinez	absent	Kionne L. McGhee	aye
Jean Monestime	aye	Raquel A. Regalado	aye
Sen. Javier D. Souto	aye	District 8 - Vacant	vacant

The Chairperson thereupon declared this resolution duly passed and adopted this 1st day of December, 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

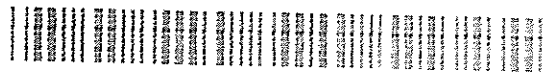
HARVEY RUVIN, CLERK

By: **Melissa Adames**
Deputy Clerk



Approved by County Attorney as
to form and legal sufficiency.

Terrence A. Smith



CFN 2018R0757601
 OR BK 31257 Pgs 1297-1303 (7Pgs)
 RECORDED 12/17/2018 15:05:11
 DEED DOC TAX \$0.40
 SURTAY NO. 17
 HARVEY MONTGOMERY, 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 14th day of Dec., 2018 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 **MIAMI ASSOCIATION OF REALTORS, INC.**, A 501(c)(6) not-for-profit organization (hereinafter "Miami Realtors"), whose address is 700 S. Royal Poinciana Boulevard, Suite 400, Miami, Florida 33166, 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 Miami Realtors, receipt whereof is hereby acknowledged, has granted, bargained, and sold to Miami Realtors, their 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 Miami Realtors with affordable shipping container home ("Dwelling Unit") and maintained as permanent affordable housing in accordance with Section 125.379, Florida Statutes. Miami Realtors shall sell such Dwelling Unit to a qualified homebuyer whose income range is established at 80% of the most recent median family income for the County as reported by the United States Department of Housing and Urban Development. Prior to such conveyance, a restrictive covenant, in a form approved by the County, in its sole discretion, shall be executed by such qualified homebuyer, and such restrictive covenant shall be recorded in the public records of Miami-Dade County.
2. That the Property shall be developed within two (2) years of the recording of this Deed, as evidenced by the issuance of a final Certificate of Occupancy. Notwithstanding the foregoing restriction contained in this Paragraph 2, 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 Miami Realtors must complete the Dwelling Unit. 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 Miami Realtors must complete the Dwelling Unit. 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.
3. That the Dwelling Unit developed on the Property shall be sold to a qualified household at Miami Realtor's cost, but under no circumstances shall the sales price of the home exceed the maximum sales price set forth in Implementing Order No. 3-44. In the event Miami Realtors fails to sell the home to a qualified household or sells the Dwelling Unit above the maximum sales price set forth in Implementing Order No. 3-44, and Miami Realtors, upon written notification from the County, fails to cure such default, then title to the subject Property shall revert to the County, at the option of the County, as set forth in paragraph 9 of this Deed, and by such reverter to the County, Miami Realtors shall forfeit all monetary investments and improvements without any compensation or right to compensation whatsoever.
 4. That if the Property is located within the HOPE VI Target Area ("Target Area"), Miami Realtors shall comply with the requirements set forth in Resolution No. R-1416-08, including but not limited to providing former Scott/Carver residents the right of first refusal of the Dwelling Unit to be sold within the Target Area. The County will provide a list of former Scott/Carver residents in order for Miami Realtors to notify these residents of the availability of homeownership opportunities.
 5. That Miami Realtors 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, with the exception of any conveyance to qualified homebuyers.
 6. Miami Realtors shall require that the qualified household purchasing the Dwelling Unit execute and record simultaneously with the deed of conveyance from Miami Realtors to the qualified household the County's "Affordable Housing Restrictive Covenant," and include the following language in the deed of conveyance:

"This Property is subject to an "Affordable Housing Restrictive Covenant" recorded simultaneously herewith, which states that the Property shall remain affordable during the "Control Period." The Control Period commences on the initial sale date of the eligible home, which is the date the deed is recorded transferring title from Miami

Realtors to the first qualified household, and resets automatically every twenty (20) years for a maximum of sixty (60) years. In the event Grantee wishes to sell or refinance the home during the Control Period, Grantee shall obtain prior written approval from the County. Any such sale, transfer or conveyance, shall only be to a qualified household at or below the maximum sales price as calculated in the restrictive covenant. Should Grantee own this home for twenty consecutive years, Grantee shall automatically be released from the Affordable Housing Restrictive Covenant.”

7. That Miami Realtors shall pay real estate taxes and assessments on the Property or any part thereof when due. Miami Realtors 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 Miami Realtors 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 penden, 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.
8. The recordation, together with any mortgage purporting to meet the requirements of paragraph 7(a) or 7(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.

9. 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 Miami Realtors, or if Miami Realtors fails to construct the Dwelling Unit described herein in the manner and within the timeframe set forth in paragraph 2 herein, or if Miami Realtors ceases to exist prior to conveyance to the qualified homebuyers, or if any term of this County Deed is not complied with, Miami Realtors 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 Miami Realtors fails to remedy the default within thirty (30) days, title to the subject Property 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, Miami Realtors shall immediately deed such Property back to the County, and the County shall have the right to immediate possession of such Property, 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 Miami Realtors. 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.
10. 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 Miami Realtors 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.

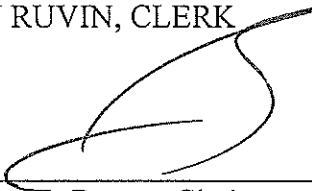
This grant conveys only the interest of the Miami-Dade County and its Board of County Commissioners in the Property herein described and shall not be deemed to warrant the title or to represent any state of facts concerning the same.

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:

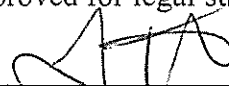
HARVEY RUVIN, CLERK

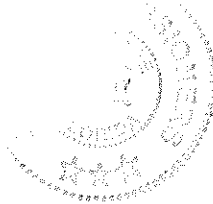
By: 
Deputy Clerk

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

By: 
Esteban L. Bovo Jr., Chairman

Approved for legal sufficiency:

By: 
Terrence A. Smith
Assistant County Attorney



The foregoing was authorized by Resolution No. R-1119-18 approved by the Board of County Commissioners of Miami-Dade County, Florida, on the 8th day of November, 2018.

IN WITNESS WHEREOF, the representative of MIAMI ASSOCIATION OF REALTORS, INC., A 501(c)(6) not-for-profit organization, has caused this document to be executed by their respective and duly authorized representative on this 14th day of December 2018, and it is hereby approved and accepted.

Danielle Blake
Witness/Attest

Lyndon M. Fdez.
Witness/Attest

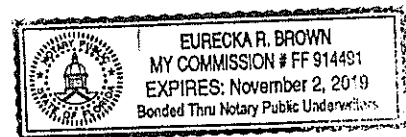
By: Teresa King Kinney
Name: Teresa King Kinney
Title: CED

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this _____ day of _____ 2018, by _____, as _____ of MIAMI ASSOCIATION OF REALTORS, INC., A 501(c)(6) not-for-profit organization, and s/he () has produced _____ as identification or (X) is personally known to me.

(SEAL)



E Brown
Eurecka Brown
Notary of- State of FLORIDA
Commission Number: FF 914491

EXHIBIT A

Folio	Legal Description
09-4025-009-0010	PINES PB 13-2 LOTS 1 & 2 LESS S10FT & W10FT FOR R/W BLK 1