



MEMORANDUM

Agenda Item No. 8(F)(1)(A)

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

DATE: October 4, 2011

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

SUBJECT: Resolution authorizing the acceptance
of a Special Warranty Deed from
Palm Glades Community
Development District

Resolution No. R-773-11

The accompanying resolution was prepared by the General Services Administration Department and placed on the agenda at the request of Prime Sponsor Commissioner Lynda Bell.

A handwritten signature in black ink, appearing to read 'RAC', written over a horizontal line.

R. A. Cuevas, Jr.
County Attorney

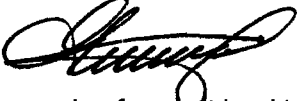
RAC/cp

Memorandum



Date: October 4, 2011

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

From: Carlos A. Gimenez 
Mayor

Subject: Acceptance of five parcels of vacant land totaling 5.07 acres by Special Warranty Deed from Palm Glades Community Development District in exchange for impact fee credits.

RECOMMENDATION

It is recommended that the Board accept the attached Special Warranty Deed from Palm Glades Community Development District, a local unit of special-purpose government established pursuant to Chapter 190, Florida Statutes, conveying approximately five parcels of vacant land totaling 5.07 acres located within the boundaries of S.W. 232 Street to the North, S.W. 112 Avenue to the East, S.W. 119 Avenue to the West and S.W. 242 Street to the South, Unincorporated Miami-Dade County in exchange for impact fee credits not to exceed \$331,681.35. This item was prepared by General Services Administration at the request of the Miami-Dade Park and Recreation Department.

OWNER: Palm Glades Community Development District, a political subdivision of the State of Florida
Mercedes Henderson, Chair
Rich Hans, Secretary

TAX FOLIO NUMBERS: 30-6019-012-1480 Tract "C" Silver Palm East Section One
30-6019-014-3400 Tract "G2" Silver Palm East Section Three
30-6019-015-2870 Tract "L3" and "S3" Silver Palm East Section Four
30-6924-002-4060 Tract "C" Silver Palm West

SIZE: Approximately 5.07 acres of vacant land.

LOCATION: The properties are located within the boundaries of S.W. 232 Street to the North, S.W. 112 Avenue to the East, S.W. 119 Avenue to the West and by S.W. 242 Street to the South, Unincorporated Miami-Dade County.

COMMISSION DISTRICT: 8

COMMISSION DISTRICT:
IMPACTED: 8

ZONING: RU-1MA- Modified Single-Family Residential District 5,000 square foot net, is the zoning description for folio numbers

30-6019-012-1480, 30-6019-015-2870 and 30-6924-002-4060. RU-3M – Minimum Apartment House 12.9 units/net acre is the zoning description for folio number 30-6019-014-3400. According to the Miami-Dade County Department of Planning and Zoning, park use is a permitted use under the current zoning.

ENVIRONMENTAL:

An Environmental Site Assessment Phase 1 prepared by Nelco Testing & Engineering Services, dated March 25, 2010, and updated February 24, 2011, reports no evidence of contamination or environmental violations on the properties.

TAXES:

The Ad valorem taxes for the year 2010 are \$2.04 for folio number 30-6019-012-1480, \$2.04 for folio number 30-6019-014-3400, \$2.04 for folio number 30-6019-015-2870, and \$2,019.64 in Non Advalorem taxes for folio number 30-6924-002-4060. The plat naming these tracts restricts the use to parks.

TRACK RECORD:

The County has no record of negative contract performance issues with Palm Glades Community Development District.

**VALUE of IMPACT
FEE CREDIT:**

Impact Fee Credits are based on the value listed within the Impact Fee Ordinance, Chapter 33H of the Miami-Dade County Code, and are calculated by the number and type of residential development units. Impact Fee credits are not issued in consideration of a real estate appraised valuation of the property.

IMPACT FEE CREDIT:

Developers are required to pay impact fees based on the size and type of development in accordance with an established schedule. The owners will be provided Open Space Impact Fee credits not to exceed \$331,681.35 for the dedication of five (5) sites covered under this agenda item. The Impact Fee credits are based on the values and policies stated within the Park Impact Fee Ordinance, Chapter 33H-8 of the Miami-Dade County Code of Ordinances attached hereto for your reference.

