



Miami-Dade Legislative Item

File Number: 241716

[Printable PDF Format](#)  [Clerk's Official Copy](#)

File Number: 241716 **File Type:** Resolution **Status:** Adopted
Version: 0 **Reference:** R-811-24 **Control:** Pending BCC Assignment
File Name: CUTLER BAY LODGING, LLC **Introduced:** 9/16/2024
Requester: Internal Services **Cost:** **Final Action:** 9/17/2024
Agenda Date: 9/17/2024 **Agenda Item Number:** 8F2SUBSTITUTE

Notes: SUBSTITUTE TO 241679; MAJORITY PLUS ONE VOTE **Title:** RESOLUTION APPROVING BY AN EXTRAORDINARY VOTE PURSUANT TO SECTION 125.355, FLORIDA STATUTES, A CONTRACT FOR SALE AND PURCHASE BETWEEN CUTLER BAY LODGING, LLC, A FLORIDA LIMITED LIABILITY COMPANY, AS SELLER, AND MIAMI-DADE COUNTY, AS BUYER, FOR AN APPROXIMATELY 87,626 SQUARE FOOT PROPERTY IMPROVED WITH AN APPROXIMATELY 46,415 SQUARE FOOT BUILDING LOCATED AT 10821 CARIBBEAN BLVD, CUTLER BAY, FLORIDA, IN THE AMOUNT OF \$14,000,000.00; AUTHORIZING THE EXPENDITURE OF \$14,000,000.00 FOR PURCHASE OF THE PROPERTY, UP TO \$40,000.00 FOR CLOSING COSTS, AND UP TO \$950,000.00 FOR PROPERTY RETROFITTING FOR A TOTAL AMOUNT OF \$14,990,000.00 FUNDED FROM MIAMI-DADE COUNTY'S HOMES PLAN, AND ONE PERCENT FOOD AND BEVERAGE TAX FUNDS; SETTING REQUIREMENTS FOR OPERATION OF THE PROPERTY AND REQUIRING A RESTRICTIVE COVENANT; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE CONTRACT FOR SALE AND PURCHASE, EXERCISE ALL RIGHTS CONFERRED THEREIN, TO ACCEPT CONVEYANCE OF PROPERTY BY GENERAL WARRANTY DEED, AND TAKE ALL ACTIONS NECESSARY TO EFFECTUATE SAID PURCHASE AND CONVEYANCE OF THE PROPERTY [SEE ORIGINAL ITEM UNDER FILE NO. 241679]

Indexes: NONE **Sponsors:** Eileen Higgins, Prime Sponsor
Sunset Provision: No **Effective Date:** **Expiration Date:**
Registered Lobbyist: None Listed

Legislative History

Acting Body	Date	Agenda Item	Action	Sent To	Due Date	Returned	Pass/Fail
-------------	------	-------------	--------	---------	----------	----------	-----------

Board of County Commissioners	9/17/2024	8F2 SUBSTITUTE	Adopted		P
Office of the Chairperson	9/16/2024		Additions		
Carladenise Edwards	9/16/2024		Assigned	Office of Agenda Coordination	
Office of Agenda Coordination	9/16/2024		Assigned	County Attorney	9/17/2024
REPORT:	ISD - Shannon D. Summerset - Commissioner Higgins Sponsor - Attachment: Contract - item has pages - Substitute to file no. 241679				
County Attorney	9/16/2024		Assigned	Shannon D. Summerset	9/16/2024

