

**OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA**

MEMORANDUM

Agenda Item No. 11(A)(7)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: March 7, 2023

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution amending Resolution No. R-856-13 relating to the conveyance of a County-owned property to the Florida City Community Redevelopment Agency; authorizing the Chairperson or Vice-Chairperson of the Board to execute an Amended and Restated County Deed to remove the commercial use requirement and, subject to the County's reversionary interest, require the development of the property for affordable housing in accordance with section 125.38, Florida Statute, chapter 163, part III, Florida Statutes, and the Agency's amended community redevelopment plan for the Florida City Community Redevelopment Agency; and authorizing the County Mayor to take all actions necessary to exercise any and all rights set forth in such Amended and Restated County Deed

Resolution No. R-216-23

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



Geri Bonzon-Keenan
County Attorney

GBK/gh

MDC001



MEMORANDUM

(Revised)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: March 7, 2023

FROM: 
Gen. Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 11(A)(7)

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)(7)
3-7-23

RESOLUTION NO. _____ R-216-23

RESOLUTION AMENDING RESOLUTION NO. R-856-13 RELATING TO THE CONVEYANCE OF A COUNTY-OWNED PROPERTY TO THE FLORIDA CITY COMMUNITY REDEVELOPMENT AGENCY; AUTHORIZING THE CHAIRPERSON OR VICE-CHAIRPERSON OF THE BOARD OF COUNTY COMMISSIONERS TO EXECUTE AN AMENDED AND RESTATED COUNTY DEED TO REMOVE THE COMMERCIAL USE REQUIREMENT AND, SUBJECT TO THE COUNTY'S REVERSIONARY INTEREST, REQUIRE THE DEVELOPMENT OF THE PROPERTY FOR AFFORDABLE HOUSING IN ACCORDANCE WITH SECTION 125.38, FLORIDA STATUTES, CHAPTER 163, PART III, FLORIDA STATUTES, AND THE AGENCY'S AMENDED COMMUNITY REDEVELOPMENT PLAN FOR THE FLORIDA CITY COMMUNITY REDEVELOPMENT AGENCY AND THE FLORIDA CITY COMMUNITY REDEVELOPMENT AREA; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO TAKE ALL ACTIONS NECESSARY TO EXERCISE ANY AND ALL RIGHTS SET FORTH IN SUCH AMENDED AND RESTATED COUNTY DEED

WHEREAS, Miami-Dade County is experiencing a significant shortage of safe and stable affordable housing that is expected to worsen in the coming years; and

WHEREAS, section 125.38, Florida Statutes, allows the County to convey or lease County-owned property to an agency for public or community interest and welfare without using the competitive bidding process; and

WHEREAS, on October 22, 2013, this Board adopted Resolution No. R-856-13, which authorized this Board's Chairperson or Vice-Chairperson to execute a County Deed conveying a County-owned property to the Florida City Community Redevelopment Agency ("Agency") for the purpose of developing the property in a manner that would promote the public or community welfare; and

WHEREAS, the property is located in Commission District 9 at the northeast corner of Kentucky Street and NW 9th Avenue in Florida City (Folio No. 16-7824-014-0204) (the “property”); and

WHEREAS, the County Deed includes a requirement that the property is required to be rezoned for commercial use and the Agency is required to make every good faith effort to develop the property; and

WHEREAS, the District 9 Commissioner’s Office received an email from the Agency on September 27, 2022, and a letter from the Mayor of the City of Florida City on November 28, 2022, copies of which are attached hereto as Attachment “A” and incorporated herein by reference; and

WHEREAS, the Agency has advised the District 9 Commissioner that despite its good faith efforts, it has been unable to attract a commercial developer to develop the property, but has been able to attract a developer who wishes to use it for affordable housing; and

WHEREAS, the County Deed currently prevents the development of the property with affordable housing; and

WHEREAS, the Agency has requested that the County amend the County Deed to authorize the Agency to develop or cause the property to be developed with affordable housing; and

WHEREAS, on June 6, 1995, this Board adopted Resolution No. R-795-95, which approved the Agency’s community redevelopment plan for the Florida City community redevelopment area (“redevelopment area”); and

WHEREAS, on July 7, 1997, this Board adopted Ordinance No. 97-132, which approved an amendment to the redevelopment plan (“amended plan”); and

WHEREAS, the amended plan provides for the development of affordable housing within the redevelopment area; and

WHEREAS, the Florida Legislature enacted the Community Redevelopment Act of 1969, which is codified in chapter 163, part III, Florida Statutes (the “Act”); and