BACKGROUND:

On December 4, 2003, the Board of County Commissioners approved Resolution No. Z-24-03 for the development of the Silver Palm Community consisting of

1,521 residential dwelling units. As part of the approval, dedication of 13.07 acres of vacant land for public park use was proffered to meet future park and recreational needs generated by the proposed residential development in lieu of impact fees.

There are seven (7) parcels for a total of 13.07 acres of vacant land to be dedicated as park land within the Silver Palm development. At this time, five (5) parcels consisting of approximately 5.07 acres of vacant land are ready to be dedicated to the County. Such conveyance would be in accordance with a closing, including documentation of updated title, no liens or encumbrances, and affidavits of ownership. The remaining two (2) parcels consisting of approximately 8.00 acres of vacant land require additional site work and will be dedicated at a later date under separate application for the balance of the impact fee credit.

The attached Maintenance Agreement between Palm Glades Community Development District and Miami-Dade County states that Palm Glades Community Development District is responsible for maintaining and mowing the 5.07 acres of vacant land dedicated for public park use in the Silver Palm Community. The Maintenance Agreement covers five (5) sites consisting of approximately 5.07 acres covered under this agenda item. At a future date, when the remaining two (2) sites consisting of approximately 8.00 acres of vacant land are dedicated, the Maintenance Agreement will be amended to include the additional areas.

JUSTIFICATION:

At present, the Silver Palm Community and surrounding residential areas are served by William Randolph Park and Debbie Curtin Park. The area is densely populated with single family homes and would benefit from additional park land. In order to meet the need for park land generated by the population within the Silver Palm development, the acceptance of 5.07-acres for park use within the Silver Palm Community will ensure these lands remain open to the use of area residents.

DEVELOPMENT:

The properties have been developed as passive parks with minimal improvements such as installation of curbs, gutters, sidewalks, street trees, fill, grading and sod. The

properties are currently in suitable condition for mowing and maintenance.

**FISCAL IMPACT/
FUNDING SOURCES:**

The properties are being voluntarily conveyed; therefore, there is no acquisition cost to the County. There will be no additional maintenance cost as the Palm Glades Community Development District is responsible for privately maintaining the conveyed properties.

An Open Space Park Impact Fee Credit Agreement, not to exceed \$331,681.35, will be provided to the owners to offset the value of the approximate 5.07 acres of vacant land covered under this agenda item. At a later date, under separate application, an additional Open Space Park Impact Fee Credit Agreement will be provided to the owners to dedicate the remaining 8.00 acres of vacant land for the balance of the total impact fee credit.

MONITOR:

Shannon Clark, Real Estate Officer

**DELEGATED
AUTHORITY:**

Authorizes the Mayor or Mayor's designee to take all actions necessary to accept the conveyance of the properties.



Director
General Services Administration

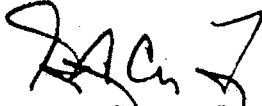


MEMORANDUM

(Revised)

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

DATE: October 4, 2011

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

SUBJECT: Agenda Item No. 8(F)(1)(A)

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
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous____) 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)(A)
10-4-11

RESOLUTION NO. R-773-11

RESOLUTION AUTHORIZING THE ACCEPTANCE OF A SPECIAL WARRANTY DEED FROM PALM GLADES COMMUNITY DEVELOPMENT DISTRICT, CONVEYING FIVE PARCELS OF VACANT LAND TOTALING APPROXIMATELY 5.07 ACRES FOR \$10.00, LOCATED WITHIN THE BOUNDARIES OF S.W. 232 STREET TO THE NORTH, S.W. 112 AVENUE TO THE EAST, S.W. 119 AVENUE TO THE WEST AND S.W. 242 STREET TO THE SOUTH, UNINCORPORATED MIAMI-DADE COUNTY, PURSUANT TO RESOLUTION NO. Z-24-03, IN EXCHANGE FOR IMPACT FEE CREDITS NOT TO EXCEED \$331,681.35; AND AUTHORIZING EXECUTION OF MAINTENANCE AGREEMENT FOR AFOREMENTIONED PARCELS

WHEREAS, this 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 this Board incorporates the prior recital, and hereby approves:

Section 1. The acceptance of a Special Warranty Deed from Palm Glades Community Development District, substantially in the form attached hereto and made a part hereof, conveying five parcels of vacant land totaling 5.07 acres for \$10.00 located within the boundaries of S.W. 232 Street to the North, S.W. 112 Avenue to the East, S.W. 119 Avenue to the West and S.W. 242 Street to the South, Unincorporated Miami-Dade County, pursuant Resolution No. Z-24-03, in exchange for impact fee credits not to exceed \$331,681.

Section 2. The Board also authorizes the Mayor or Mayor's designee to execute the Maintenance Agreement attached hereto.

Section 3. Pursuant to Resolution No. R-974-09, the Board directs the Mayor or the 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 instrument to the Clerk of the Board within thirty (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.

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

	Joe A. Martinez, Chairman	absent
	Audrey M. Edmonson, Vice Chairwoman	aye
Bruno A. Barreiro	absent	Lynda Bell aye
Esteban L. Bovo, Jr.	aye	Jose "Pepe" Diaz aye
Sally A. Heyman	aye	Barbara J. Jordan aye
Jean Monestime	aye	Dennis C. Moss aye
Rebeca Sosa	aye	Sen. Javier D. Souto aye
Xavier L. Suarez	aye	

The Chairperson thereupon declared the resolution duly passed and adopted this 4th day of October, 2011. 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

Christopher Agrippa

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Monica Rizo

PART III - CODE OF ORDINANCES
Chapter 33H - PARK IMPACT FEE ORDINANCE

Sec. 33H-8. - Fee computation by adopted schedule.

(a) The feepayer shall pay a park impact fee amount based upon the impact fee schedule per dwelling unit set forth below developed pursuant to the formula set forth in Sections 33H-6 and 33H-7, together with impact fee administrative costs.

The following impact fee schedule shall be used by the Director in computing the park impact fee:

IMPACT FEE SCHEDULE^{1, 2}

District	Single Family Detached		Single Family Attached		Multi-Family	
	Park Open Space Fee/Unit	Park Improvement Fee/Unit	Park Open Space Fee/Unit	Park Improvement Fee/Unit	Park Open Space Fee/Unit	Park Improvement Fee/Unit
1	\$1522	\$1403	\$1267	\$1207	\$839	\$878
2	\$707	\$1357	\$546	\$1140	\$378	\$916
3	\$525	\$1315	\$467	\$1224	\$254	\$886

¹The open space values in the fee schedule have been reduced by a tax credit to account for monies paid through ad valorem taxes toward capital expansion of local parks. The administrative fee set forth in Section 33H-8(b) is in addition to the impact fees or credits issued.

²These values are subject to annual adjustment pursuant to Section 33H-4.

(b) The cost per dwelling unit shall be the open space fee plus the improvement fee multiplied by 1.05 to accommodate the general administrative charge of five (5) percent.

(c) In the case of development activity involving a change of use and/or magnitude of use in which a residential building permit is required, the applicant shall be required to pay the computed impact fee for any proposed residential development activity for which the impact fee has not previously been paid. When any building permit expires or is revoked after the effective date of this chapter and a fee has not previously been paid under this chapter, the applicant shall be required to comply with the provisions herein. No refunds will be given for proposed development activity resulting in a negative fee calculation.

(d) No impact fee payment shall be required for any development activity when the total calculated fee is less than fifty dollars (\$50.00).

(e) If the type of dwelling unit within a proposed or current development is not specified in the above impact fee schedule, the Director shall use the dwelling unit most nearly comparable in computing the fee in accordance with the expanded list of land use categories which is appended as Exhibit B and incorporated herein by reference.

(f) In determining existing residential development activity and the units of proposed or existing development, the Director shall use the building permit and certificate of use information contained in the building or zoning records of Miami-Dade County.

