

# Memorandum



**Date:** October 18, 2005

**To:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

Agenda Item No. 8(K)(1)(D)

**From:** George M. Burgess  
County Manager

**Subject:** Resolution Authorizing the Transfer of Land to L.B.W. Homeowners' Foundation of Coral Gables, Inc.

## RECOMMENDATION

It is recommended that the Board authorize the conveyance of four residential vacant lots described in Exhibit "A" attached herein, in the City of Coral Gables, to the L.B.W. Homeowners Foundation of Coral Gables, Inc., a Florida not-for-profit corporation, for Ten (\$10.00) Dollars, in accordance with Florida Statute 125.38. The lots will be used for the development of four (4) single-family homes for sale, known as the L.B.W. Infill Housing Project. The proposed L.B.W. Infill Housing Project has received community approval by the Community Action Agency/Community Development (CAA/CD) Advisory Board of the Coral Gables Focus Area.

With the conveyance and development of these lots, the Coral Gables community will benefit by adding four (4) sales homes to the previously developed and occupied fifteen (15) sales homes in the Coral Gables Triangle (an area bounded by US-1, Grand Avenue and Brooker Street). L.B.W. is also developing the Bahamian Village which was previously approved in accordance with the Coral Gables Redevelopment Plan, A/K/A the Coral Gables Triangle Plan. The proposed Project is being coordinated with City of Coral Gables staff and officials.

## BACKGROUND

On February 4, 1992, the BCC approved Resolution R-124-92, granting land conveyance actions, dedication of an easement on County-owned land acquired by the Office of Community and Economic Development (OCED) to the City, conveyance of OCED-acquired land to the Florida Department of Transportation (DOT), the provision of OCED-acquired land for homeownership housing purposes, the execution of an exchange agreement and the expenditure of CDBG funds to provide utility improvements in the right-of-way to private properties, in order to carry out the main objectives of the Coral Gables Redevelopment Plan previously approved by BCC Resolution R-1493-79, adopted on December 4, 1979.

The list of CDBG-funded activities within the boundaries of the Coral Gables Triangle include multi-year acquisition, relocation and demolition funding along the Southeast side of US-1, making possible the razing of ten (10) substandard occupied "concrete monsters."

A program of careful slum and blight removal, together with a selective clearance approach within The Triangle, has substantially reduced the density of the area, and has provided a healthier environment for the citizens residing in this neighborhood. Other activities included the closure of a street (Short Street), providing land to expand Pierce Park street improvements at all intersections with US-1, which made it safer and easier to enter and exit The Triangle.

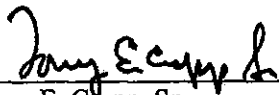
Honorable Chairman Joe A. Martinez and Members  
Board of County Commissioners  
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In addition, all interior streets were landscaped and improved, and the City constructed a passive linear park along the Southwest side of US-1, on land provided by Miami-Dade County. This linear park serves as a barrier to noise and pollutants from the highway. The rezoned-replatted land provided single-family lots to the local community development corporation to construct and sell 25 single-family homes designed by a nationally recognized firm, to low and moderate-income homebuyers.

The subject four (4) vacant lots remaining in OCED's land inventory within the boundaries of Coral Gables Triangle, are ideal for homeownership single-family development. All four (4) homes are to be sold as affordable housing to families\buyers at or below 80% of area median family income per CDBG public benefit requirements. The affordability period will be 10 years, with a penalty if property is sold prior to the expiration of the affordability period. The seller will reimburse the County for any profits gained on the transaction.

The L.B.W. Homeowners' Foundation of Coral Gables, Inc. has requested that OCED transfer the subject land to the Foundation, to develop additional infill housing units. The subject land being requested, in addition to the grants received from Miami-Dade County's OCED and the anticipated third party financing, will make it possible for the L.B.W. Homeowners' Foundation of Coral Gables, Inc. to build the four (4) sales homes.

With your approval of the resolution and memorandum, the land will be conveyed by County Deed attached herein as Exhibit "B", to L.B.W. Homeowners' Foundation of Coral Gables, Inc.



Tony E. Clapp, Sr.  
Assistant County Manager

Attachments



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**DATE:** October 18, 2005

**FROM:** Murray A. Greenberg  
County Attorney

**SUBJECT:** Agenda Item No. 8(K)(1)(D)

Please note any items checked.

