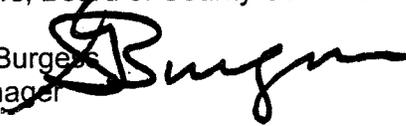


Memorandum



Date: January 20, 2005

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

From: George M. Burgess
County Manager 

Subject: Amendment to Lease Agreement at 7900 N.E. 2 Avenue, Miami
for Department of Human Services, Cuban and Haitian Refugee Crime
and Victimization Initiative Program
Property # 3106-01-00

Agenda Item No. 7(F)(1)(A)

The attached Amendment to Lease Agreement has been prepared by the General Services Administration at the request of the Department of Human Services (DHS) and is recommended for approval.

- PROPERTY:** 7900 N.E. 2 Avenue, 5th Floor, Miami.
- OWNER:** Wharton Little River Investment, Inc.
- COMPANY PRINCIPAL:** Philip J. Procacci - 100%
- PURPOSE OF AMENDMENT:**
- a) To decrease leased square footage from 4,520 to 3,439 square feet by deleting Room 501, consisting of 1,081 square feet, from the "Demised Premises."
 - b) To decrease annual rental from \$70,059.96 to \$53,304.50, due to reduction in square footage. The rate will remain at \$15.50 per square foot on an annual basis.
- JUSTIFICATION:** The DHS, Cuban and Haitian Refugee Crime and Victimization Initiative Program will reduce the staff at this location, and will no longer require the use of Room 501. DHS received notification that the State of Florida, Department of Children & Families Refugee Assistance Program was reducing funding by \$278,000 from \$1,553,000 to \$1,275,000 in the Cuban and Haitian Refugee Crime and Victimization Initiative Program. There will be a reduction of ten positions as a result of this reduction.
- FINANCIAL IMPACT:** Annual rent will decrease by \$16,755.46.
- EFFECTIVE DATES OF AMENDMENT:** The term of this Amendment to Lease Agreement shall commence upon the effective date of the resolution of the Board of County Commissioners approving this Amendment to Lease Agreement.

Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners
Page Two

CURRENT LEASE:

The current lease agreement was approved by the Board on April 23, 2002 by Resolution No. R-393-02. The lease commenced on June 1, 2002 for three years and contains two additional three-year renewal option periods.

COMMENTS:

Attached for your information is a copy of the previously approved resolution and memorandum with data concerning the lease.



Assistant County Manager

MEMORANDUM

On
Agenda Item No. 6(F)(1)(B)

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: April 23, 2002

FROM: Steve Shiver
County Manager

SUBJECT: Lease Agreement at 7900 N.E. 2 Ave.,
Miami, with Wharton Little River
Investment, Inc. for the Department
of Human Services

The attached Lease Agreement has been prepared by General Services Administration at the request of the Department of Human Services and is recommended for approval.

PROPERTY: 7900 N.E. 2 Avenue, Miami.

OWNER: Wharton Little River Investment, Inc.

COMPANY PRINCIPAL(S): Philip J. Procacci – 100%

USE: 4,520 square feet of office space.

JUSTIFICATION: The Department of Human Services has received a grant from the U.S. Department of Health and Human Services through the State of Florida's Department of Children and Families for the Cuban and Haitian Refugee Crime and Victimization Initiative. This location serves the area of Little Haiti.

LEASE TERM: Three years with two additional three-year renewal option periods.

RENTAL RATE: Annual rent for the first year of the lease period is \$65,540.00, which is equal to \$14.50 per square foot. The annual rental rate will increase 50 cents per square foot per year, including the options to renew.

LEASE CONDITIONS:

The Landlord will pay all charges for electricity, water, and waste disposal services. The Landlord is also responsible for the air conditioning and heating equipment, roof, outside plumbing and electrical lines.

EFFECTIVE DATES:

Upon approval by the Board of County Commissioners, unless vetoed by the Mayor, and if vetoed, only upon override by the Board, completion of alterations, and acceptance by County and terminating three years thereafter.

CANCELLATION PROVISION:

The County may cancel by giving ninety (90) days written notice after the first year.

FUNDING SOURCE:

Federal Funds.

OTHER PROPERTIES
EVALUATED:

8340 N.E 2 Avenue - \$14.50 per square foot.
205 N.W 82 Terrace - \$15.00 per square foot.

Approved _____

Mayor

Veto _____

Override _____

Not on

Item No. 6(F)(1)(B)

4-23-02

OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
DADE COUNTY, FLORIDA

RESOLUTION NO. R-393-02

RESOLUTION AUTHORIZING EXECUTION OF LEASE AGREEMENT AT 7900 N. E. 2 AVENUE, MIAMI, WITH WHARTON LITTLE RIVER INVESTMENT, INC. FOR PREMISES TO BE UTILIZED BY THE DEPARTMENT OF HUMAN SERVICES FOR OFFICE SPACE, UPON PROPER EXECUTION; AND AUTHORIZING THE COUNTY MANAGER TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN

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, that this Board hereby approves the Lease Agreement between Miami-Dade County and Wharton Little River Investment, Inc., for premises to be utilized by the Department of Human Services for office space in substantially the form attached hereto and made a part hereof; authorizes the County Manager to execute same for and on behalf of Miami-Dade County, upon proper execution by Wharton Little River Investment, Inc.; and authorizes the County Manager to exercise any and all other rights conferred therein.

