

MEMORANDUM

Agenda Item No. 8(K)(1)

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

DATE: May 2, 2023

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution declaring a portion of approximately 4,000 square feet of County-owned property located on a portion of track 2 of Town Park Subdivision No. 1, as surplus; approving and authorizing the conveyance of such property to the City of Miami, pursuant to section 125.38, Florida Statutes, for \$10.00 for the purpose of a right-of-way dedication; authorizing the Chairperson or Vice-Chairperson of the Board to execute a County Deed for such purpose; and authorizing the County Mayor to take all necessary steps to enforce the provisions set forth in the County Deed

Resolution No. R-401-23

The accompanying resolution was prepared by the Public Housing and Community Development Department and placed on the agenda at the request of Prime Sponsor Commissioner Keon Hardemon.


Geri Bonzon-Keenan
County Attorney

GBK/gh

Memorandum



Date: May 2, 2023

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

From: Daniella Levine Cava
Mayor 

Subject: Resolution Declaring a Portion of Approximately 4,000 Square Feet of County-Owned Property Located on a Portion of Track 2 of Town Park Subdivision No. 1, as Surplus and Authorizing the Conveyance of Such Property to City of Miami for a 10 Foot Right of Way Dedication

Executive Summary

On April 7, 2020, the Board of County Commissioners (Board) adopted Resolution No. R-297-20 awarding a short-term ground lease agreement to Housing Trust Group, LLC, and its affiliates (HTG), pursuant to Request for Proposal (RFP) No. 01296 for the Redevelopment of Rainbow Village and Gwen Cherry 23C. Rainbow Village Phase I, which consist of a total of 310 units, is the first phase of a master plan to redevelop 1,520 public housing units. This phase requires a dedication of the portion of the parcel of land owned by the County in the City of Miami ("City"). The City requires a right of way dedication along NW 3rd Avenue, as well as a corner radius dedication at NW 20th Street and NW 3rd Avenue. The base building line is 10 feet within the property along NW 3 Avenue, per City code a 25-foot radius is required at street intersections (NW 3 Avenue and NW 20 Street). The area external to the 25-foot radius will be dedicated for public right-of-way as required by the City code.

Recommendation

It is recommended that the Board:

1. Declare a portion of approximately 4,000 square feet of County-owned property comprised of a portion of track 2 of Town Park Subdivision No. 1, U.R. Project FLA. R-10 as surplus, and as more fully described in Attachment "A" attached to the resolution (the "property");
2. Authorize the conveyance of the property to the City in the amount of \$10.00 for the purpose of a right-of-way dedication in accordance with section 125.38, Florida Statutes;
3. Authorize the Chairperson or the Vice Chairperson of the Board to execute the County Deed ("deed"); and
4. Authorize the County Mayor or County Mayor's designee to (a) exercise all rights set forth in the deed, other than those reserved to the Board, 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; (b) in the event the County Mayor or County Mayor's designee exercises the County's reversionary interest, 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; and (c) receive on behalf of the County from the City, 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 City is unable or fails to comply with the deed restrictions set forth in the deed, and to record such deed in the Public Records of Miami-Dade County.

Scope

The property is located in County Commission District 3, represented by Commissioner Keon Hardemon.

Fiscal Impact/Funding Source

There is no fiscal impact associated with the conveyance of the property, other than the \$10.00 consideration paid by the City to the County.

Track Record/Monitor

Clarence D. Brown, Interim Director, Public Housing and Community Development Department (Department) will monitor this project.

Delegation of Authority

Upon approval of this item, the Chairperson or Vice-Chairperson of the Board will be authorized to execute the County Deed, and the County Mayor or County Mayor's designee will be authorized to exercise all rights set forth in the deed, other than those reserved to the Board, 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. Further, 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 will be authorized to 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. Finally, the County Mayor or County Mayor's designee will be authorized to receive on behalf of the County from the City, 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 City is unable or fails to comply with the deed restrictions set forth in the deed, and will be authorized to record such deed in the Public Records of Miami-Dade County.