- ☐ "4-Day Rule" ("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
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved \_\_\_\_\_ Mayor

Veto \_\_\_\_\_

Override \_\_\_\_\_

Agenda Item No. 8(K)(1)(D)

10-18-05

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

RESOLUTION NO. R-1137-05

RESOLUTION AUTHORIZING CONVEYANCE OF LAND TO THE L.B.W. HOMEOWNERS' FOUNDATION OF CORAL GABLES, INC. FOR THE DEVELOPMENT OF FOUR (4) INFILL HOUSES IN ACCORDANCE WITH FLORIDA STATUTE 125.38; AUTHORIZING THE COUNTY MANAGER, DIRECTOR OF THE OFFICE OF COMMUNITY AND ECONOMIC DEVELOPMENT, COUNTY ATTORNEY, AND CLERK OF THE BOARD TO TAKE THE NECESSARY ACTIONS TO EFFECT AND SECURE THE CONVEYANCE OF SAID LAND; AND AUTHORIZING EXECUTION OF COUNTY DEED

**WHEREAS**, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference; and

**WHEREAS**, the land is not needed for County purposes; and

**WHEREAS**, the land is in Miami-Dade County Office of Community and Economic Development inventory for sales housing development; and

**WHEREAS**, the development of the houses responds to the plans established by the Office of Community and Economic Development, facilitating the redevelopment of the Project area,

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

Section 1. Authorizes the conveyance of land pursuant to Section 125.38, Florida Statutes, described in Exhibit A attached hereto and made a part hereof, to L.B.W. Homeowners' Foundation of Coral Gables, Inc., for development of four (4) single-family sales homes in the

Coconut Grove Focus Area. All four (4) homes are to be sold as affordable housing to families/buyers at or below 80% of area median income per CDBG public benefit requirements. The affordability period will be 10 years, with a penalty if the property is sold prior to the expiration of the affordability period. The seller will reimburse the County for any profits gained on the transaction.

Section 2. Approves a County Deed to convey the land in substantially the form attached hereto and made a part hereof as Exhibit B, and authorizes the Mayor to execute same on behalf of Miami-Dade County.

Section 3. Authorizes the County Manager, the Director of the Office of Community and Economic Development, County Attorney, and Clerk of the Board to take whatever actions are necessary to effect and secure the conveyance of said land.

The foregoing resolution was offered by Commissioner **Dennis C. Moss**, who moved its adoption. The motion was seconded by Commissioner **Dorrian D. Rolle** and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman	<b>aye</b>	
Dennis C. Moss, Vice-Chairman	<b>aye</b>	
Bruno A. Barreiro	<b>aye</b>	Dr. Barbara Carey-Shuler <b>aye</b>
Jose "Pepe" Diaz	<b>aye</b>	Carlos A. Gimenez <b>aye</b>
Sally A. Heyman	<b>aye</b>	Barbara J. Jordan <b>aye</b>
Dorrian D. Rolle	<b>aye</b>	Natacha Seijas <b>absent</b>
Katy Sorenson	<b>aye</b>	Rebeca Sosa <b>aye</b>
Sen. Javier D. Souto	<b>aye</b>	

Exhibit "A"

Legal Descriptions

MAC FARLANE HOMESTEAD PB 5-81 PARCEL 12 20 03 A/K/A LOT 3 BLK 2-A LOT  
SIZE 50.000 X 90 OR 14258-4201 0889 3

MAC FARLANE HOMESTEAD PB 5-81 PARCEL 12 20 08 A/K/A LOT 21 BLK 2-A LOT  
SIZE 50.000 X 100 OR 14210-3284 0789 3

MAC FARLANE HOMESTEAD PB 5-81 PARCEL 12-20-09 A/K/A LOT 22 BLK 2-A LOT  
SIZE 50.000 X 100 OR 13725-3028 0688 3

MACFARLAND HOMESTEAD PB 5-81 LOT 21 LESS BEG AT NE COR TH S TO SE COR  
TH W4FT TH N TO POB BLK 3 A LOT SIZE 48.000 X 90 OR 21630-3119 0503 3

Exhibit "B"

COUNTY DEED

THIS DEED, made this \_\_\_\_ day of \_\_\_\_\_, 2005, by Miami-Dade County, Florida, a political subdivision of the State of Florida, called "County" and the L.B.W. Homeowner's Foundation of Coral Gables, Inc., a political subdivision of the State of Florida, hereinafter called "Developer."