Legislative Text

TITLE

RESOLUTION APPROVING BY AN EXTRAORDINARY VOTE PURSUANT TO SECTION 125.355, FLORIDA STATUTES, A CONTRACT FOR SALE AND PURCHASE BETWEEN CUTLER BAY LODGING, LLC, A FLORIDA LIMITED LIABILITY COMPANY, AS SELLER, AND MIAMI-DADE COUNTY, AS BUYER, FOR AN APPROXIMATELY 87,626 SQUARE FOOT PROPERTY IMPROVED WITH AN APPROXIMATELY 46,415 SQUARE FOOT BUILDING LOCATED AT 10821 CARIBBEAN BLVD, CUTLER BAY, FLORIDA, IN THE AMOUNT OF \$14,000,000.00; AUTHORIZING THE EXPENDITURE OF \$14,000,000.00 FOR PURCHASE OF THE PROPERTY, UP TO \$40,000.00 FOR CLOSING COSTS, AND UP TO \$950,000.00 FOR PROPERTY RETROFITTING FOR A TOTAL AMOUNT OF \$14,990,000.00 FUNDED FROM MIAMI-DADE COUNTY'S HOMES PLAN, AND ONE PERCENT FOOD AND BEVERAGE TAX FUNDS; SETTING REQUIREMENTS FOR OPERATION OF THE PROPERTY AND REQUIRING A RESTRICTIVE COVENANT; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE CONTRACT FOR SALE AND PURCHASE, EXERCISE ALL RIGHTS CONFERRED THEREIN, TO ACCEPT CONVEYANCE OF PROPERTY BY GENERAL WARRANTY DEED, AND TAKE ALL ACTIONS NECESSARY TO EFFECTUATE SAID PURCHASE AND CONVEYANCE OF THE PROPERTY

BODY

WHEREAS, according to the National Alliance to End Homelessness, senior citizen homelessness is expected to nearly triple by 2030; and

WHEREAS, between 2022 and 2023, the number of seniors 55 and over encountered by the Homeless Trust more than doubled; and

WHEREAS, a new state law that prohibits public camping and sleeping has brought new urgency to the issue of homelessness, and could result in the criminalization of homelessness; and

WHEREAS, on October 1, 2024, cities and counties will be required to enforce State bans on camping or sleeping on public property within their jurisdictions, including the beach, sidewalks, bus stops, and parks where the homeless may

sleep; and

WHEREAS, on January 1, 2025, cities and counties could face legal action from any resident or business owner within their jurisdictions, or the Florida Attorney General, for failing to comply with the new State ban; and

WHEREAS, units of housing, particularly supportive housing, are needed as there is an extreme lack of affordable rental housing in our community, particularly for the most vulnerable, which includes older adults; and

WHEREAS, the Miami-Dade Homeless Trust (“Homeless Trust”) identified an affordable housing solution for low-income seniors in need of housing, an existing 87,626± square foot real property improved with an approximately 46,415 square foot, four-story hotel with 107 guest rooms located at 10821 Caribbean Blvd, Cutler Bay, Florida, identified by Folio Number 36-6007-027-0010 (the “Property”), which fits into a larger acquisition and conversion strategy of creating housing through adaptive reuse; and

WHEREAS, the Internal Services Department (“ISD”) performed the due diligence pertaining to the acquisition of the Property and while offsite contaminants, which do not pose a health risk to the current users or any future residents were identified, ISD has concluded that the Property is structurally safe and suitable for its intended purpose of housing senior citizens and meets the County’s standards; and

WHEREAS, two appraisals were conducted on the Property and the market value at highest and best use was determined to be the existing hotel use, between \$10,200,000.00 and \$10,300,000.00, with an average of \$10,250,000.00; and

WHEREAS, the purchase price for the subject Property is \$14,000,000.00, which contemplates \$8,000,000.00 in HOME American Rescue Plan (“ARP”) funds from the City of Miami; and

WHEREAS, as the City’s contribution is pending approval, the Homeless Trust will allocate Food and Beverage Tax reserves in an amount of \$8,000,000.00 to effectuate the purchase of the Property, pending reimbursement by the City of Miami; and

WHEREAS, \$7,000,000.00 toward the purchase of the Property is allocated as part of Miami-Dade County’s HOMES plan approved in the 2023-2024 Fiscal Year budget; and

WHEREAS, the purchase price for the subject Property of \$14,000,000.00 exceeds the average of the two appraisals; and

WHEREAS, section 125.355, Florida Statutes, requires an extraordinary vote when the agreed purchase price exceeds the average appraised price of the two appraisals; and