Background

On April 7, 2020, the Board adopted Resolution No. R-297-20, which awarded development rights through a ground lease to HTG for the purpose of redeveloping the Rainbow Village public housing development. Rainbow Village Phase I will consist of a total of 310 units. The entire project will include the redevelopment of 1,520 units. As part of the process for the new phase, the City submitted a request to HTG for the dedication of the portion of the parcel of land lying within the City's officially established right-of-way to the public for street purposes. The City requires dedications of the right of way along NW 3rd Avenue, as well as a corner radius dedication at NW 20th Street and NW 3rd Avenue. According to the City Code, the base building line is 10 feet within the property along NW 3 Avenue, A 25-foot radius is required at street intersections (NW 3 Avenue and NW 20 Street). Upon approval of this item, the area external to the 25-foot radius will be dedicated for public right-of-way.

Section 125.38, Florida Statutes, authorizes the Board to convey property to the City when it has been determined by the County that the property is not needed for County purposes and will be utilized for the benefit of the public or community interest and welfare. The property is included in HTG's leasehold and will be utilized by the City as a right-of-way. The proposed County Deed contains a restriction that states that the property is to be used as a right-of-way by the City and if the public use is discontinued, then the property shall revert to the County, at its sole option.

The Department has complied with Resolutions Nos. R-297-20 as indicated below by providing detailed information on the property, which includes information concerning the County's investment, future control, and disclosure of market values of the property. The property was acquired by the County, along with others, in the late 1960s from the City when it ceased to exist as public housing authority, conveyed the City's interests in all of its public housing properties and projects to the County, and the County took over the role as a public housing agency. As a public housing authority and although the County is the property owner, the property is encumbered by a declaration of trust, which was recorded in favor of the United States Department of Housing and Urban Development (HUD). Notwithstanding the declaration of trust, the conveyance of the property to the City for a right-of-way does not require approval from HUD since such conveyances are exempt from the federal regulations governing the disposition of public housing property.

A title search of the property revealed that there are no mortgages, fines, liens or other costs paid by the County. Additional information concerning the property details are listed below, and are shown in the property sketch attached to the resolution:

Folio:	01-3125-063-0020
Address:	NW 20 St. & 3 Ave.
Commission District:	3
Zoning:	T5-O
Southwesterly 5 feet of Lots 11 through 15 by NW North River Drive	
Property Size:	10 Feet
Market Land Value:	\$1,076.00



Morris Copeland
Chief Community Services Officer



MEMORANDUM

(Revised)

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

DATE: May 2, 2023

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 8(K)(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(K)(1)
5-2-23

RESOLUTION NO. R-401-23

RESOLUTION DECLARING A PORTION OF APPROXIMATELY 4,000 SQUARE FEET OF COUNTY-OWNED PROPERTY LOCATED ON A PORTION OF TRACK 2 OF TOWN PARK SUBDIVISION NO. 1, AS SURPLUS; APPROVING AND AUTHORIZING THE CONVEYANCE OF SUCH PROPERTY TO THE CITY OF MIAMI, PURSUANT TO SECTION 125.38, FLORIDA STATUTES, FOR \$10.00 FOR THE PURPOSE OF A RIGHT-OF-WAY DEDICATION; AUTHORIZING THE CHAIRPERSON OR VICE-CHAIRPERSON OF THE BOARD TO EXECUTE A COUNTY DEED FOR SUCH PURPOSE; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO TAKE ALL NECESSARY STEPS TO ENFORCE THE PROVISIONS SET FORTH IN THE COUNTY DEED

WHEREAS, this Board awarded development rights through a ground lease to Housing Trust Group, LLC (HTG), to undertake the redevelopment of the Rainbow Village public housing site, which is located in the City of Miami at 2000 NW 3 Avenue, Miami, Florida (the "project"); and

WHEREAS, in order to obtain building permits for the project, HTG has represented to the County that in accordance with the City of Miami's (the "City") building permit review and chapter 54, article II, section 54-58 of the Code of the City of Miami, the City requires a right-of-way dedication of a certain portion of the property under lease with HTG; and

WHEREAS, the property is located on a portion of track 2 of Town Park Subdivision No. 1, U.R. Project FLA. R-10 (the "property"), as more fully described in Attachment "A" attached hereto and incorporated herein by reference; and

WHEREAS, this Board finds that pursuant to section 125.38, Florida Statutes, that said property is required for such use, is not needed for County purposes, and would promote community interest and welfare; and

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. The foregoing recitals are incorporated in this resolution and are approved.

Section 2. This Board declares the property located on a portion of track 2 of Town Park Subdivision No.1, U.R. Project FLA. R-10 (the “property”) as surplus, and approves and authorizes the conveyance of the property to the City of Miami (the “City”) for \$10.00 pursuant to section 125.38, Florida Statutes, subject to the restriction that the property be used by the City as a right-of-way dedication.

