

MEMORANDUM

Agenda Item No. 8(L)(1)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: March 2, 2021

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution approving, after public hearing, a Release of Covenant for Environmentally Endangered Land located in the vicinity of SW 127 Avenue and SW 240 Street in Miami-Dade County, Florida with folio numbers 30-6924-000-1050 and 30-6924-000-0920; and authorizing the County Mayor to execute same and to take all actions necessary to effectuate same, subject to satisfaction of condition precedent

Resolution No. R-163-21

The accompanying resolution was prepared by the Regulatory and Economic Resources Department and placed on the agenda at the request of Prime Sponsor Commissioner Danielle Cohen Higgins.

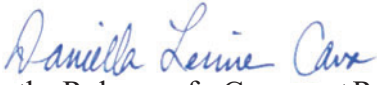


Geri Bonzon-Keenan
County Attorney

GBK/smm

Date: March 2, 2021

To: Honorable Chairman Jose “Pepe” Diaz
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor 

Subject: Resolution Authorizing the Release of a Covenant Running with the Land in Favor of Miami-Dade County Concerning Environmentally Endangered Land Located in the Vicinity of SW 240 Street and SW 127 Avenue, Miami-Dade County

Recommendation

It is recommended that the Board of County Commissioners (Board) approve the attached resolution authorizing the release of a covenant running with the land in favor of Miami-Dade County concerning Environmentally Endangered Land (EEL). This recommendation is based on the owner’s request to release said covenant. The Release of Covenant is attached as Exhibit 1 to the resolution.

Scope

The two subject properties are located in the vicinity of SW 240 Street and SW 127 Avenue, Miami-Dade County, in Commission District 8, which is represented by Commissioner Danielle Cohen Higgins.

Fiscal Impact/Funding Source

Pursuant to Section 25B-17(b) of the Code of Miami-Dade County (Code), the release of an EEL Covenant requires payment to the County of the deferred tax liability from the date the covenant was established. Interest and/or penalties will also be required pursuant to applicable regulations. The amounts due will be calculated by the County Tax Collector.

Track Record/Monitor

The Manager of the Tree and Forest Resources Section in the Department of Regulatory and Economic Resources, Division of Environmental Resources Management (DERM), Lazaro Quintino, will monitor the release of this covenant.

Background

Chapter 25B (Article II) of the Code, established in 1979 under Ordinance No. 79-105, allows qualifying owners in Miami-Dade County to voluntarily enter into a 10-year EEL Covenant running with the land in favor of Miami-Dade County that stipulates that the designated area of their property will be preserved and maintained in its natural state subject to one or more conservation restrictions. Such property owners will receive a discount on annual property taxes, thereby providing an economic incentive for owners of environmentally endangered lands, such as hammocks and pinelands, who choose to manage their land in a natural state and maintain the land’s natural resource values.

In 2014, under Resolution No. R-1057-14, this Board accepted a voluntary EEL Covenant to preserve 3.59 acres on two properties owned by The Church of Jesus Christ. The EEL Covenant provides annual property tax discounts over the 10-year term of the covenant.

In May of 2018, the properties were sold to the current owner, East Coast Properties Group LLC. On August 20, 2019, East Coast Properties Group LLC submitted a letter to the County requesting that the EEL Covenant be released in order to develop the properties.

Section 25B-17 of the Code states that release from a covenant shall be made only (1) after a determination by the Board that such release would not adversely affect the interest of the public; (2) after holding a public hearing; and (3) after payment of the deferred tax liability for the years the covenant was in effect.

Pursuant to Sections 25B-17(b) and (c) of the Code, the release of the EEL Covenant will not adversely affect the interest of the public because the properties have been managed in a natural state, thus maintaining the land's natural resource values to the public's benefit, for six years. This particular covenant, like other EEL covenants, was entered into voluntarily by the property owner, and the EEL covenant was not in any way a regulatory requirement by the County. Although an EEL covenant typically lasts for ten years, as mentioned above, the Code has a process by which a property owner can seek to release an EEL covenant before the ten years have passed, provided that the deferred tax liability for the years the covenant was in effect must first be paid to the County. The process and procedures for EEL covenants are designed to encourage and incentivize property owners to enter into EEL covenants to voluntarily preserve and maintain their land in a natural state, and DERM is not aware of anything that would outweigh allowing this covenant to be released as contemplated by the Code. Therefore, it is the opinion of the Department that the release of this covenant would not adversely affect the interest of the public.

Miami-Dade County will be reimbursed for the deferred tax liability as a result of this proposed release and the County must receive payment prior to issuing the attached Release of Covenant for the properties listed below.

It is recommended that the Board authorize the execution of the attached Release of Covenant.

Owner: East Coast Properties Group LLC
Location: In the vicinity of SW 240 Street and SW 127 Avenue, Miami-Dade County
Folios: 30-6924-000-1050 and 30-6924-000-0920



Jimmy Morales
Chief Operations Officer



MEMORANDUM

(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: March 2, 2021

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 8(L)(1)

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. 8(L)(1)
3-2-21

RESOLUTION NO. _____ R-163-21

RESOLUTION APPROVING, AFTER PUBLIC HEARING, A RELEASE OF COVENANT FOR ENVIRONMENTALLY ENDANGERED LAND LOCATED IN THE VICINITY OF SW 127 AVENUE AND SW 240 STREET IN MIAMI-DADE COUNTY, FLORIDA WITH FOLIO NUMBERS 30-6924-000-1050 AND 30-6924-000-0920; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME AND TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE SAME, SUBJECT TO SATISFACTION OF CONDITION PRECEDENT

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. This Board incorporates and approves the foregoing recital as if fully set forth herein.

