

MEMORANDUM

Agenda Item No. 8(F)(1)

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

DATE: June 4, 2024

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution authorizing the acceptance of a General Warranty Deed from Village at Old Cutler, LLC conveying to Miami-Dade County 10 residential units located immediately south of SW 216 Street and east of SW 107 Avenue in unincorporated Miami-Dade County pursuant to Zoning Resolution No. CZAB15-8-21 at no cost to the County; authorizing the County Mayor to execute acceptance of the General Warranty Deed, take all actions necessary to accomplish the acceptance of the 10 residential units, exercise all other rights conferred in the General Warranty Deed, and record the General Warranty Deed in the Public Records of Miami-Dade County; waiving the provisions of Resolution No. R-130-06 requiring agreements to be finalized and executed by all non-County parties

The accompanying resolution was prepared by the Internal Services Department and placed on the agenda at the request of Prime Sponsor Commissioner Kionne L. McGhee.



Geri Bonzon-Keenan
County Attorney

GBK/jp


MDC001

Memorandum



Date: June 4, 2024

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

From: Daniella Levine Cava 
Mayor

Subject: Resolution Authorizing Acceptance of a General Warranty Deed from Village at Old Cutler, LLC, Conveying to the County Ten Residential Units Located immediately south of SW 216 Street and east of SW 107 Avenue in Unincorporated Miami-Dade County
Folio No.: 30-6017-027-0020

Executive Summary

This item seeks approval for Miami-Dade County (County) to accept a General Warranty Deed from the Village at Old Cutler, LLC (Developer) for the conveyance of ten residential units to be used by the Miami-Dade County Homeless Trust (Homeless Trust) as permanent housing for persons experiencing homelessness. On August 27, 2021, the Community Zoning Appeals Board approved through Resolution No. CZAB15-8-21, a development, featuring 400 units with 390 allocated to households with incomes up to 140 percent of the County's Area Median Income under the Workforce Housing Program. As part of the approval, the Developer proffered to convey 10 of the 400 units to the Homeless Trust at no cost to the County. These standalone units align with Workforce Housing design, adhering to Fair Housing Accessibility Guidelines. Spanning 660 square feet, the units are dedicated to permanent housing with supportive services for persons experiencing homelessness.

Recommendation

It is recommended that the Board of County Commissioners (Board) approve the attached Resolution, which accomplishes the following:

- Authorizes the acceptance of a General Warranty Deed from the Village at Old Cutler, LLC conveying to the County ten residential units located immediately south of SW 216 Street and east of SW 107 Avenue, in unincorporated Miami-Dade County, Florida, (Folio No.: 30-6017-027-0020), pursuant to Zoning Resolution No. CZAB15-8-21;
- Authorizes the County Mayor or the County Mayor's designee to execute the acceptance of the General Warranty Deed (Exhibit 1 to the Resolution), to record the instrument of conveyance in the public records of the County and to exercise all other rights conferred therein; and
- Waive the provisions of Resolution No. R-130-06 requiring agreements to be signed and executed by all non-County parties.

Scope

The property is located in Commission District 9. Written notice of the conveyance was provided to the District Commissioner.

Fiscal Impact/Funding Source

The property is being conveyed to the County at no cost. The operations, supportive services and maintenance of the units will be overseen by the Homeless Trust. The Homeless Trust has applied to the U.S. Department of Housing and Urban Development (HUD) to receive funding in the amount of \$133,205 per year as part of the 2023 Continuum of Care Program Competition. In lieu of HUD funding, the County's one percent Local Option Food and Beverage Tax proceeds will be identified to support operations and maintenance.

Track Record/Monitoring

Idania Barroso of the Internal Services Department (ISD) is responsible for effectuating the conveyance, recording, and closing of all the documents in conjunction with this item. Victoria Mallette of the Homeless Trust will be responsible for the acceptance of the properties into the Homeless Trust's inventory as well as ongoing operations, maintenance and monitoring of the units.