Section 3. This Board directs the County Mayor or County Mayor’s designee to ensure that proper signage is placed on the property identifying the County’s name and the name of the district commissioner.

Section 4. Pursuant to section 125.411, Florida Statutes, this Board authorizes the Chairperson or the Vice-Chairperson of the Board to execute County Deed (“deed”), in substantially the forms attached hereto and made a part hereof as Attachment “A”.

Section 5. This Board further authorizes the County Mayor or County Mayor’s designee to exercise all rights set forth in the 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

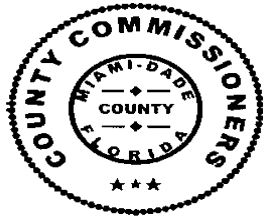
event, the County Mayor or County Mayor's designee should exercise the County's reversionary interest, then the County Mayor or County Mayor's designee shall execute and record an instrument approved by the County Attorney's Office in the Public Records of Miami-Dade County and provide a copy of such 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 City, 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 City is unable or fails to comply with the deed restrictions set forth in the deed. Upon the receipt of a deed from the City, the County Mayor or County Mayor's designee shall record such deed in the Public Records of Miami-Dade County.

Section 6. 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 deed, covenants, reverts 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. The Board 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 foregoing resolution was offered by Commissioner **Eileen Higgins** ,
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	aye
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 2nd day of May, 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

Basia Pruna

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Terrence A. Smith

ATTACHMENT A

Instrument prepared by and returned to:
Terrence Smith, Esq.
Assistant County Attorney
111 N.W. 1st Street
Suite 2810
Miami, Florida 33128

Folio # 01-3125-063-0020

COUNTY DEED

THIS DEED, made this ____ day of _____, 2023 A.D. by MIAMI-DADE COUNTY, FLORIDA, a political subdivision of the State of Florida (the “County”), whose address is: Stephen P. Clark Center, 111 NW 1 Street Suite 17-202, Miami, Florida 33128-1963, and City of Miami, a body politic, (the “City”), whose address is 444 S.W. 2nd Ave, Miami, Florida 33130,

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 the City, receipt whereof is hereby acknowledged, has granted, bargained, and sold to the City, its successors and assigns forever, the following described land lying and being in Miami-Dade County, Florida (the “Property”):

LEGAL DESCRIPTION SEE EXHIBIT “A”

Subject to the following restriction:

That the Property shall be utilized as a right-of-way dedication. If in the sole discretion of the County, the Property ceases to be used solely for the purpose set forth herein by the City, title shall revert to the County, at the option of the County, upon written notice of such failure to remedy the default. The reverter shall immediately become effective upon the date a written notice from the County to the City is received by the City (the “Effective Reverter Date”). The County shall have right to immediate possession of the Properties with any and all improvements thereon, at no cost to the County, on the Effective Reverter Date and the County may file a Notice of Reverter. In the event the County exercises the reverter, the City, upon written request from the County, shall immediately provide the County with a deed of conveyance of the Properties back to the County. However, failure to provide such deed of conveyance shall not impact the County’s reverter, which shall become effective immediately upon the County providing the written notice to the City.

This grant conveys only the interest of the 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 the said party of the first part has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chairperson or Vice Chairperson, and attested by the Clerk of said Board, the day and year aforesaid.

(OFFICIAL SEAL)

ATTEST:

LUIS G. MONTALDO
CLERK AD INTERIM

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

By: _____
Deputy Clerk

by: _____
Oliver Gilbert III, Chairman

Approved for legal sufficiency: _____\
Terrence A. Smith
Assistant County Attorney

The foregoing was authorized by Resolution No. _____ approved by the Board of County Commissioners of Miami-Dade County, Florida on the ____ day of _____, 2023

EXHIBIT “A”

(Legal Description of Property)



SKETCH AND LEGAL DESCRIPTION

BY

PULICE LAND SURVEYORS, INC.5381 NOB HILL ROAD
SUNRISE, FLORIDA 33351

TELEPHONE: (954) 572-1777 • FAX: (954) 572-1778

E-MAIL: surveys@pulicelandsurveyors.com CERTIFICATE OF AUTHORIZATION LB#3870

LEGAL DESCRIPTION: (10' RIGHT-OF-WAY DEDICATION)