Section 2. This Board, having considered all applicable factors in Section 25B of the Code of Miami-Dade County, and after holding a public hearing, hereby determines that the Release of Covenant, in substantially the form attached hereto as Exhibit 1 and made part hereof, would not adversely affect the public interest and approves the release of a covenant running with the land in favor of Miami-Dade County, Florida, concerning environmentally endangered land located in the vicinity of SW 127 Avenue and SW 240 Street and identified by folio numbers 30-6924-000-1050 and 30-6924-000-0920 (3.59 acres of pine rockland). Such approval is subject to and conditioned upon the prior payment to the County of the deferred tax liability for the time the covenant was in effect ("condition precedent").

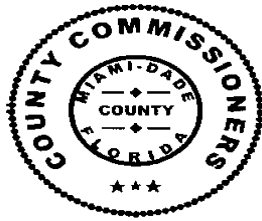
Section 3. This Board authorizes the County Mayor or County Mayor’s designee to execute the attached Release of Covenant subject to the prior satisfaction of the condition precedent, and to take all actions necessary to effectuate same, including but not limited to determining the amount of the deferred tax liability and collecting payment of same prior to the execution of same.

Section 4. This Board, pursuant to Resolution No. R-974-09 (a) directs the County Mayor or County Mayor’s designee to record said instrument executed herein in the Public Records of Miami-Dade County and to provide a recorded copy of the instrument to the Clerk of the Board within 30 days of execution of said instrument; and (b) directs the Clerk of the Board to attach and permanently store a recorded copy of said instrument together with this resolution; and (c) directs the County Mayor or County Mayor’s designee to forward a recorded copy of said instrument to the Property Appraiser.

The foregoing resolution was offered by Commissioner **Joe A. Martinez** , who moved its adoption. The motion was seconded by Commissioner **Danielle Cohen Higgins** and upon being put to a vote, the vote was as follows:

	Jose “Pepe” Diaz, Chairman	aye
	Oliver G. Gilbert, III, Vice-Chairman	aye
Sen. René García	aye	Keon Hardemon aye
Sally A. Heyman	aye	Danielle Cohen Higgins aye
Eileen Higgins	aye	Joe A. Martinez aye
Kionne L. McGhee	aye	Jean Monestime aye
Raquel A. Regalado	aye	Rebeca Sosa aye
Sen. Javier D. Souto	aye	

The Chairperson thereupon declared this resolution duly passed and adopted this 2nd day of March, 2021. 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 dark ink, appearing to read "ASR", is written over a horizontal line.

Abbie Schwaderer-Raurell

EXHIBIT 1

This instrument was prepared by:
Christina Stocking, Miami-Dade County
Division of Environmental Resources Management
Dept of Regulatory and Economic Resources
701 NW 1 Court, 6th Floor
Miami, Florida 33136

RELEASE OF COVENANT

WHEREAS, on October 1, 2014, a Covenant Running with the Land (the “2014 Covenant”) was executed on behalf of The Church of Jesus Christ for the following described properties:

Folio Number: 30-6924-000-0920

Property Address: IN THE VICINITY OF SW 240 ST AND SW 127 AVE

Legal description: THE WEST ½ OF THE SOUTH ½ OF THE NW ¼ OF THE SW ¼ OF THE NW ¼, LESS THE WEST 35 FEET OF SECTION 24, TOWNSHIP 56 SOUTH, RANGE 39 EAST, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA.

Folio Number: 30-6924-000-1050

Property Address: IN THE VICINITY OF SW 240 ST AND SW 127 AVE

Legal description: THE WEST ½ OF THE NORTH ½ OF THE SW ¼ OF THE SW ¼ OF THE NW ¼, LESS THE WEST 35 FEET OF SECTION 24, TOWNSHIP 56 SOUTH, RANGE 39 EAST, LYING AND BEING IN MIAMI-DADE, COUNTY, FLORIDA.

WHEREAS, the 2014 Covenant was recorded on December 31, 2014 in Official Records Book 29449 at Pages 2850-2868 of the Public Records of Miami-Dade County, Florida; and

WHEREAS, the properties have sold and the current owners, East Coast Properties, LLC., has requested that the 2014 Covenant be released, and the Miami-Dade County Board of County Commissioners has authorized said release after public hearing, pursuant to required procedures,

EXHIBIT 1

NOW, THEREFORE, as such, the 2014 Covenant, which was recorded in Official Records Book 29449 at Pages 2850-2868 of the Public Records of Miami-Dade County, Florida, is hereby released and declared of no further legal effect, and the Clerk of the Circuit Court of Miami-Dade County is hereby directed to note the same upon the records.

IN WITNESS WHEREOF, the undersigned has caused the Release to be executed this ____ day of _____, 2021.

Witnesses:

Signature: _____

Name: _____

Signature: _____

Name: _____

By:

Daniella Levine Cava
Mayor of Miami-Dade County

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

BEFORE ME, the undersigned authority, personally appeared, who acknowledged that he examined said document and executed same for the purposes therein expressed.

WITNESS my hand and official seal in the County and State last aforesaid this ____ day of _____, 2021.

NOTARY PUBLIC

MY COMMISSION EXPIRES: