

# Memorandum



**Date:** January 10, 2008

Agenda Item No. 12(A)(1)

**To:** Honorable Chairman Bruno A. Barreiro  
and Members, Board of County Commissioners

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

A handwritten signature in dark ink, appearing to read "G. Burgess", written over the printed name of the County Manager.

**Subject:** Resolution Regarding Reverter Pursuant to Global Agreement

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## **Recommendation**

The attached Resolution is being presented to the Board of County Commissioners (BCC) in accordance with Section 8 of the Interlocal Agreement (Global Agreement) by and among the County, City of Miami (City), Southeast Overtown/Park West Community Redevelopment Agency (SEOPW CRA) and the OMNI Community Redevelopment Agency adopted by the BCC on December 18, 2007 through Resolution R-1372-07.

The Global Agreement states, "the County agrees to place an item on the agenda for the first meeting of the Board of County Commissioners in January 2008, considering an extension of the reverter date of the properties described in Exhibit D [three parcels] or a re-conveyance of said properties to the City, if the reverter has already occurred."

The form of the Resolution presented requires a determination whether or not to reconvey the parcels. It is staff's recommendation that the parcels not be reconveyed.

## **Scope**

The properties in this Resolution lie within the boundaries of the SEOPW CRA and the City. These parcels are located in County Commission District 3.

## **Background**

In July 2003, the City and County entered into a Settlement Agreement (Agreement) regarding these three parcels in Overtown, Circuit Court Case No. 2001-13810 CA-08.

Based on that Agreement, the City and SEOPW were to execute quit claim deeds to the County to be held in escrow by the County's General Services Administration for a period of four years, beginning August 1, 2003. Unless the City or SEOPW CRA actually commenced construction of a development on all properties by August 1, 2007, the County would record the escrowed quit claim deeds in the public records, and the properties would be deemed legally quieted in the County without further order of the court.

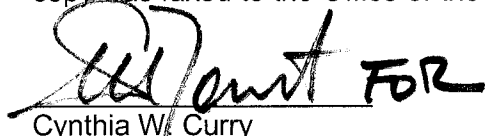
On July 24, 2007, the Board adopted Resolution R-875-07 which authorized the County to extend the reverter date for these three parcels to December 31, 2007.

As part of the Global Agreement adopted by all the parties on December 18, 2007, the County agreed to place an item on the agenda to either: 1) extend the reverter date if the County had not yet recorded

the quit claim deeds in its possession, or 2) re-convey the properties in accordance with applicable law if the quit claim deeds had been recorded.

It was publicly stated at the December 18, 2007 BCC meeting that the County would record the deeds. That action occurred on December 31, 2007. However, the City and the SEOPW CRA filed a petition for temporary injunction to enjoin the County from recording the quit claim deeds. In addition, the City and SEOPW CRA also filed a complaint against the County demanding a trial by jury. Subsequent to the recording of deeds, the County received a copy of a temporary injunction, without a hearing or an opportunity to be heard, signed by Circuit Court Judge Jose M. Rodriguez ordering the County not to record the deeds until further order of the Court. A response to the Court's order was filed in the circuit court case later that afternoon.

On January 3, 2008, the County received a copy of an affidavit filed by an Assistant City Attorney alleging that the County violated a court injunction by recording the deeds before January 2, 2008. In addition, the affidavit states that Judge Jose M. Rodriguez entered a temporary injunction without a hearing at 12:30 p.m. on December 31, 2007. Although the County recorded the quit claim deeds at 1:03 p.m. that afternoon, the County was not notified of the temporary injunction until 2:33 p.m. when a copy was faxed to the Office of the County Attorney.

  
Cynthia W. Curry  
Senior Advisor to the County Manager



# MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro  
and Members, Board of County Commissioners

DATE: January 10, 2008

FROM:   
R. A. Cuevas, Jr.  
County Attorney

SUBJECT: Agenda Item No. 12(A)(1)

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. 12(A)(1)  
01-10-08

RESOLUTION NO. \_\_\_\_\_

RESOLUTION DETERMINING WHETHER TO RECONVEY PARCELS 36, 45N,  
AND 56N TO THE SOUTHEAST OVERTOWN/PARK WEST COMMUNITY  
REDEVELOPMENT AGENCY AND / OR THE CITY OF MIAMI

WHEREAS, the accompanying memorandum is incorporated herein by reference,

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY  
COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board determines \_\_\_ to or  
\_\_\_ not to reconvey of parcels 36, 45N, and 56N to the Southeast Overtown/Park West  
Community Redevelopment Agency and/or the City of Miami.

The foregoing resolution was offered by Commissioner  
who moved its adoption. The motion was seconded by Commissioner  
and upon being put to a vote, the vote was as follows:

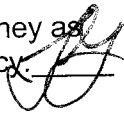
|                                    |                    |
|------------------------------------|--------------------|
| Bruno A. Barreiro, Chairman        |                    |
| Barbara J. Jordan, Vice-Chairwoman |                    |
| Jose "Pepe" Diaz                   | Audrey M. Edmonson |
| Carlos A. Gimenez                  | Sally A. Heyman    |
| Joe A. Martinez                    | Dennis C. Moss     |
| Dorin D. Rolle                     | Natacha Seijas     |
| Katy Sorenson                      | Rebeca Sosa        |
| Sen. Javier D. Souto               |                    |

The Chairperson thereupon declared the resolution duly passed and adopted this 10th day of January, 2008. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

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

HARVEY RUVIN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency: 

Thomas Goldstein

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