MEMORANDUM

Agenda Item No. 8(F)(2)

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

DATE: June 14, 2022

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution approving amendment to Resolution No. R-686-18 to remove all references to the incorrect dollar amount of $507,584.42 when describing the park impact fee credits to be granted by the County in exchange for conveyance of a 4.20 acre park site located at 17455 SW 157 Avenue, unincorporated Miami-Dade County from Venetian by Luxcom, LLC and Venetian Lennar, LLC to the County and provide that the amount of park impact fee credits shall be computed in accordance with chapter 33H of the County Code, subsections 5-8

Resolution No. R-579-22

The accompanying resolution was prepared by the Internal Services Department and placed on the agenda at the request of Prime Sponsor Commissioner Kionne L. McGhee.

Gerald Sanchez for
Geri Bonzon-Keenan
County Attorney

GBK/uw

Memorandum MIAMI-DADE COUNTY

Date: June 14, 2022

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

From: Daniella Levine Cava
Mayor

Subject: Amendment to Resolution No. R-686-18 to Remove the Incorrect Reference to the Dollar Amount of Park Impact Fee credits to be Granted by the County in Exchange for the Improvement and Conveyance of a 4.20 Acre Park Site to the County Located at 17455 SW 157 Avenue, Unincorporated Miami-Dade County
Folio No: 30-5933-035-4060

Summary

The purpose of this item is to correct the reference to the dollar amount of park impact fee credits stated in Resolution No. R-686-18 for the conveyance of a park site. Amending Resolution No. 686-18 will allow the park impact fee credits to be computed accurately in accordance with Chapter 33H of the County Code, in order for the park site to be conveyed to the County.

Recommendation

It is recommended that the Board of County Commissioners (Board) approve an amendment to Resolution No. R-686-18 to remove the incorrect reference to the dollar amount of park impact fee credits to be granted by the County in exchange for the improvement, conveyance and dedication to the County by Luxcom, LLC (Luxcom) and Venetian Lennar, LLC (Lennar) of a 4.20-acre park site located at 17455 SW 157 Avenue, in unincorporated Miami-Dade County, Florida (Folio No.: 30-5933-035-4060). This is necessary now because Luxcom had not submitted to the Parks, Recreation and Open Spaces Department (PROS), an application for park impact fee credits until 2021, and now seeks a reimbursement of prior impact fees paid. The conveyed park site will be under the oversight of PROS. More specifically the resolution does the following:

- Approval of this item will remove the invalid stipulated park impact fee credit amount and allow the park impact fee credits to be appropriately computed in accordance with Chapter 33H of the County Code, subsections 5-8 for improvement and local park dedication; and

- Approval of this item will allow the closing of the transaction to proceed and title to the park site to be transferred to the County.

Scope

The property is located in Commission District 9, which is represented by Commissioner Kionne L. McGhee. Written notice of the conveyance was provided to the District Commissioner's Office.

Fiscal Impact/Funding Source

The property is being conveyed to the County at no cost, in exchange for park impact fee credits. The impact fee credits are based on the values listed in the Park Impact Fee Ordinance, Chapter 33H-8, of the Miami-Dade County Code and is calculated by the number and type of residential development units. Impact fee credits are not issued or based on the appraised valuation of the property.

Track Record/Monitoring

Idania Barroso of the Internal Services Department is responsible for effectuating the conveyance, recordation and closing of all the documents in conjunction with this item. Alissa Turtletaub of the PROS will be responsible for the acceptance and dedication of the property as well as ongoing monitoring for compliance with the maintenance agreement.

Delegation of Authority
There is no delegation of authority associated with this item.

Background
On July 10, 2018, the Board approved Resolution No. R-686-18 for the acceptance of two Warranty Deeds from Luxcom and Lennar, joint owners of the Venetian Parc West development, consisting of 303 residential dwelling units. As part of the zoning requirements, Venetian Parc West proffered to dedicate and improve 4.20 acres of land for public park use to meet future park and recreation needs generated by the proposed residential development in lieu of payment of park impact fees.