WITNESS: That the County for and in consideration of the sum of TEN Dollars (\$10.00), to it in hand paid by the Developer, receipt of which is hereby acknowledged has granted, bargained and sold to the Developer, its heirs and its assigns, subject to the right of re-entry set forward below, the land lying and being in Miami-Dade County, Florida:

See Exhibit "A" Legal Description Attached Hereto

This Deed conveys only the interests of Miami-Dade County and its Board of County Commissioners in the property described herein, and shall not warrant title thereto:

I. This Conveyance is made subject to the following covenants running with

The land and setting forth the right of re-entry, to wit:

A. Developer will commence work on the Project Improvements (the "Improvements") consisting of four (4) single-family sales homes, not later than June 1, 2006, and shall complete the Improvements by June 2007, of the four (4) lots (Folios 03-4120-006-1100; 03-4120-006-1280; 03-4120-006-1290 and 03-4120-006-1530), may be used for housing development only by the L.B.W. Homeowners' Foundation of Coral Gables, Inc.

- B. Promptly after completion of the Improvements in accordance with approved plans and provisions of this Instrument, the County shall furnish the Developer a certificate that it has met its obligations hereunder. Such certification shall be in a form recordable in the Office of the Clerk of the Circuit Court of Miami-Dade County, Florida.
- C. The Developer agrees for itself, its successors and assigns, to or of the Property or any part hereof, that the Developer and such successors or Assigns shall:

Not discriminate upon the basis of race, color, religion, sex or national origin in the sale, lease or rental or in the use of occupancy of the property or any Improvements erected or to be erected hereon or on any part thereof; and this covenant shall be binding to the fullest extent permitted by law and equity, for the benefit and in favor of, and enforceable by the County, its successors and assigns, and any successor in interest to the property, or any part thereof. The County shall have the right in the event of any breach of any such covenants, to exercise all the rights and remedies; and to maintain any actions or suits at law or in equity or other proper proceedings to enforce the curing of such breach of covenant, to which it or any other beneficiaries of such covenant may be entitled.



D. The Developer (or Successor in Interest), shall pay the real estate taxes or assessments on the property 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, except:

- 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 Improvements 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) The recordation, together with any mortgage purporting to meet the requirements of clauses (2) or (b) above, of a statement of value by a Member of American Institute of Real Estate Appraisers ("MAI"), (or member of any similar or successor Organization), stating the value of the Improvements is equal to Or greater than the amount of such mortgage(s), shall constitute Conclusive evidence that such mortgage meets such requirements, And that the right of any re-entry 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 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 terms “Institutional Lender” shall be deemed to include Miami-Dade County and their respective successors and assigns.

- E. Developer shall not transfer the property or any part thereof, without consent of the County and shall not change the ownership or distribution of the stock of the Developer or with respect to the identity of the parties in control of the Developer or the degree thereof.

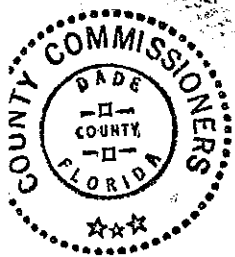
In the event the Developer shall violate or otherwise fail to comply with any of the covenants set forth herein, the Developer shall correct or cure the default/violation within thirty (30) days of notification of the default by the County. If Developer fails to remedy the default within ninety (90) days, the County shall have the right to re-enter and take possession of the property and to terminate (and revest in the County), the estate conveyed by this Deed to the Developer; provided, that any such right of re-entry shall always be subjected to and limited by, and shall not defeat, render invalid, or limit in any way the lien of any valid mortgage or Deed or Trust permitted by this Deed.

WITNESS WHEREOF, the said County has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chairperson of said Board, the day and year aforesaid.

Miami-Dade County, Florida  
By its Board of County Commissioners

By:   
Mayor

Printed Signature of Mayor  
Stephen P. Clark Center  
111 N.W. 1<sup>st</sup> Street, Suite 230  
Miami, Florida 33128



ATTEST:

Harvey Ruvin, Clerk of Circuit Court

By:   
Deputy Clerk Signature

By: Elizabeth Adorno  
Deputy Clerk Printed Signature  
Stephen P. Clark Center  
111 N.W. 1<sup>st</sup> Street, Suite 210  
Miami, Florida 33128

*"See Attached Notarial Certificate" 100.*

Prepared by: Daniel O. Borges  
Miami-Dade Office of Community and  
Economic Development  
140 West Flagler Street, Suite 1100  
Miami, Florida 33130