WHEREAS, this Board believes that it is important that senior citizens within Miami-Dade County have a safe and secure place to live, regardless of their income; and

WHEREAS, purchase of the Property is a significant step in the County’s ongoing commitment to ensure that all senior citizens within Miami-Dade County have access to such a place; and

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 hereby approves, by an extraordinary vote of a majority plus one of the board members

present, pursuant to section 125.355, Florida Statutes, the Contract for Sale and Purchase (the “Contract”) between Cutler Bay Lodging, LLC, a Florida Limited Liability Company, as Seller, and the County, as Buyer, of an existing 87,626± square foot property improved with an approximately 46,415 square foot, four-story hotel with 107 guest rooms located at 10821 Caribbean Blvd, Cutler Bay, Florida, identified by Folio Number 36-6007-027-0010 (the “Property”), in substantially the form attached to the accompanying memorandum as Attachment 1, an is for an acquisition cost in the amount of \$14,000,000.00 and this Board authorizes an additional expenditure of up to \$40,000.00 for closing costs, and up to \$950,000.00 for building retrofit, for a total expenditure of up to \$14,990,000.00 funded from the Miami-Dade County’s HOMES Plan and one percent Food and Beverage Tax funds, for the purpose of purchasing and repurposing the existing hotel into permanent, affordable housing for seniors served by Miami-Dade County’s Continuum of Care.

Section 3. This Board further authorizes the County Mayor or County Mayor’s designee to execute said Contract on behalf of Miami-Dade County, to exercise any and all rights conferred therein, to take all other actions necessary to effectuate said purchase, and to accept conveyance of said Property by General Warranty Deed substantially in the form attached to the Contract as Exhibit C.

Section 4. This Board directs the County Mayor or Mayor’s designee to ensure that the >>Homeless Trust<< [[Property is operated]] >>operates<< and >>maintains<< [[maintained]] >>the Property<< with the following >>requirements<< [[guidelines]]: (a) the Property will serve as permanent supportive housing exclusively for senior citizens aged 55 and older; (b) tenants shall be required to enter into >>annual<< leases and provide proof of >>income and<< ability to pay >>thirty percent of that documented income for<< the required rents; (c) no needle exchange or similar program shall be operated on the Property; (d) background checks shall be conducted on all potential tenants prior to entering into any lease in order to exclude any individual identified as a sexual predator or sexual offender, as defined in section 21-280 of the Code of Miami-Dade County (Code”), as may be amended from time to time >>or any individual convicted of a violent felony, as defined in section 26-37 of the Code, within the last 10 years<<; (e) the Property will maintain a continuously operational closed circuit television system; (f) the Property, including the exterior façade, shall be renovated and continuously maintained to comply with all applicable county building and zoning code standards, >>and the Property will be maintained with window shades/coverings that are consistent in every unit<<; [[and]] (g) >>no more than 2 people shall occupy each unit; (h) there shall be an onsite property manager Monday through Friday from 9:00 am through 5:00 pm on business days and on-call staff during weekends; and (i)<< such other >>requirements<< [[guidelines]] as this Board may from time to time implement. >>This Board further directs the County Mayor or Mayor’s designee to ensure that the Homeless Trust meets with the developers of the South Place City Center mixed use development in good faith about other requests for site improvements, and shall consider those requests so long as such requests do not present a capital or operational expense to the Homeless Trust or the County.

Section 5. This Board authorizes the County Mayor or County Mayor’s designee to execute a restrictive covenant, following approval by the County Attorney’s Office, to set forth the requirements in Section 4 of this resolution on behalf of the County and allowing for the enforcement thereof exclusively by the County. This Board authorizes the County Mayor or County Mayor’s designee to record the restrictive covenant in the Public Records of Miami-Dade County.<<

Section >>6<< [[5]]. Pursuant to Resolution No. R-974-09, the County Mayor or County Mayor’s designee shall provide a recorded copy of the instrument of conveyance accepted herein to the Clerk of the Board within 30 days of the execution and final acceptance of such instrument, and the Clerk of the Board shall attach and permanently store a recorded copy of such instrument together with this resolution.