Prior to the acceptance of the warranty deeds, the developer was required to complete improvements to the park site including clear, sod and improve the park with a walking path, benches, a gazebo and street trees planted 35 feet on center, all pursuant to a plan approved by PROS, which has been accepted.

In 2015, Lennar submitted, and PROS approved, Lennar's park impact fee credit application for the park site to be applied within the Venetian Parc development project. Lennar Homes utilized the park impact fee credits throughout the construction of its portion of the residential project. However, during the due diligence process to close the transaction, and accept the Warranty Deeds from Lennar and Luxcom, it was discovered that Luxcom has paid the County park impact fees, on its portion of the development during the construction and permitting process. Luxcom had not submitted to PROS, an application for park impact fee credits until 2021, and now seeks a reimbursement of prior impact fees paid. In review of both Luxcom and Lennar's applications, it was determined that Resolution No. R-686-18 underestimated the dollar amount for the park impact fee credits, due to the late submission of Luxcom's application, thereby preventing the closing to occur as the park impact fee credits exceeded the allowed credit amount granted in the resolution. Therefore, if approved, the amended Resolution will correct the error and allow for the closing of the transaction and title to be transferred to the County.

Edward Marquez
Chief Financial Officer

MEMORANDUM
(Revised)

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

DATE: June 14, 2022

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 8(F)(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. 8(F)(2)
6-14-22

RESOLUTION NO. R-579-22

RESOLUTION APPROVING AMENDMENT TO RESOLUTION NO. R-686-18 TO REMOVE ALL REFERENCES TO THE INCORRECT DOLLAR AMOUNT OF $507,584.42 WHEN DESCRIBING THE PARK IMPACT FEE CREDITS TO BE GRANTED BY THE COUNTY IN EXCHANGE FOR CONVEYANCE OF A 4.20 ACRE PARK SITE LOCATED AT 17455 SW 157 AVENUE, UNINCORPORATED MIAMI-DADE COUNTY FROM VENETIAN BY LUXCOM, LLC AND VENETIAN LENNAR, LLC TO THE COUNTY AND PROVIDE THAT THE AMOUNT OF PARK IMPACT FEE CREDITS SHALL BE COMPUTED IN ACCORDANCE WITH CHAPTER 33H OF THE COUNTY CODE, SUBSECTIONS 5-8

WHEREAS, the 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. The foregoing recitals are incorporated into this resolution and are approved.

Section 2. This Board amends Resolution No. R-686-16 to remove all references to the incorrect dollar amount of $507,584.42 when describing the park impact fee credits to be granted by the County to Venetian by Luxcom, LLC and Venetian Lennar, LLC ("developers") in exchange for the conveyance and dedication by the developers to the County of a 4.20-acre park site located at 17455 SW 157 Avenue, in unincorporated Miami-Dade County, Florida (Folio No.: 30-5933-035-4060) and to provide that the amount of park impact fee credits shall be computed in accordance with chapter 33H of the County Code, subsections 5-8.

The foregoing resolution was offered by Commissioner **Eileen Higgins**, who moved its adoption. The motion was seconded by Commissioner **Rebeca Sosa** and upon being put to a vote, the vote was as follows:

Jose "Pepe" Diaz, Chairman **aye**
Oliver G. Gilbert, III, Vice-Chairman **absent**

Sen. René García	**aye**	Keon Hardemon	**absent**
Sally A. Heyman	**aye**	Danielle Cohen Higgins	**aye**
Eileen Higgins	**aye**	Joe A. Martinez	**aye**
Kionne L. McGhee	**absent**	Jean Monestime	**absent**
Raquel A. Regalado	**aye**	Rebeca Sosa	**aye**
Sen. Javier D. Souto	**aye**		

The Chairperson thereupon declared this resolution duly passed and adopted this 14th day of June, 2022. 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

COUNTY COMMISSIONERS MIAMI-DADE COUNTY FLORIDA

HARVEY RUVIN, CLERK

By: **Basia Pruna**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency. MRP

Monica Rizo Perez