

MEMORANDUM

Non-Agenda Item No. 15(F)(1)

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

DATE: October 18, 2022

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution authorizing the
Chairperson or Vice-Chairperson
of the Board of County
Commissioners to execute
amended and restated County
deeds for three developers,
namely: 34 Ways Foundation,
Ecotech Visions Foundation, and
Palmetto Homes of Miami, Inc.;
and authorizing the County
Mayor to take all action
necessary to exercise any and all
rights set forth in such amended
and restated County deeds, and to
grant from the effective dates of
the amended and restated County
deeds one additional one-year
extension to each developer to
construct, complete and sell
homes to qualified homebuyers
through the infill housing
program

Resolution No. R-1030-22

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Vice-Chairman Oliver G. Gilbert, III.



Geri Bonzon-Keenan
County Attorney

GBK/gh



MEMORANDUM

(Revised)

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

DATE: October 18, 2022

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Non-Agenda Item No.15(F)(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 _____

Non-Agenda Item No. 15(F)(1)
10-18-22

RESOLUTION NO. **R-1030-22**

RESOLUTION AUTHORIZING THE CHAIRPERSON OR VICE-CHAIRPERSON OF THE BOARD OF COUNTY COMMISSIONERS TO EXECUTE AMENDED AND RESTATED COUNTY DEEDS FOR THREE DEVELOPERS, NAMELY: 34 WAYS FOUNDATION, ECOTECH VISIONS FOUNDATION, AND PALMETTO HOMES OF MIAMI, INC.; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO TAKE ALL ACTION NECESSARY TO EXERCISE ANY AND ALL RIGHTS SET FORTH IN SUCH AMENDED AND RESTATED COUNTY DEEDS, AND TO GRANT FROM THE EFFECTIVE DATES OF THE AMENDED AND RESTATED COUNTY DEEDS ONE ADDITIONAL ONE-YEAR EXTENSION TO EACH DEVELOPER TO CONSTRUCT, COMPLETE AND SELL HOMES TO QUALIFIED HOMEBUYERS THROUGH THE INFILL HOUSING PROGRAM

WHEREAS, at the October 18, 2022 Board of County Commissioners meeting, a motion was made to grant to the following developers, each of which has been conveyed certain properties through the Miami-Dade County Infill Housing Initiative Program, a one-year extension to complete construction and obtain final certificates of occupancy for the lots listed herein bearing folio numbers:

34 Ways Foundation

08-2122-005-0600
34-2105-014-0930
34-2115-006-1150

Ecotech Visions Foundation

08-2122-003-2100

Palmetto Homes

30-2107-012-0840
34-1134-006-0300
34-2105-016-5240
34-2108-019-0750
34-2108-020-0750
08-2122-003-1850

08-2122-000-0310
08-2122-003-1080
34-1132-012-0410
34-2108-019-0760
34-2108-020-0760
34-2108-020-0780
34-2108-020-0800
34-2109-004-0290
34-2108-020-0770 , and

WHEREAS, the motion further: (1) authorized the Chairperson or Vice-Chairperson of this Board, pursuant to section 125.411, Florida Statutes, to execute amended and restated deeds (“amended deeds”) to the developers identified herein for the properties identified herein, following approval by the County Attorney’s Office, in order to grant the one-year extensions; (2) authorized the County Mayor or County Mayor’s designee to take all actions necessary to exercise any and all rights set forth in the amended deeds, including, but not limited to, exercising the County’s option to enforce its reversionary interest after conducting all due diligence, title searches and environmental review; and (3) directed the County Mayor or County Mayor’s designee to provide copies of the recorded amended deeds to the Property Appraiser, record the amended deeds in the Public Records, and provide copies of the amended deeds to the Clerk of the Board,

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

Section 1. This Board grants to the following developers, each of which has been conveyed certain properties through the Miami-Dade County Infill Housing Initiative Program, a one-year extension to complete construction and obtain final certificates of occupancy for the lots listed herein bearing folio numbers:

