

MEMORANDUM

Agenda Item No. 8(K)(2)

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

DATE: July 16, 2024

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution declaring as surplus and authorizing the Conveyance of County-owned property located on the southeast corner of the intersection of SW 4 Street and SW 16 Avenue and the northeast corner of the intersection of SW 5 Street and SW 16 Avenue to the City of Miami in accordance with section 125.38, Florida Statutes, and Chapter 54, Article II, section 54-58 of the Code of the City of Miami, Florida, for \$10.00, for the purpose of a right-of-way dedication related to the Jose Marti Villas project; 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 actions necessary to effectuate same and exercise all rights set forth therein

Resolution No. R-672-24

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 Eileen Higgins.


Geri Bonzon-Keenan
County Attorney

GBK/jp

MDC001

Memorandum



Date: July 16, 2024

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

From: Daniella Levine Cava
Mayor 

Subject: Resolution Authorizing the Conveyance of Approximately 268 Square Feet of County-Owned Property Located on the Southeast Corner of the Intersection of SW 16 Avenue & SW 4 Street and the Northeast Corner of SW 16 Avenue & SW 5 Street to the City of Miami for Public Right of Way Use

Executive Summary

On October 17, 2023, the Board of County Commissioners (Board) adopted Resolution No. R-924-23 authorizing the County Mayor or County Mayor's designee's action in executing an option to enter into a ground lease with Related Urban Development Group LLC (RUDG), and its affiliates, pursuant to Work Order Proposal Request (WOPR) No. 01295-02, for the redevelopment of Falk Turnkey, Little Havana Homes, and Jose Marti Plaza public sites under the Rental Assistance Demonstration (RAD) Program. Jose Marti Villas, comprised of 146 units (103 units of RAD/Section 18 and 43 units of Low-Income Housing Tax Credits), will be the first phase of the development and will replace approximately 103 existing public housing units. This phase requires a dedication of approximately 268 square feet of County-owned land in the City of Miami ("City"), located at the Northwest corner of the site facing SW 16th Avenue and SW 4th Street as well as the Southwest corner facing SW 16th Avenue & SW 5th Street. Per City code a 25-foot radius is required at street intersections. The area external to the 25-foot corner radius will be dedicated to the City for public right-of-way.

Recommendation

It is recommended that the Board:

1. Declare the area outside of the property's Northwest corner radius at NW 16th Avenue & SW 4th Street as well as the Southwest corner radius at SW 16th Avenue and SW 5th Street, more fully described in Exhibit "A" to the resolution ("property"), as surplus;
2. Authorize the conveyance of the property to the City, in accordance with section 125.38, Florida Statutes, for ten dollars (\$10.00), for the purpose of right-of-way dedication;
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 5, represented by Commissioner Eileen Higgins.

Fiscal Impact/Funding Source

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

Track Record/Monitor

Jose Mascorro, Director of Development Division, Public Housing and Community Development Department, will monitor the City's compliance with the deed restrictions.

Delegation of Authority

Upon approval of this item, the Chairperson or Vice-Chairperson of the Board will be authorized to execute the County Deed. Further, 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 that the County Mayor or County Mayor's designee should exercise the County's reversionary interest, 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 that 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

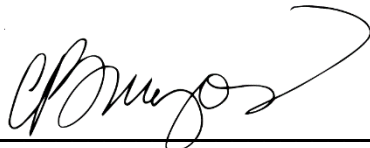
On October 17, 2023, the Board adopted Resolution No. R-924-23, which awarded development rights through an option to enter into a ground lease with RUDG for the purpose of redeveloping the Falk Turnkey, Little Havana Homes, and Jose Marti Plaza public housing sites. Jose Marti Villas, comprised of 146 units (103 units of RAD/Section 18 and 43 units of Low-Income Housing Tax Credits), will be the first phase of the development and will replace approximately 103 existing public housing units. As part of the process, the City's building permit review submitted a request to RUDG for the dedication of a portion of the parcel of land lying within the City's officially established right-of-way to the public for street purposes, fully described in Attachment "A" to the resolution. Pursuant to Chapter 54, Article II, Section 54-58 of the Code of the City of Miami, Florida, the external area of the 25-foot radius at street intersections is required to be dedicated to the right of way as a condition to the issuance of building permit. Upon approval of this item, the property 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 RUDG'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, the property shall revert to the County, at its sole option.

The Department has complied with Resolutions No. R-924-23, 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. As a public housing agency 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.

Additional information concerning the property details is listed below, and is shown in the property sketch attached to the resolution:

Folio: 01-4102-006-4730
Address: 455 SW 16 Avenue
Commission District: 5
Zoning: T4-L
Property Size: 268 Square Feet
Market Land Value: \$395,032.00



Cathy Burgos, LCSW
Chief Community Services Officer



MEMORANDUM

(Revised)

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

DATE: July 16, 2024

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 8(K)(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(K)(2)
7-16-24

RESOLUTION NO. R-672-24

RESOLUTION DECLARING AS SURPLUS AND AUTHORIZING THE CONVEYANCE OF COUNTY-OWNED PROPERTY LOCATED ON THE SOUTHEAST CORNER OF THE INTERSECTION OF SW 4 STREET AND SW 16 AVENUE AND THE NORTHEAST CORNER OF THE INTERSECTION OF SW 5 STREET AND SW 16 AVENUE TO THE CITY OF MIAMI IN ACCORDANCE WITH SECTION 125.38, FLORIDA STATUTES, AND CHAPTER 54, ARTICLE II, SECTION 54-58 OF THE CODE OF THE CITY OF MIAMI, FLORIDA, FOR \$10.00, FOR THE PURPOSE OF A RIGHT-OF-WAY DEDICATION RELATED TO THE JOSE MARTI VILLAS PROJECT; 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 ACTIONS NECESSARY TO EFFECTUATE SAME AND EXERCISE ALL RIGHTS SET FORTH THEREIN