WHEREAS, the Florida Legislature found and declared that there exists in counties and municipalities of the state a severe shortage of housing affordable to residents of low or moderate income, including the elderly; that the existence of such condition affects the health, safety, and welfare of the residents of such counties and municipalities and hinders their growth and economic and social development; and that the elimination or improvement of such condition is a proper matter of state policy and state concern and is for a valid and desirable public purpose; and

WHEREAS, accordingly, this Board finds that the development of the property with affordable housing promotes a public purpose and community interest and welfare by assisting the Agency to achieve one of its purposes, i.e., the provision of affordable housing; and

WHEREAS, considering the affordability crisis and the dire need for such housing in Miami-Dade County, this Board wishes to authorize an amendment to the County Deed in accordance with section 125.38, Florida Statutes, the Act, and the Agency’s amended community redevelopment plan for the Agency and redevelopment area, to authorize the Agency to develop the property with affordable housing, subject to the County’s reversionary interests,

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

Section 1. This Board adopts the foregoing recitals as if fully set forth herein.

Section 2. This Board amends Resolution No. R-856-13, in accordance with section 125.38, Florida Statutes, chapter 163, part III, Florida Statutes, and the Florida City Community Redevelopment Agency's ("Agency") and the Florida City Community Redevelopment Area's amended community redevelopment plan, to remove the commercial use requirement, and to authorize the Agency to develop or cause the property located at the northeast corner of Kentucky Street and NW 9th Avenue in Florida City (Folio No. 16-7824-014-0204) to be developed with affordable housing, subject to the County's reversionary interest.

Section 3. Pursuant to section 125.411, Florida Statutes, this Board authorizes the Chairperson or Vice-Chairperson of the Board to execute the Amended and Restated County Deed ("amended deed"), in substantially the form attached hereto and made a part hereof as Attachment "B."

Section 4. This Board further authorizes the County Mayor or County Mayor's designee to take all actions necessary to effectuate the amendment, to exercise all rights set forth in the amended 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 County Mayor's designee should exercise the County's reversionary interest, then the County Mayor or 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 County Mayor's designee to receive on behalf of the County from the Agency, 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 Agency is unable

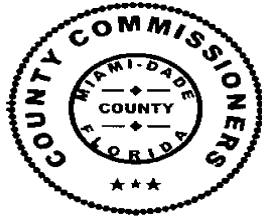
or fails to comply with the deed restrictions set forth in the amended deed. Upon the receipt of a deed from the Agency, the County Mayor or County Mayor’s designee shall record such deed in the Public Records of Miami-Dade County.

Section 5. This Board directs the County Mayor or County Mayor’s designee, pursuant to Resolution No. R-974-09, to record in the public record the amended deed, covenants, reverters and mortgages 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 instruments provided in accordance herewith together with this resolution.

The Prime Sponsor of the foregoing resolution is Commissioner Kionne L. McGhee. It was offered by Commissioner **Anthony Rodriguez** , who moved its adoption. The motion was seconded by Commissioner **Marleine Bastien** and upon being put to a vote, the vote was as follows:

Oliver G. Gilbert, III, Chairman		aye
Anthony Rodríguez, Vice Chairman		aye
Marleine Bastien	aye	Juan Carlos Bermudez aye
Kevin Marino Cabrera	aye	Sen. René García absent
Roberto J. Gonzalez	aye	Keon Hardemon aye
Danielle Cohen Higgins	aye	Eileen Higgins aye
Kionne L. McGhee	aye	Raquel A. Regalado aye
Micky Steinberg	aye	

The Chairperson thereupon declared this resolution duly passed and adopted this 7th day of March, 2023. 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

LUIS G. MONTALDO, CLERK AD INTERIM

By: **Basia Pruna**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

mmg

Melissa M. Gallo



To: MDC Commissioner Kionne McGhee

From: Mayor Otis T. Wallace, Florida City

Re: County Property Transfer Issues

Date: November 28, 2022

Dear Commissioner McGhee;

As you are aware, our CRA Executive Director has been focused on the disposition and development for use for affordable housing of the collection of various vacant lots that were acquired by Florida City from various sources over the past 10-12 years. Since the titles and contracts for the initial acquisitions are buried in his predecessor's old files, he has not seen the transfer documents for most of these lots. His assumption was, logically, that if Florida City or its CRA were listed on the Property Appraiser's website as the owners, we would have clear title to the properties. After disposing of a number of these properties at public auction, again for the purpose of developing affordable housing on them, he discovered, after the fact, that there are outstanding requirements in the titles from the County. We have received communication from a number of County entities, such as the County Auditor and Internal Services Department, pointing out issues with the transfers. If you are supportive of the affordable housing results that we have been achieving, I need to request that you propose legislation to clear these items up.

