

# MEMORANDUM

AEDC  
Agenda Item No. 2(A)

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

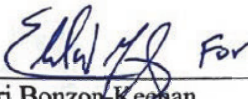
**DATE:** June 12, 2024

**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 public performing arts center 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 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

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

  
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Geri Bonzon-Keenan  
County Attorney

GBK/uw

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**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.

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.

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

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 PUBLIC PERFORMING ARTS CENTER 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 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 84 affordable multifamily housing units, a parking garage and a public performing arts center (“Carver Theater Project”); and

**WHEREAS**, all 84 multifamily units at the Carver Theater Project will be set aside for families and residents at 60 percent or 80 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 7<sup>th</sup> 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

**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 84 multifamily units of affordable housing at the Carver Theater Project to be set aside for persons and families at 80 percent or 60 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 84 multifamily units of affordable housing at the Carver Theater Project to be set aside for persons and families at 80 percent or 60 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 \_\_\_\_\_, 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 Rodríguez, Vice Chairman  
Marleine Bastien  
Kevin Marino Cabrera  
Roberto J. Gonzalez  
Danielle Cohen Higgins  
Kionne L. McGhee  
Micky Steinberg  
Juan Carlos Bermudez  
Sen. René García  
Keon Hardemon  
Eileen Higgins  
Raquel A. Regalado

The Chairperson thereupon declared this resolution duly passed and adopted this 2<sup>nd</sup> 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: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.

MRP

Monica Rizo Perez  
Terrence A. Smith