34 Ways Foundation
08-2122-005-0600
34-2105-014-0930
34-2115-006-1150

Ecotech Visions Foundation

08-2122-003-2100

Palmetto Homes

30-2107-012-0840

34-1134-006-0300

34-2105-016-5240

34-2108-019-0750

34-2108-020-0750

08-2122-003-1850

08-2122-000-0310

08-2122-003-1080

34-1132-012-0410

34-2108-019-0760

34-2108-020-0760

34-2108-020-0780

34-2108-020-0800

34-2109-004-0290

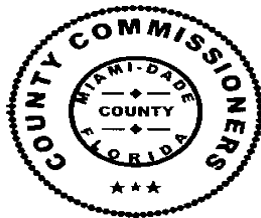
34-2108-020-0770

Section 2. This Board (1) authorizes the Chairperson or Vice-Chairperson of this Board, pursuant to section 125.411, Florida Statutes, to execute amended and restated deeds (“amended deeds”) to the developers identified herein for the properties identified herein, following approval by the County Attorney’s Office, in order to grant the one-year extensions; (2) authorizes the County Mayor or County Mayor’s designee to take all actions necessary to exercise any and all rights set forth in the amended deeds, including, but not limited to, exercising the County’s option to enforce its reversionary interest after conducting all due diligence, title searches and environmental review; and (3) directs the County Mayor or County Mayor’s designee to provide copies of the recorded amended deeds to the Property Appraiser, record the amended deeds in the Public Records, and provide copies of the amended deeds to the Clerk of the Board.

The Prime Sponsor of the foregoing resolution is Vice-Chairman Oliver G. Gilbert, III. It was offered by Commissioner **Oliver G. Gilbert, III**, 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

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	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 18th day of October, 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

HARVEY RUVIN, CLERK

Basia Pruna

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Shannon D. Summerset-Williams

CFN 2024R0230146
OR BK 34151 Pgs 2224-2231 (8Pgs)
RECORDED 03/26/2024 11:56:41
DEED DOC TAX \$0.60
JUAN FERNANDEZ-BARQUIN
CLERK OF THE COURT & COMPTROLLER
MIAMI-DADE COUNTY, FL

Instrument prepared by and returned to:
Shannon D. Summerset
Assistant County Attorney
111 N.W. 1st Street, Suite 2810
Miami, Florida 33128

Folio No: See Exhibit "A" attached.

This Amended and Restated County Deed (this "Deed") shall supersede and replace the Notice Regarding Reversionary Interest and Extension recorded in Official Record Book 33184 Pages 332-335 of the Public Records of Miami-Dade County on May 12, 2022, and County Deed recorded in Official Record Book 31008 Pages 4762-4768 of the Public Records of Miami-Dade County on June 11, 2018.

AMENDED AND RESTATED COUNTY DEED

THIS AMENDED AND RESTATED DEED, made this 29 day of March, 2024 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 34 Ways Foundation, Inc., a Louisiana not-for-profit corporation (hereinafter "Developer"), whose address is P.O. Box 308, Metairie, Louisiana 70004, or its successors and assigns.

RECITALS

WHEREAS, the real properties as more fully described in Exhibit "A" were conveyed to Developer through a certain County Deed recorded in Official Record Book 31008 Pages 4762-4768 of the Public Records of Miami-Dade County on June 11, 2018, and Notice Regarding Reversionary Interest and Extension recorded in Official Record Book 33184 Pages 332-335 of the Public Records of Miami-Dade County on May 12, 2022,

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 Developer, receipt whereof is hereby acknowledged, has granted, bargained, and sold to Developer, 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 Properties shall be developed with affordable housing, as defined by and in accordance with the requirements of the Infill Housing Initiative Program established in Sections 17-121 through 17-128 of the Code of Miami-Dade County,



Implementing Order No. 3-44, and the Miami-Dade County's Infill Housing Initiative Guidelines. Developer shall sell such affordable housing to qualified homebuyers whose income range is established up to 140% of the most recent median family income for the County reported by the United States Department of Housing and Urban Development or the Florida Housing Finance Corporation. Prior to such conveyance, a restrictive covenant, in a form approved by the County in its sole discretion, shall be executed by each qualified homebuyer, and such restrictive covenant shall be recorded in the public records of Miami-Dade County.

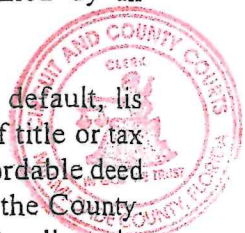
2. That the Properties shall be developed within one (1) year of the recording of this Deed as evidenced by the issuance of a final Certificate of Occupancy. Notwithstanding the foregoing restriction contained in this Paragraph 2, the County may, in its sole discretion, waive this requirement upon the Board finding it necessary to extend the time frame in which the Developer must complete the homes. In order for such waiver by the County to be effective, the County Mayor or the County Mayor's designee:
 - a. Be given 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 the Developer must complete the homes. 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 one (1) year from the recording 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 affordable housing developed on the Property shall be sold to a qualified household, as defined in Sections 17-122(n) of the Code of Miami-Dade County, but under no circumstances shall the sales price of the home exceed the maximum sales price authorized under and set forth in the original County Deed which conveyed the Property to the Developer and which County Deed is referenced herein. In the event the Developer fails to sell the home to a qualified household or sells the home above the maximum sales price authorized under and set forth in the original County Deed which conveyed the Property to the Developer and which County Deed is referenced herein and the Developer, upon written notification from the County, fails to cure such default, then title to the subject Properties reverts to the County, at the option of the County, as set forth in paragraph 7, and by such reverter to the County, the Developer shall forfeit all monetary investments and improvements without any compensation or right to compensation whatsoever.
4. That for any of the Properties located within the HOPE VI Target Area (hereinafter "Target Area"), the Developer 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 on all units to be sold within the Target Area. The County will provide a list of former Scott/Carver residents in order for the Developer to notify these residents of the availability of homeownership opportunities.