Again, most, if not all, of the ultimate uses for the disposed properties have been for the development of affordable housing, which, as I understand it, was always the intent of the County's disposal goals. Some of the issues are technical, such as we were required to secure "approval" from the County before we disposed of those specific properties, or, we were required to perform the redevelopment activities on the sites within a certain timeframe, which has passed. One set of properties was required to be used for affordable housing, but the land was transferred to the City in 2002, resold by the City in 2006 and development was delayed to the present time. Obviously, price points for the housing, under 2002's rules, don't work in today's market.

I can have staff prepare a detailed memo with PCNs and a brief description of the specific issues on each parcel to assist you in drafting one or more Resolutions to get these items squared away, if you are supportive of what we are attempting to accomplish. I will copy the appropriate County staff on the memo, to indicate that we are actively attempting to address these issues in a reasonable time frame. Thanks for your attention to the above.

From: Jon Ward <craexdir@floridacityfl.gov>
Sent: Tuesday, September 27, 2022 4:43 PM
To: Thompson, Claudious (DIST9) <Claudious.Thompson@miamidade.gov>
Cc: Otis T. Wallace <mayor@floridacityfl.gov>; Brown, Clarence D. (PHCD) <clarence.brown@miamidade.gov>; Muñoz, Alex (ISD) <alex.munoz@miamidade.gov>; daniel.roteberg2@miamidade.gov; Cameau, Rasha (OMB) <Rasha.Cameau@miamidade.gov>
Subject: Florida City-Property Issue

EMAIL RECEIVED FROM EXTERNAL SOURCE

Good afternoon, Claudious;

You will recall that I sent you an email about ten days ago regarding a deed issue for a lot that the City purchased from the County that we are attempting to sell to an affordable housing developer and we need to ask the assistance of Commissioner McGhee to get a solution approved by the County Commission. Let me know if you have questions with that.

I have a second issue I need to get cleared away. In 2013, the City purchased (at full price) a lot from the County, folio #16-7824-014-0204. The deed (which I have attached, along with a copy of the closing statement and email communications from my predecessor at the City with County staff) came with a condition that "The party of the second part shall seek to rezone the property for commercial use. . . "

The County was of the opinion that the lot would best be used for commercial use, as they stated in the deed. Even at the time in 2013, City staff had concerns that the lot might not be appropriate for that use and, as illustrated in the email that I attach from Rick Stauts to Freddie Nay, and asked for a reverter clause be removed from the proposed deed (as it apparently was) in case the lot could not attract a commercial developer and the City could seek another use for the lot, such as housing.

This past year, I have been successful in placing a series of vacant lots with affordable housing developers and most of them have had houses and apartments developed on them. I held a public auction for this parcel and have a successful bidder who wants to build affordable housing on the lot. After the auction, we discovered the commercial use "suggestion" on the deed, which, in all fairness, reads more like a suggestion than a requirement. In the interim period since the 2013 purchase, the lot has attracted no attention whatsoever until the recent auction.

As the deed requires, the City has made "a good faith effort to cause the development of the property", has had no results in attracting an interested commercial developer but has found on willing to use it for affordable housing, an issue that both this Agency and the County feel is a pressing need.

I think we made a reasonable effort to confirm to the requirements of the deed in the ten years we have owned the lot and, to move forward and get this property into development, I request that the Commissioner sponsor an item before the County Commission, removing the commercial development request and allow the City to convey the parcel to a developer for use as affordable housing.

I also copied County staff on this request so everyone would be aware of what we are attempting to accomplish. Thanks for your attention to the above and let me know if you need additional information. Regards, jw

Jon Ward, Executive Director

Community Redevelopment Agency

City of Florida City

404 West Palm Drive

Florida City, FL 33034-3346

(O) 305-247-8221

(C) 786-658-2312

(F) 305-242-8133

ATTACHMENT B

Instrument prepared under the direction of
Melissa Gallo, Assistant County Attorney
111 N.W. 1 Street, 27th floor
Miami, Florida 33128-1907

Folio No: 16-7824-014-0204

This Amended and Restated County Deed shall supersede and replace the County Deed recorded in Official Record Book 28928 Pages 0805-806 of the Public Records of Miami-Dade County on November 26, 2013.

