

MEMORANDUM

Agenda Item No. 11(A)(6)

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

DATE: July 2, 2024

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution rescinding allocation in the amount of \$2,200,000.00 from Building Better Communities General Obligation Bond Program Project No. 368 – “District 3 Neighborhood Infrastructure Improvements” (“Project No. 368”) made to Atlantic Pacific Communities, LLC pursuant to Resolution Nos. R-1104-20 and R-17-20; approving reallocation of \$2,200,000.00 of Project No. 368 funds to Carver Theater, Ltd., a Florida limited partnership (“Developer”), for public infrastructure improvements associated with the redevelopment of Carver Theater to mixed use project with affordable housing and commercial space at 6016 NW 7th Avenue, Miami, FL 33127 (“project”); approving allocation of \$5,000,000.00 of Miami Rescue Plan funds to the Developer to be used for the development of up to 84 units of affordable housing at the project; and authorizing the County Mayor to negotiate, approve, execute and record funding agreements and rental regulatory agreements for the affordable housing units at the project and to enforce all provisions contained therein

Resolution No. R-625-24

This item was amended at the June 12, 2024 Airport and Economic Development Committee to replace: (1) all references to 84 units with “up to 84 units”; (2) changes the affordability from 60 or 80 percent AMI to 120 AMI; and (3) replaces the references to a public performing arts center with “commercial space”, and make conforming changes to the title.

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Keon Hardemon.



Geri Bonzon-Keenan
County Attorney

GBK/jp

MDC001



MEMORANDUM

(Revised)

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

DATE: July 2, 2024

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 11(A)(6)

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)(6)
7-2-24

RESOLUTION NO. R-625-24

RESOLUTION RESCINDING ALLOCATION IN THE AMOUNT OF \$2,200,000.00 FROM BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM PROJECT NO. 368 – “DISTRICT 3 NEIGHBORHOOD INFRASTRUCTURE IMPROVEMENTS” (“PROJECT NO. 368”) MADE TO ATLANTIC PACIFIC COMMUNITIES, LLC PURSUANT TO RESOLUTION NOS. R-1104-20 AND R-17-20; APPROVING REALLOCATION OF \$2,200,000.00 OF PROJECT NO. 368 FUNDS TO CARVER THEATER, LTD., A FLORIDA LIMITED PARTNERSHIP (“DEVELOPER”), FOR PUBLIC INFRASTRUCTURE IMPROVEMENTS ASSOCIATED WITH THE REDEVELOPMENT OF CARVER THEATER TO MIXED USE PROJECT WITH AFFORDABLE HOUSING AND COMMERCIAL SPACE AT 6016 NW 7TH AVENUE, MIAMI, FL 33127 (“PROJECT”); APPROVING ALLOCATION OF \$5,000,000.00 OF MIAMI RESCUE PLAN FUNDS TO THE DEVELOPER TO BE USED FOR THE DEVELOPMENT OF UP TO 84 UNITS OF AFFORDABLE HOUSING AT THE PROJECT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR’S DESIGNEE TO NEGOTIATE, APPROVE, EXECUTE AND RECORD FUNDING AGREEMENTS AND RENTAL REGULATORY AGREEMENTS FOR THE AFFORDABLE HOUSING UNITS AT THE PROJECT AND TO ENFORCE ALL PROVISIONS CONTAINED THEREIN

WHEREAS, pursuant to Resolution No. R-914-04 (“Public Infrastructure Resolution”), the voters of Miami-Dade County approved the issuance of general obligation bonds to be used to construct and improve walkways, bikeways, bridges and access to the Seaport, and other municipal and neighborhood infrastructure improvements to enhance quality of life; and

WHEREAS, Appendix A to the Public Infrastructure Resolution lists projects eligible for funding from the Building Better Communities General Obligation Bond Program (the “Bond Program”) by project number, municipal project location, Commission district, project name, project description, street address and allocation; and

WHEREAS, pursuant to Resolution No. R-17-20 adopted on January 22, 2020, this Board approved the addition of a new Bond Program Project No. 368 – “District 3 Neighborhood Infrastructure Improvements” (“Project No. 368”) to Appendix A to the Public Infrastructure Resolution; and

WHEREAS, Project No. 368 has a municipal project location of Miami, Commission District 3, a “TBD” location, a project allocation of \$4,029,103.00 and a project description as follows: “Construct and improve neighborhood and public infrastructure improvements in County Commission District 3 and, in particular, Liberty City”; and