5. That Developer shall not assign or transfer its interest in the Properties 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. The Developer shall require that the qualified household purchasing the eligible home execute and record simultaneously with the deed of conveyance from the developer 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 the developer 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 as defined in Section 17-122(n) of the Miami-Dade County Code 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 Developer shall pay real estate taxes and assessments on the Properties or any part thereof when due. Developer 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 Developer may encumber the Properties 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.

8. The recordation, together with any mortgage purporting to meet the requirements of clauses 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, one or more of the Properties ceases to be used solely for the purpose set forth in paragraph 1 herein by the Developer, or if the Developer fails to construct the homes described herein in the manner and within the timeframe set forth in paragraph 2 herein, or if the Developer ceases to exist prior to conveyance to the qualified homebuyers, or if any term of this County Deed is not complied with, the Developer 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 Developer 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 Developer 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 Developer. The County retains a reversionary interest in the Properties, 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 Properties.

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 the Developer 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 Properties 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: Juan Fernandez-Barquin
Clerk of the Court and Comptroller

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

By:


(Deputy Clerk Signature)

By:

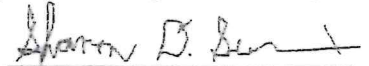

Oliver G. Gilbert, III, Chairman

Print Name: Shania Momplaisir - e182136

Date: 3/22/2024



Approved for legal sufficiency:

By: 
Shannon D. Summerset
Assistant County Attorney

The foregoing was authorized by Resolution No. **R-1030-22** approved by the Board of County Commissioners of Miami-Dade County, Florida, on the 18th day of October, 2022.



IN WITNESS WHEREOF, the representative of 34Ways Foundation, Inc., a Louisiana not-for-profit corporation, has caused this document to be executed by their respective and duly authorized representative on this 10th day of March, 2023, and it is hereby approved and accepted.

Rachel McKenzie
Witness/Attest

Rachel McKenzie
Print Name 30972 NW 2nd St
Plantation, FL 33324

Emily M. Freund
Witness/Attest

Emily M. Freund
Print Name 6241 Perkins Rd
Baton Rouge, LA 70808

my STATE OF ~~FLORIDA~~ Louisiana
my COUNTY OF ~~MIAMI-DADE~~ East Baton Rouge

THE FOREGOING INSTRUMENT was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 10th day of March, 2023 by Michael McKenzie as Founder, on behalf of **34 Ways Foundation, Inc.**, a Louisiana not-for-profit corporation. S/he is personally known to me or has produced a LA drivers license as identification.

(SEAL)

Emily M. Freund
Emily M. Freund

Notary of- State of Louisiana

Commission Number: 1166405

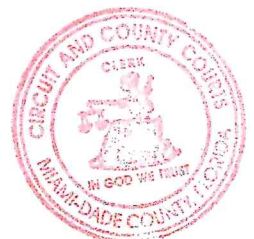
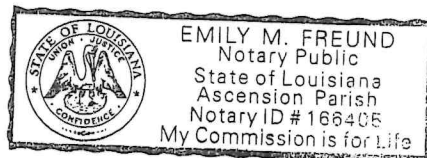


EXHIBIT A

<u>FOLIO</u>	<u>LEGAL DESCRIPTION</u>
34-2115-006-1150	RAINBOW PARK PB 44-21 PARCEL 02-15-03 AKA LOT 19 BLK 6
34-2105-014-0930	KINGS GARDENS SEC TWO PB 91-55 TRACTS G & H BLK 5
08-2122-005-0600	MAGNOLIA GARDENS CONSOLIDATED PB 50-5 LOT 34 BLK 336

STATE OF FLORIDA, COUNTY OF MIAMI-DADE
I HEREBY CERTIFY that this is a true copy of the
original filed in this office on **MAR 26 2024**
AD 20

WITNESS my hand and Official Seal

Clerk of Circuit and County Courts

By _____ D.C.

Valeria Santana #403014