AMENDED AND RESTATED COUNTY DEED

THIS AMENDED AND RESTATED DEED (the “Deed”), made this ____ day of _____, 20__ AD. by **MIAMI-DADE COUNTY**, a political subdivision of the State of Florida (“County”), whose address is: Stephen P. Clark Center, 111 N.W. 1 Street, Suite 17-202, Miami, Florida 33128-1963, and **FLORIDA CITY COMMUNITY REDEVELOPMENT AGENCY**, a public body corporate and politic (“Agency”), Agency or Agency, whose address is 404 West Palm Drive, Florida City, Florida 33034, its successors and assigns:

WITNESSETH:

That the County, for and in consideration of the sum of Eighteen Thousand Five Hundred Dollars and 00/100 (\$18,500.00) to it in hand paid by the Agency, receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said Agency, its successors and assigns forever, the following described land lying and being in Miami-Dade County, Florida (the “Property”):

**LOT 19, LESS THE NORTH 2 FEET THEREOF, BLOCK 1, of
MACARTHUR HOMESITES according to the Plat recorded in Plat
Book 43, page 99, as Recorded in the Public Records of Miami-Dade
County, Florida**

- (1) In accordance with section 125.38, Florida Statutes, chapter 163, part III, Florida Statutes, and the Agency’s amended community redevelopment plan for the Florida City Community Redevelopment Agency, the Agency shall seek to use or cause the development of the Property with affordable housing. The parties agree that upon the completion of the housing, as evidenced by a certificate of final occupancy, the housing shall remain affordable for a period that is no less than 20 years (“Affordability Period”). During the Affordability Period the housing shall be rented or sold to households whose incomes do not exceed 140 percent of area median

income as published for Miami-Dade County by the United States Department of Housing and Urban Development, the Florida Housing Finance Corporation or such other department agency. If the property is developed with rental housing, the Agency shall cause the execution and recordation of an instrument that ensures that the rents remain affordable during the Affordability Period. If the Property is sold to a qualified homebuyer, then the Agency shall cause the execution and recordation of a restrictive covenant that requires such homebuyer to maintain the housing as affordable during the Affordability Period.

- (2) In the event the Agency, its successor or assigns causes the Property to be encumbered by a mortgage or similar security instrument, any such encumbrance shall be subordinate to all rights of the County, including the County's right of reverter.
- (3) 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. If in the sole discretion of the County, the Property ceases to be used solely for the purpose set forth herein, the Agency, its successors or assigns, shall correct or cure the default/violation within thirty (30) days of notification of the default by the County. If the Agency, its successors or assigns, fails to remedy the default within thirty (30) days, as determined in the sole discretion of the County, the County shall have the right to re-enter and take possession of the Property and to terminate and re-vest in the County the estate conveyed by this Deed to the Agency, its successors or assigns, and by such reverter to the County, the Agency shall forfeit all monetary investments and improvements without any compensation or right to compensation whatsoever; provided, that any such right of re-entry shall always be subject to and limited by, and shall not defeat, render invalid, or limit any way the lien of any valid mortgage or Deed or Trust permitted by this Deed.
- (4) 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.
- (5) Upon receiving proof of compliance with the deed restrictions set forth herein, to be determined in the County's sole discretion, the County shall furnish the Agency with an appropriate instrument acknowledging satisfaction with all Amended Deed restrictions. 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 Deed 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 Mayor of said 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: _____
Chairperson or Vice-Chairperson

Approved for legal sufficiency _____

The foregoing was authorized by Resolution No. R-856-13 approved by the Board of County Commissioners of Miami-Dade County, Florida, on the 22nd day of October, 2013, and as amended by Resolution No. _____ by the Board of County Commissioners of Miami-Dade County, Florida, on the _____, 20____.

IN WITNESS WHEREOF, the representative of **FLORIDA CITY COMMUNITY REDEVELOPMENT AGENCY**, a public body corporate and politic, has caused this document to be executed by their respective and duly authorized representative on this 23 day of November, 2022, and it is hereby approved and accepted.

Witness/Attest

Witness/Attest

By:

Name:

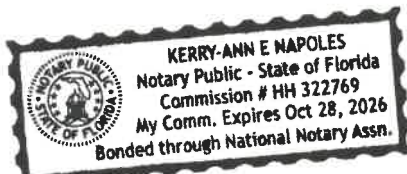
Title:

OTIS T. WALLACE

CHAIRMAN

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

THE FOREGOING INSTRUMENT was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 23 day of November, 2022 by _____ as _____, on behalf of **FLORIDA CITY COMMUNITY REDEVELOPMENT AGENCY**, a public body corporate and politic, and s/he (✓) has produced DL as identification or () is personally known to me.



My Commission Expires:

Notary Public
State of Florida at Large

EXHIBIT A

Folio #16-7824-014-0204

Legal Description:

LOT 19, LESS THE NORTH 2 FEET THEREOF, BLOCK 1, of MacARTHUR HOMESITES
according to the Plat recorded in Plat Book 43, page 99, as Recorded in the Public Records of Miami-
Dade County, Florida