WHEREAS, there is great need in County Commission District 3 and, in particular, Liberty City, for Bond Program funds for neighborhood infrastructure improvements; and

WHEREAS, accordingly, this Board also approved, pursuant to Resolution Nos. R-17-20 and R-1104-20, allocations totaling \$2,200,000.00 from Project No. 368 to Atlantic Pacific Communities, LLC or any affiliate approved by the County Mayor or County Mayor’s designee (“APC”), for the purpose of funding public and neighborhood infrastructure improvements necessary for the development of Phase III of the Seventh Avenue Transit Village Project; and

WHEREAS, ultimately, the funds were not needed and/or used for that purpose and this Board therefore desires to rescind the allocation of \$2,200,000.00 of Project No. 368 funds to APC that were approved pursuant to Resolution Nos. R-17-20 and R-1104-20; and

WHEREAS, there is another project that will be developed on land that is currently owned by the City of Miami and that is located mere steps away from the Seventh Avenue Transit Village project – the Carver Theater redevelopment project, which will consist of a 12-story building to include >>up to<<¹ 84 affordable multifamily housing units, a parking garage and ~~[[a public performing arts center]]~~ >>commercial space<< (“Carver Theater Project”); and

WHEREAS, all >>of the up to<< 84 multifamily units at the Carver Theater Project will be set aside for families and residents ~~[[at 60 percent or 80]]~~ >>making up to 120<< percent of adjusted median income (“AMI”) for Miami-Dade County; and

WHEREAS, the Carver Theater Project is to be developed on land located at 6016 NW 7th Avenue, Miami, Florida 33127, which land is currently owned by the City of Miami, but will be acquired by the Martin Luther King Economic Development Corporation (“MLK Corp.”), a not for profit corporation, pursuant to a Purchase and Sale Agreement dated September 8, 2023; and

WHEREAS, the MLK Corp. has created MLK Carver Theater LLC to partner with an APC entity- APC Carver Theater, LLC- to create Carver Theater, Ltd. (“Developer”), a Florida limited partnership entity, to develop the Carver Theater Project; and

WHEREAS, this Board desires to allocate \$2,200,000.00 of Project No. 368 funds to the Developer for the design and construction of public and neighborhood infrastructure improvements necessary for the development of the Carver Theater Project; and

WHEREAS, as part of the Fiscal Year 2022-2023 County Budget, this Board approved \$5,000,000.00 in the Miami Rescue Plan to be used for affordable housing units at Carver Theater; and

¹ Committee amendments are indicated as follow: Words stricken through and/or ~~[[double bracketed]]~~ are deleted, words underscored and/or >>double arrowed<< are added.

WHEREAS, this Board desires to allocate \$5,000,000.00 of these Miami Rescue Plan funds to the Developer for the design and construction of >>up to<< 84 multifamily units of affordable housing at the Carver Theater Project to be set aside for persons ~~[[and at 60 percent or 80]]~~ >>making up to 120<< percent of AMI; and

WHEREAS, this Board further desires to authorize the County Mayor or County Mayor's designee to negotiate, approve, execute and record funding agreements and a rental regulatory agreement with Developer for the Miami Rescue Plan funds and to enforce all provisions of said agreements,

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 rescinds the allocation of \$2,200,000.00 of Project No. 368 funds and approves allocations to the Developer as follows: (a) \$2,200,000.00 of Project No. 368 funds to be used for the design and construction of public and neighborhood infrastructure improvements necessary for the development of the Carver Theater Project; and (b) \$5,000,000.00 of Miami Rescue Plan funds allocated to affordable housing units at Carver Theater to be used for the design and construction of >>up to<< 84 multifamily units of affordable housing at the Carver Theater Project to be set aside for persons and families ~~[[at 60 percent or 80]]~~ >>making up to 120<< percent of AMI.

Section 3. This Board authorizes the County Mayor or County Mayor's designee to negotiate, approve, execute and record funding agreements and a rental regulatory agreement with Developer for the Miami Rescue Plan funds and to enforce all provisions of said agreements.

The Prime Sponsor of the foregoing resolution is Commissioner Keon Hardemon. It was offered by Commissioner **Danielle Cohen Higgins** , who moved its adoption. The motion was seconded by Commissioner **Kionne L. McGhee** 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	absent
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 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.

Monica Rizo Perez
Terrence A. Smith