WHEREAS, the Related Urban Development Group is undertaking development activities for the Jose Marti Villas public housing site (“Jose Marti project”) located in the City of Miami at 445 SW 16 Avenue; and

WHEREAS, development activities include the attainment of building permits for the Jose Marti project; and

WHEREAS, as a condition to issuance of permit, the City of Miami’s (“City”) building permit review requires right-of-way dedications pursuant to Chapter 54, Article II, Section 54-58 of the Code of the City of Miami, Florida; and

WHEREAS, in order to obtain permitting for Jose Marti project, it is necessary that certain County-owned land be conveyed as a right-of-way dedication to the City; and

WHEREAS, the conveyance of such County-owned property is described more particularly in Exhibit “A” to the County Deed attached hereto (the “property”), which legal description encompasses a 131 square feet irregularly shaped parcel of land on the corner of SW 16th Avenue and SW 4th Street and 137 square feet irregularly shaped parcel of land on the corner of SW 16th Avenue and SW 5th Street for the Jose Marti project; and

WHEREAS, the Board finds that pursuant to section 125.38, Florida Statutes, that the 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 and the accompanying memorandum are incorporated in this resolution and are approved.

Section 2. This Board declares as surplus and authorizes the conveyance of the property for \$10.00 pursuant to section 125.38, Florida Statutes, subject to the restriction that the property is used by the City of Miami as a right-of-way dedication.

Section 3. Pursuant to section 125.411, Florida Statutes, this Board authorizes the Chairperson or the Vice Chairperson of the Board to execute the County Deed, in substantially the forms attached hereto and made a part hereof as Attachment 1.

Section 4. This Board further authorizes the County Mayor or County Mayor’s designee to take all actions necessary to effectuate the purposes set forth herein and exercise any and all rights set forth in the County Deed, including but not limited exercising the County’s option

to enforce its reversionary interest after conducting all due diligence, including but not limited to 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 Record of Miami-Dade County and provide a copy of such instrument to the 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 County 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 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 all deeds, 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 instrument provided in accordance herewith together with this resolution.

The foregoing resolution was offered by Commissioner **Anthony Rodriguez** , 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:

Oliver G. Gilbert, III, Chairman	aye		
Anthony Rodríguez, Vice Chairman	aye		
Marleine Bastien	aye	Juan Carlos Bermudez	absent
Kevin Marino Cabrera	absent	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 16th day of July, 2024. 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

JUAN FERNANDEZ-BARQUIN, CLERK

By: Basia Pruna
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

A handwritten signature in black ink, appearing to be "T. Smith", written over a horizontal line.

Terrence A. Smith

ATTACHMENT 1

Instrument prepared by and returned to:

Terrence Smith, Esq.
Assistant County Attorney
111 N.W. 1st Street
Suite 2810
Miami, Florida 33128

Folio #01-4102-006-4730

COUNTY DEED

THIS DEED, made this ____ day of _____, 2024 A.D. by MIAMI-DADE COUNTY, FLORIDA, a Political Subdivision of the State of Florida (“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 (“City”), whose address is 444 S.W. 2nd Ave, Miami, FL 33130,

WITNESSETH:

That the County, for and in consideration of the sum of Ten Dollars and 00/100 (\$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 by the City solely as public right-of-way or for public road purposes.

If, in the sole discretion of the County, the City ceases to use the Property for the purposes set forth herein, title shall revert to the County, at its sole option, upon written notice provided by certified mail by the County to the City. The reverter shall immediately become effective upon the date the 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 Property, with any and all improvements thereon, at no cost to the County, on the Effective Reverter Date and 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 Property back to the County. However, failure to provide such deed of conveyance shall not impact the County’s reverter, which becomes 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 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 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 Mayor of said Board, the day and year aforesaid.

(OFFICIAL SEAL)

ATTEST:

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

JUAN FERNANDEZ-BARQUIN,
Clerk of the Court and Comptroller

By: _____
Deputy Clerk Signature)

By: _____
Chairperson or Vice-Chairperson

Print Name: _____

Date: _____

Approved for legal sufficiency:

By: _____
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 _____, 2024.

EXHIBIT A

SKETCH AND LEGAL DESCRIPTION

A PORTION OF SECTION 02,
TOWNSHIP 54 SOUTH, RANGE 41 EAST
CITY OF MIAMI, MIAMI-DADE COUNTY, FL



1. PREPARED FOR: THE RELATED GROUP
2. THIS IS NOT A BOUNDARY SURVEY
3. BEARINGS BASED ON AN ASSUMED BEARING OF N01°45'52"W ALONG THE CENTERLINE OF S.W. 16TH AVENUE
4. I HEREBY CERTIFY THAT THIS "SKETCH AND LEGAL DESCRIPTION" OF THE PROPERTY DESCRIBED HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS RECENTLY DRAWN UNDER MY SUPERVISION AND DIRECTION. THIS SKETCH AND LEGAL DESCRIPTION COMPLIES WITH STANDARDS OF PRACTICE REQUIREMENTS ADOPTED BY THE FLORIDA STATE BOARD OF SURVEYORS AND MAPPERS PURSUANT TO CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE.
5. THE ELECTRONIC SEAL AND SIGNATURE APPEARING ON THIS SKETCH AND LEGAL DESCRIPTION WAS AUTHORIZED BY JOSE G. HERNANDEZ, PROFESSIONAL LAND SURVEYOR NO. 6952 OF THE STATE OF FLORIDA ON JANUARY 18, 2024.