Delegation of Authority

This item authorizes the County Mayor or the County Mayor's designee to execute acceptance of the General Warranty Deed for the conveyance of ten residential units and to exercise all other rights conferred therein.

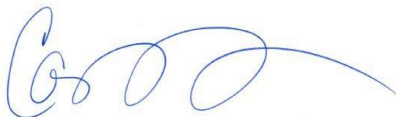
Background

On August 27, 2021, the Community Zoning Appeals Board approved Zoning Resolution No. CZAB15-8-21 for the development of Resia Old Cutler, consisting of 400 residential dwelling units. A total of 390 units will be made affordable to households with incomes up to 140 percent of the Area Median Income of the County under the Workforce Housing Program. As part of the approval, the Developer proffered to convey 10 of the 400 units to the Homeless Trust at no cost to the County. The ten units will serve as permanent housing for persons experiencing homelessness and though separate and apart from the remaining 390 units, the units are comparable in design and materials to the Workforce Housing Units within the development in terms of exterior appearance and compatible with the neighborhood. Each of the ten units will consist of one bedroom and one bathroom, measuring a total of 660 square feet and comply with the fair housing accessibility guidelines. The Homeless Trust will use its Coordinated Entry Process and Orders of Priority to refer and lease-up the units and will require residents to pay a portion of rent based on their income. No more than two persons will be placed in each unit. Clients referred could include a couple, a parent and child, or a single adult to include a young adult 18-24. Households could also include older adults, veterans and/or individuals with a disability(ies). As both schools and parks are in the area, local and state residency restrictions will not permit sexual offenders and predators to reside at this location.

Prior to the acceptance of the General Warranty Deed, the developer was required to complete improvements to the units including:

- Units must have been properly platted;
- Provide certification from the Department of Regulatory and Economic Resources, Division of Environmental Resources Management (RER-DERM) stating that the requirements have been met and that the site is free of hazardous materials and/or gases (Phase I and Phase II assessments);
- Provide an opinion of title and topographical survey;
- Pay all taxes; and
- Units must have received a Certificate of Occupancy, from the jurisdiction's building department

All the aforementioned requirements have been completed to the satisfaction of the County.



Carladenise Edwards
Chief Administrative Officer



MEMORANDUM
(Revised)

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

DATE: June 4, 2024

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 8(F)(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(F)(1)
6-4-24

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE ACCEPTANCE OF A GENERAL WARRANTY DEED FROM VILLAGE AT OLD CUTLER, LLC CONVEYING TO MIAMI-DADE COUNTY 10 RESIDENTIAL UNITS LOCATED IMMEDIATELY SOUTH OF SW 216 STREET AND EAST OF SW 107 AVENUE IN UNINCORPORATED MIAMI-DADE COUNTY PURSUANT TO ZONING RESOLUTION NO. CZAB15-8-21 AT NO COST TO THE COUNTY; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE ACCEPTANCE OF THE GENERAL WARRANTY DEED, TAKE ALL ACTIONS NECESSARY TO ACCOMPLISH THE ACCEPTANCE OF THE 10 RESIDENTIAL UNITS, EXERCISE ALL OTHER RIGHTS CONFERRED IN THE GENERAL WARRANTY DEED, AND RECORD THE GENERAL WARRANTY DEED IN THE PUBLIC RECORDS OF MIAMI-DADE COUNTY; WAIVING THE PROVISIONS OF RESOLUTION NO. R-130-06 REQUIRING AGREEMENTS TO BE FINALIZED AND EXECUTED BY ALL NON-COUNTY PARTIES

WHEREAS, the 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 into this resolution and are approved.

Section 2. This Board authorizes the acceptance of a General Warranty Deed from the Village at Old Cutler LLC, in substantially the form attached to the County Mayor's memorandum as "Exhibit 1" and made a part hereof, conveying to the County 10 residential units each comprised of approximately 660 square feet with one bedroom and one bathroom located immediately south of SW 216 Street and east of SW 107 Avenue in unincorporated Miami-Dade County, at no cost to the County pursuant to Zoning Resolution No. CZAB15-8-21.