A PORTION OF TRACT 2 OF TOWN PARK SUBDIVISION NO. 1, U.R. PROJECT FLA. R-10, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 85, PAGE 31, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST SOUTHERLY SOUTHWEST CORNER OF SAID TRACT 2; THENCE NORTH 02°16'34" WEST ALONG A WEST LINE OF SAID TRACT 2 FOR 407.62 FEET; THENCE NORTH 87°44'54" EAST 167.39 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 87°44'54" EAST 10.00 FEET TO A POINT ON THE EAST LINE OF SAID TRACT 2; THENCE SOUTH 02°19'02" EAST ALONG SAID EAST LINE 382.59 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE NORTHWESTERLY; THENCE SOUTHERLY AND WESTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 90°03'54", FOR AN ARC DISTANCE OF 39.30 FEET TO A POINT OF TANGENCY ON THE SOUTH LINE OF SAID LOT 2; THENCE SOUTH 87°44'52" WEST ALONG SAID SOUTH LINE 10.00 FEET TO A POINT OF CUSP OF A CIRCULAR CURVE CONCAVE NORTHWESTERLY; THENCE EASTERLY AND NORTHERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 90°03'54", FOR AN ARC DISTANCE OF 39.30 FEET TO A POINT OF TANGENCY; THENCE NORTH 02°19'02" WEST ALONG A LINE LYING 10 FEET WEST OF AND PARALLEL TO THE AFOREMENTIONED EAST LINE OF TRACT 2 FOR 382.59 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING AND BEING IN THE CITY OF MIAMI, MIAMI-DADE COUNTY, FLORIDA, AND CONTAINING 4,076 SQUARE FEET (0.0936 ACRES), MORE OR LESS.

NOTES:

- 1) BEARINGS ARE BASED ON AN ASSUMED MERIDIAN WITH THE SOUTH LINE OF TRACT 2 BEING S87°44'52"W.
- 2) THIS SURVEY SKETCH DOES NOT REPRESENT A BOUNDARY SURVEY.
- 3) THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
- 4) ALL RECORDED DOCUMENTS ARE PER THE PUBLIC RECORDS OF MIAMI-DADE COUNTY.

FILE: HOUSING TRUST GROUP**SCALE: N/A****DRAWN: L.S.****ORDER NO.: 70666A****DATE: 10/25/22****RIGHT-OF-WAY DEDICATION-PHASE 1****MIAMI, MIAMI-DADE COUNTY, FLORIDA****FOR: RAINBOW VILLAGE****SHEET 1 OF 2**THIS DOCUMENT IS NEITHER FULL NOR
COMPLETE WITHOUT SHEETS 1 AND 2**John F Pulice**

Digitally signed by John F Pulice

Date: 2022.10.27 09:09:15

-04'00'

- ☐ JOHN F. PULICE, PROFESSIONAL SURVEYOR AND MAPPER LS2691
- ☐ BETH BURNS, PROFESSIONAL SURVEYOR AND MAPPER LS6136
- ☐ VICTOR R. GILBERT, PROFESSIONAL SURVEYOR AND MAPPER LS6274
- ☐ DONNA C. WEST, PROFESSIONAL SURVEYOR AND MAPPER LS4290
STATE OF FLORIDA