(Ord. No. 90-59, § 2, 6-19-90; Ord. No. 94-184, § 1, 9-22-94; Ord. No. 06-13, § 1, 1-24-06)

EXHIBIT "A"

This Instrument Prepared by:

Gerald L. Knight, Esquire
Billing, Cochran, Lyles, Mauro & Ramsey, P.A.
SunTrust Center, Sixth Floor
515 East Las Olas Boulevard
Fort Lauderdale, FL 3304

USER DEPARTMENT: PARK & RECREATION
Property Appraiser's Folio Nos.:

30-6019-012-1480 – Tract C (Silver Palm East)
30-6019-014-3400 – Tract G2
30-6019-015-2870 – Tracts L3 and S3
Portion of 30-6924-002-4060 – Tract C (Silver Palm West)

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED (this "Deed") is made as of the 22 day of October, 2010 from **PALM GLADES COMMUNITY DEVELOPMENT DISTRICT**, a local unit of special-purpose government established pursuant to Chapter 190, Florida Statutes, with an address at 5701 N. Pine Island Road, Suite 370, Tamarac, FL 33321, ("**Grantor**"), to **MIAMI-DADE COUNTY**, a political subdivision of the State of Florida, with an address at 111 NW 1st Street, Miami, Florida 33128 ("**Grantee**").

WITNESSETH:

THAT Grantor, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00), and other good and valuable consideration, the receipt of which is hereby acknowledged, by these presents does grant, bargain and sell unto Grantee, and Grantee's successors and assigns forever, all the right, title, interest, claim and demand that Grantor has or may have in and to the following described real property (the "**Property**") located and situate in the County of Miami-Dade, and State of Florida, to wit:

See Exhibit A attached hereto and made a part hereof

Subject To: Covenants, conditions, restrictions, reservations, limitations, easements and agreements of record; taxes and assessments for the year 2010 and subsequent years; and all applicable zoning ordinances and/or restrictions and prohibitions imposed by appropriate governmental authorities, if any.

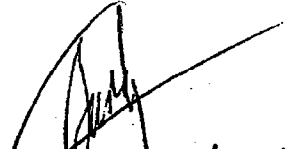
TO HAVE AND TO HOLD the same in fee simple forever.

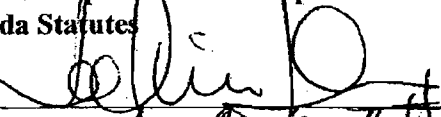
Grantor does hereby warrant, and will defend, the title to the Property hereby conveyed, subject as aforesaid, against the lawful claims of all persons claiming by, through or under Grantor, but none other.

IN WITNESS WHEREOF, Grantor has caused this Deed to be executed and its seal to be affixed the day and year first above written.

WITNESSES:

PALM GLADES COMMUNITY DEVELOPMENT DISTRICT, a local unit of special purpose government established pursuant to Chapter 190 Florida Statutes

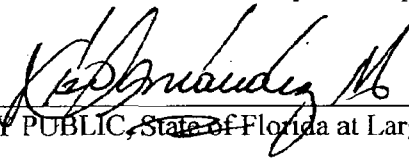

Print Name: Sandy Chen

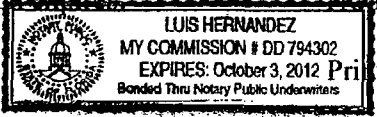

By: _____
Print Name: Maria Carolina Herrera
Title: Chairman

Print Name: Angel Rodriguez

STATE OF FLORIDA)
COUNTY OF Miami-Dade)

The foregoing instrument was acknowledged before me this 22 day of October, 2010 by Maria Carolina Herrera, as Chairman of the Board of Supervisors of the Palm Glades Community Development District, a local unit of special government established pursuant to Chapter 190, Florida Statutes, who is personally known to me or who produces _____ as identification, on behalf of the community development district.

My commission expires: _____

NOTARY PUBLIC, State of Florida at Large



Print name: _____

The foregoing was approved by the Miami-Dade County Board of County Commissioners pursuant to Resolution No.: _____, dated _____, 20__.

EXHIBIT "A"

Tract C of Silver Palm East Section One, according to the Plat thereof, recorded in Plat Book 164, Page 51, of the Public Records of Miami-Dade County, Florida.

And

Tract G2 of Silver Palm East Section Three, according to the Plat thereof, recorded in Plat Book 165, Page 27, of the Public Records of Miami-Dade County, Florida.

And

Tracts L3 and S3 of Silver Palm East Section Four, according to the Plat thereof, recorded in Plat Book 165, Page 92, of the Public Records of Miami-Dade County, Florida,

And

Tract C of Silver Palm West, according to the Plat thereof, recorded in Plat Book 166, Page 31, of the Public Records of Miami-Dade County, Florida.