Section 3. This Board authorizes the County Mayor or County Mayor's designee to execute acceptance of the General Warranty Deed, take all actions necessary to accomplish the acceptance of the 10 residential units and to exercise all other rights conferred in the General Warranty Deed.

Section 4. Pursuant to Resolution No. R-974-09, the Board directs the County Mayor or County Mayor's designee to record the instruments of conveyance accepted herein in the public records of Miami-Dade County, Florida; and to provide a recorded copy of the instruments to the Clerk of the Board within 30 days of execution of said instrument; and directs the Clerk of the Board to attach and permanently store a recorded copy together with this resolution.

Section 5. This Board waives the provisions of Resolution No. R-130-06 requiring agreements to be finalized and executed by all non-county parties.

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:

Oliver G. Gilbert III, Chairman	
Anthony Rodriguez, Vice Chairman	
Marleine Bastien	Juan Carlos Bermudez
Kevin Marino Cabrera	Sen. René García
Roberto J. Gonzalez	Keon Hardemon
Danielle Cohen Higgins	Eileen Higgins
Kionne L. McGhee	Raquel A. Regalado
Micky Steinberg	

The Chairperson thereupon declared this resolution duly passed and adopted this 4th day of June, 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: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Shannon D. Summerset-Williams

This instrument prepared by:
Barbara J. Ferrer, Esq.
Stearns Weaver Miller, et al
150 West Flagler Street, Suite 2200
Miami, Florida 33130

EXHIBIT 1

Project Name: Village at Old Cutler
Folio: 30-6017-027-0020

GENERAL WARRANTY DEED

This GENERAL WARRANTY DEED made this ____ day of _____, 2024, between VILLAGE AT OLD CUTLER, LLC, a Florida limited liability company, whose address is 12895 SW 132nd Street, Miami, Florida 33186 (“Grantor”), in favor of Miami-Dade County, a political subdivision of the State of Florida, whose address is _____ Miami, Florida _____ (“Grantee”).

WITNESSETH, that said Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration to said Grantor in hand paid by said Grantee, receipt of which is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, conveys, and confirms unto Grantee all that certain land situate in Miami-Dade County, Florida, more particularly described as follows:

Tract “B” of AHS OLD CUTLER NORTH, according to the plat thereof, as recorded in Plat Book 177, Page 17, of the Public Records of Miami-Dade County, Florida (the “Land)

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in any way appertaining.

TO HAVE AND TO HOLD, the same unto Grantee in fee simple forever.

The Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said Land in fee simple; that the Grantor has good right and lawful authority to sell and convey said Land; that the Grantor hereby fully warrants the title to said Land and; will defend the same against the lawful claims of all persons whomsoever through or under Grantors, and that the Land is free of all encumbrances except taxes accruing subsequent to December 31, 2023, and covenants, restrictions, agreements, limitations, reservations, and easements of record, if any reference thereto, shall not serve to impose same.

Grantor further warrants that there are no mortgages encumbering the Land.

IN WITNESS WHEREOF, the Grantor has executed these presents the day and year first above written.

Signed , sealed and delivered in the presence of:

VILLAGE AT OLD CUTLER, LLC, a Florida limited liability company

Witness #1 Signature

Printed Name: _____

Address: _____

By: _____

Name: _____

Title: Authorized Representative

Witness #2 Signature

Printed Name: _____

Address: _____

STATE OF FLORIDA
COUNTY OF MIAMI-DADE,

The foregoing instrument was signed, delivered, and acknowledged before me by means of physical presence or online notarization this ____ day of _____, 2024, by _____, as Authorized Representative of Village at Old Cutler, LLC, a Florida limited liability company. He is personally known to me or has produced a _____ as identification.

(NOTARIAL SEAL)

Print or Stamp Name: _____

My Commission Expires: _____

Commission Number: _____

Approved as to form and legal sufficiency:

Assistant County Attorney

The foregoing was accepted and approved on the ____ day of _____, 2024, by Resolution No. _____ of the Board of County Commissioners of Miami-Dade County, Florida.

By: _____
County Mayor or Designee