MDC013

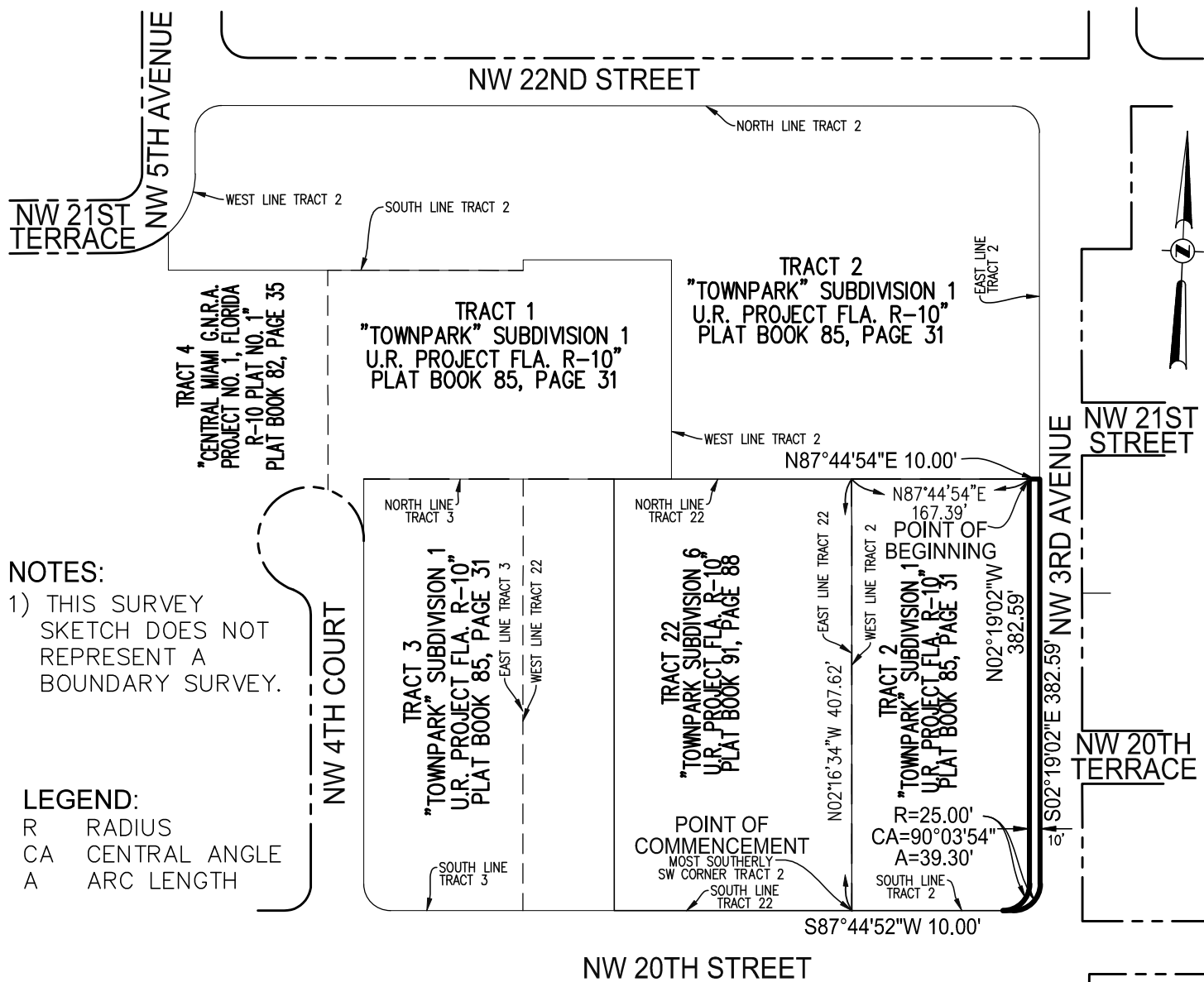


SKETCH AND LEGAL DESCRIPTION
BY
PULICE LAND SURVEYORS, INC.

5381 NOB HILL ROAD
SUNRISE, FLORIDA 33351

TELEPHONE: (954) 572-1777 • FAX: (954) 572-1778

E-MAIL: surveys@pulicelandsurveyors.com CERTIFICATE OF AUTHORIZATION LB#3870



NOTES:

- 1) THIS SURVEY SKETCH DOES NOT REPRESENT A BOUNDARY SURVEY.

LEGEND:

R RADIUS
CA CENTRAL ANGLE
A ARC LENGTH

FILE: HOUSING TRUST GROUP

SCALE: 1"=150'

DRAWN: L.S.

ORDER NO.: 70666A

DATE: 10/25/22

RIGHT-OF-WAY DEDICATION-PHASE 1

MIAMI, MIAMI-DADE COUNTY, FLORIDA

FOR: RAINBOW VILLAGE

SHEET 2 OF 2

THIS DOCUMENT IS NEITHER FULL NOR COMPLETE WITHOUT SHEETS 1 AND 2

John F Pulice Digitally signed by John F Pulice
Date: 2022.10.27 09:09:54 -04'00'

- ☐ JOHN F. PULICE, PROFESSIONAL SURVEYOR AND MAPPER LS2691
 - ☐ BETH BURNS, PROFESSIONAL SURVEYOR AND MAPPER LS6136
 - ☐ VICTOR R. GILBERT, PROFESSIONAL SURVEYOR AND MAPPER LS6274
 - ☐ DONNA C. WEST, PROFESSIONAL SURVEYOR AND MAPPER LS4290
- STATE OF FLORIDA

MDC014