

**RESOLUTION NO. R-2014-9**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AUTHORIZING THE CITY MANAGER AND THE CITY ATTORNEY TO NEGOTIATE AND EXECUTE A CONSENT AND SUBORDINATION AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, BETWEEN THE CITY OF NORTH MIAMI, RUDG-LHHA BEL HOUSE, LLC AND BANKUNITED, NA, ALLOWING FOR THE SUBORDINATION OF A MULTI-FAMILY RENTAL REHABILITATION LOAN; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.**

**WHEREAS**, the City of North Miami ("City") and Bel House Apartments, LLP entered into a Multi-Family Rental Rehabilitation Loan Program Agreement with the City on July 10, 2006 as authorized by Resolution No. R-2006-76 passed on June 27, 2006; and

**WHEREAS**, in accordance with Resolution No. R-2010-132 passed on November 9, 2010, RUDG-LHHA Bel House, LLC assumed all the obligations remaining under the Multi-Family Rental Rehabilitation Loan in the amount of Five Hundred Fifty Thousand Dollars (\$550,000.00); and

**WHEREAS**, the funds are secured by a mortgage recorded on July 29, 2006 at Official Record Book 24768, Page Numbers 3676-3686; and

**WHEREAS**, the City's mortgage is currently subordinate to a first mortgage in the amount of One Million Four Hundred Thousand Dollars (\$1,400,000.00) from Gibraltar Bank and a second mortgage in the amount of Three Million Three Hundred Seventy-Nine Thousand Seven Hundred Sixty-One Dollars (\$3,379,761.00) from Little Haiti Housing Association, Inc.; and

**WHEREAS**, RUDG-LHHA Bel House, LLC has obtained financing with BankUnited, NA, for the One Million Seven Hundred Thousand Dollars (\$1,700,000.00) debt as well as an additional Five Hundred Thousand Dollars (\$500,000.00) to be used toward improvements at the property which is contingent on the City's subordination of its Multi-Family Rental Rehabilitation Loan; and

**WHEREAS,** The mortgage of \$550,000.00 held by the City as identified in the existing agreement dated December 17, 2010 subordinates the City in third place to the two (2) prior mortgages described above as the first and second mortgage holders.

**WHEREAS,** RUDG-LHHA Bel House, LLC is restructuring its membership to reflect that the two (2) current membership entities: LHHA-Bel House, LLC and Bel House Manager, LLC will be assigning their interests in the organization to Little Haiti Housing Association, Inc.; and

**WHEREAS,** the Mayor and City Council find it is in the best interest of the City and its residents to enter into a Consent and Subordination Agreement for this purpose.

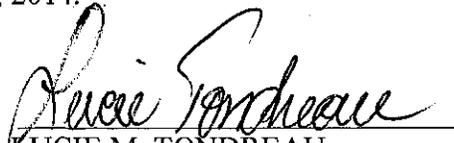
**NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA:**

**Section 1. Authority of City Manager and City Attorney.** The Mayor and City Council of the City of North Miami, Florida, hereby authorize the City Manager and the City Attorney to negotiate and execute a Consent and Subordination Agreement between the City of North Miami, RUDG-LHHA Bel House, LLC and BankUnited, NA, in the form attached as Exhibit "A".

**Section 2. Authorization of City Manager.** The Mayor and City Council of the City of North Miami, Florida, hereby authorize the City Manager to do all things necessary to effectuate the terms of the Consent and Subordination Agreement.

**Section 3. Effective Date.** This Resolution shall become effective immediately upon adoption.

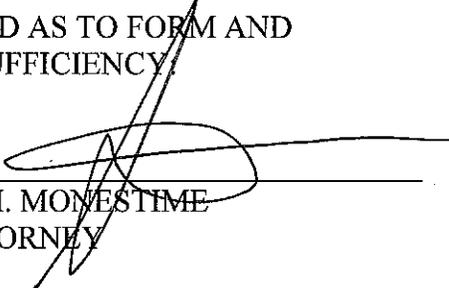
**PASSED AND ADOPTED** by a 5-0 vote of the Mayor and City Council of the City of North Miami, Florida, this 28th day of January, 2014.

  
LUCIE M. TONDREAU  
MAYOR

ATTEST:

  
\_\_\_\_\_  
MICHAEL A. ETIENNE, ESQ.  
CITY CLERK

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

  
\_\_\_\_\_  
REGINE M. MONESTIME  
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: Galvin

Seconded by: Tondreau

**Vote:**

Mayor Lucie M. Tondreau	<u>  x  </u>	(Yes)	<u>      </u>	(No)
Vice Mayor Scott Galvin	<u>  x  </u>	(Yes)	<u>      </u>	(No)
Councilperson Carol Keys, Esq.	<u>  x  </u>	(Yes)	<u>      </u>	(No)
Councilperson Philippe Bien-Aime	<u>  x  </u>	(Yes)	<u>      </u>	(No)
Councilperson Marie Erlande Steril	<u>  x  </u>	(Yes)	<u>      </u>	(No)