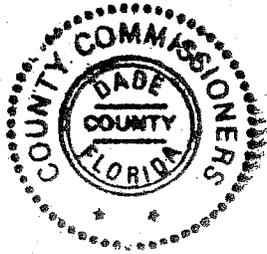
The foregoing resolution was offered by Commissioner **Dorrrin D. Rolle** who moved its adoption. The motion was seconded by Commissioner **Gwen Margolis** and upon being put to a vote, the vote was as follows:

Dr. Miriam Alonso *	_____	Bruno A. Barreiro	absent
Dr. Barbara Carey-Shuler	absent	Betty T. Ferguson	aye
Gwen Margolis	aye	Joe A. Martinez	aye
Jimmy L. Morales	aye	Dennis C. Moss	aye
Dorrrin D. Rolle	aye	Natacha Seijas	aye
Katy Sorenson	aye	Rebeca Sosa	aye

Sen. Javier D. Souto **aye**

* **Suspended pursuant to State of Florida Executive Order of Suspension 02-126.**

The Chairperson thereupon declared the resolution duly passed and adopted this 23rd day of April, 2002. 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

Approved by County Attorney as,
to form and legal sufficiency. 22

Richard B. Rosenthal

By: **KAY SULLIVAN**
Deputy Clerk

6
6



MEMORANDUM

(Revised)

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

DATE: January 20, 2005

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 7(F)(1)(A)

Please note any items checked.

- "4-Day Rule" ("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
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor

Agenda Item No. 7(F)(1)(A)

Veto _____

01-20-05

Override _____

RESOLUTION NO. _____

RESOLUTION AUTHORIZING EXECUTION OF AN AMENDMENT TO LEASE AGREEMENT AT 7900 N.E. 2 AVENUE, 5TH FLOOR, MIAMI, WITH WHARTON LITTLE RIVER INVESTMENT, INC., FOR PREMISES UTILIZED BY THE DEPARTMENT OF HUMAN SERVICES FOR ITS CUBAN AND HAITIAN REFUGEE CRIME AND VICTIMIZATION INITIATIVE PROGRAM; AND AUTHORIZING THE COUNTY MANAGER TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN

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 hereby approves the Amendment to Lease Agreement between Miami-Dade County and Wharton Little River Investment, Inc., for premises to be utilized by the Department of Human Services for its Cuban and Haitian Refugee Crime and Victimization Initiative Program, in substantially the form attached hereto and made a part hereof; authorizes the County Manager to execute same for and on behalf of Miami-Dade County; and authorizes the County Manager to exercise any and all other rights conferred therein.

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:

Joe A. Martinez, Chairman
Dennis C. Moss, Vice-Chairman

Bruno A. Barreiro
Jose "Pepe" Diaz
Sally A. Heyman
Dorrin D. Rolle
Katy Sorenson
Sen. Javier D. Souto

Dr. Barbara Carey-Shuler
Carlos A. Gimenez
Barbara J. Jordan
Natacha Seijas
Rebeca Sosa

The Chairperson thereupon declared the resolution duly passed and adopted this 20th day of January, 2005. This Resolution and contract, if not vetoed, shall become effective in accordance with Resolution No. R-377-04.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

HARVEY RUVIN, CLERK

Approved by County Attorney as
to form and legal sufficiency. Hr

By: _____
Deputy Clerk

Hugo Benitez

AMENDMENT TO LEASE AGREEMENT

THIS AGREEMENT made this _____ day of _____, 2004, by and between WHARTON LITTLE RIVER INVESTMENT, INC., a Florida Corporation, a political subdivision of the State of Florida, hereinafter called the "LANDLORD," and MIAMI-DADE COUNTY, herein called the "TENANT,"

WITNESSETH:

WHEREAS, by Resolution No. R-393-02, adopted by the Board of County Commissioners on March 23, 2002, the Board authorized a Lease between the above named parties for that certain property located at 7900 N.E. 2 Avenue, 5th Floor, Miami, Florida; and

WHEREAS, both LANDLORD and TENANT are desirous of amending said Lease as set forth below; and

WHEREAS, by Resolution No. _____, adopted _____, 2004, the Board of County Commissioners has authorized the amending of said Lease;

NOW, THEREFORE, in consideration of the restrictions and covenants herein contained, it is agreed that the said Lease is hereby amended as follows:

1. **Decrease in Leased Space:** Commencing upon the effective date of the resolution of the Board of County Commissioners approving this Amendment to Lease Agreement, the "Demised Premises" consisting of the initial 4,520 square feet shall be decreased by 1,081 square feet to 3,439 square feet.
2. **Annual Rental:** The current monthly rental for the "Demised Premises" is \$5,838.33 or \$70,059.96 annually, which is equal to \$15.50 per square foot on an annual basis and will decrease to monthly rental of \$4,442.04 or \$53,304.50 annually, which is equal to \$15.50 per square foot on an annual basis.

In all other respects the said Lease shall remain in full force and effect in accordance with the terms and conditions specified therein.

IN WITNESS WHEREOF, the LANDLORD and TENANT have caused this Lease Agreement to be executed by their respective and duly authorized officers the day and year first above written.

(CORPORATE SEAL)


WITNESS

Wharton Little River Investment, Inc.
a Florida Corporation


WITNESS

By: 
Philip J. Procacci, President (LANDLORD)

(OFFICIAL SEAL)

ATTEST:
HARVEY RUVIN, CLERK

DADE COUNTY FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

By: _____
Deputy Clerk

By: _____
George M. Burgess
County Manager (TENANT)

Approved by County Attorney as to
form and legal sufficiency: _____