HEADER

Date:

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

From: Daniella Levine Cava

Mayor

Subject: Resolution Approving a Contract for Sale and Purchase Between Cutler Bay Lodging, LLC, a Florida Limited Liability Company, as Seller, and Miami-Dade County, as Buyer, for Property Located at 10821 Caribbean Blvd, Cutler Bay, Florida
Folio No.: 36-6007-027-0010

STAFF RECOMMENDATION

This substitute differs from the original in that, in Section 4 of the Resolution, it makes guidelines into requirements relating to operating and maintaining the property and adds additional requirements, adds a new section 5 requiring a restrictive covenant, and revises the title to reflect these changes. In addition, attachment 1 is being replaced to include the updated offer expiration date of October 31, 2024.

Executive Summary

This item seeks the approval of a contract for the sale and purchase between Cutler Bay Lodging, LLC, a Florida Limited Liability Company (Seller), and Miami-Dade County (County), acting as the Buyer, for the property situated at 10821 Caribbean Blvd, within Cutler Bay, Florida, further identified by Folio 36-6007-027-0010, (Property) and the delegation of authority to the County Mayor or County Mayor's designee to execute the contract, to exercise all other rights conferred therein, to accept the General Warranty Deed for the Property, and to take all actions necessary to effectuate the purchase, conveyance and renovations of the Property. The Property consists of a four-story hotel, operating as La Quinta with 107 guest rooms containing 46,415± square feet of adjusted building area situated on an 87,626± square foot (2.013± acres) TC zoned site (providing for commercial, multi-family and mixed uses).

This purchase is intended to be managed by the Homeless Trust (HT) for the repurposing of the existing hotel into permanent, affordable housing for seniors served by the County's Continuum of Care. The Internal Services Department (ISD) performed the due diligence pertaining to the acquisition of the Property, including but not limited to appraisals, engagement with County departments, property inspections, zoning reviews, environmental studies, and title searches.

The findings of all due diligence conclude that the Property is structurally safe and suitable for its intended purpose of housing senior citizens and meets the County's standards. The whereas clauses in the attached resolution are incorporated herein by reference.

Recommendation

According to Section 125.355 of the Florida Statutes, it is recommended that the Board approve the attached resolution by an extraordinary vote.

Fiscal Impact/Funding Source

The fiscal impact of the acquisition of the Property is comprised of the \$14,000,000.00 purchase price, up to \$40,000.00 in closing and due diligence costs, and, following the closing of the Property, additional costs of up to \$950,000.00, including the cost of permitting, for capital expenses to the Property are needed to retrofit the 107 units and for the restrictive covenant, for a total project cost of \$14,990,000.00 (Total Project Costs). The Total Project Costs will be funded as follows: (a) \$7,000,000.00 from general revenue funds included in the County's HOMES Plan, and (b) \$8,000,000.00 from the Food and Beverage Tax reserves. It is anticipated that the City of Miami will provide \$8,000,000.00 in HOME American Rescue Plan funds to the County for the acquisition of the Property, and the County will use those funds in lieu of the Food and Beverage Tax reserves to acquire the Property if the funds are deposited with the County prior to the closing on the Property or will otherwise reimburse itself into the Food and Beverage tax reserves if the funds are received from the City of Miami following the closing of the Property.

The annual costs to operate the Property are estimated to be \$1,640,000.00 and will be funded from Food and Beverage tax funds.

Attachment

Carladenise Edwards
Chief Administrative Officer

[Home](#) | [Agendas](#) | [Minutes](#) | [Legislative Search](#) | [Lobbyist Registration](#) | [Legislative Reports](#)
[2024 BCC Meeting Calendar](#) | [Miami-Dade County Code of Ordinances](#) | [ADA Notice](#) |

[Home](#) | [Using Our Site](#) | [About](#) | [Phone Directory](#) | [Privacy](#) | [Disclaimer](#)

E-mail your comments, questions and suggestions to [Webmaster](#)

Web Site © 2024 Miami-Dade County.
All rights reserved.