

**MEMORANDUM**

Agenda Item No. 11(A)(1)

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**TO:** Honorable Chairman Bruno A. Barreiro  
and Members, Board of County Commissioners

**DATE:** January 25, 2007

**FROM:** Murray A. Greenberg  
County Attorney

**SUBJECT:** Resolution releasing New  
Horizons Community  
Health Center, Inc. and New  
Horizons Foundation, Inc.  
from restrictions in  
connection with a County  
grant to purchase the facility

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The accompanying resolution was prepared and placed on the agenda at the request of  
Commissioner Audrey M. Edmonson.

*for:*   
Murray A. Greenberg  
County Attorney

MAG/bw

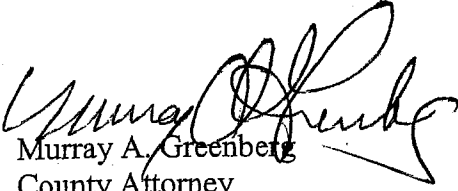


# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Bruno A. Barreiro  
and Members, Board of County Commissioners

**DATE:** January 25, 2007

**FROM:**   
Murray A. Greenberg  
County Attorney

**SUBJECT:** Agenda Item No. 11(A)(1)

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. 11(A)(1)

Veto \_\_\_\_\_

01-25-07

Override \_\_\_\_\_

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

RESOLUTION RELEASING NEW HORIZONS COMMUNITY HEALTH CENTER, INC. AND NEW HORIZONS FOUNDATION, INC. FROM ANY RESTRICTIONS IN CONNECTION WITH ANY MIAMI-DADE COUNTY GRANT TO PURCHASE THE FACILITY LOCATED AT 1469 NW 36<sup>TH</sup> STREET AND AUTHORIZING THE COUNTY MANAGER TO ENTER INTO A RELEASE OF GRANT RESTRICTIONS

**WHEREAS**, the County granted \$100,000.00 to the New Horizons Community Mental Health Center f/k/a New Horizons Mental Health Center (the "Center") in 1983 to provide partial funding for the purchase of the Property pursuant to R-1527-83, a copy of which is attached hereto and incorporated herein, which resolution does not, by its terms, impose any restrictions on the use of the Property; and

**WHEREAS**, it was asserted that the Property was subject to certain limitations, restrictions, and repayment obligations in connection with a financial grant made to the Center by Miami-Dade County (hereinafter referred to as the "Grant"); and

**WHEREAS**, the Grant, nor any restrictions in connection with the Grant, appear in the Public Records of the County of Miami-Dade County, Florida; and

**WHEREAS**, Miami-Dade County staff and the Clerk of the Board of County Commissioners has conducted a diligent search of its records and has found no evidence of such restrictions or repayment obligations; and

**WHEREAS**, the Center has requested that Miami-Dade County release any restrictions which are or might have been contained in the Grant and confirm that any agreements to repay

Miami-Dade County grant funds granted to purchase the Property have either expired or are ineffective and are of no force and effect,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA,** that the County approves the release of the New Horizon Community Mental Health Center, Inc. and the New Horizons Foundation, Inc. and their assigns and successors from any restrictions in connection with a County grant to purchase the facility located at 1469 NW 36th Street and any obligations to repay any County grant funds provided for the purpose of purchasing such property, and authorizes the County Manager to enter into the Release of Grant Restrictions, in substantially the form attached hereto, following approval by the County Attorney.

The foregoing resolution was sponsored by Commissioner Audrey M. Edmonson and 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:

Bruno A. Barreiro, Chairman	
Barbara J. Jordan, Vice-Chairwoman	
Jose "Pepe" Diaz	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Joe A. Martinez	Dennis C. Moss
Dorin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 25<sup>th</sup> day of January, 2007. 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

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.



Cynthia Johnson-Stacks

RESOLUTION AUTHORIZING THE USE OF ACCRUED INTEREST EARNED ON THE DECADE OF PROGRESS PRIMARY HEALTH CARE BOND FUNDS TO SUPPLEMENT FUNDING FOR THE PURCHASE OF A FACILITY FOR THE NEW HORIZONS MENTAL HEALTH CENTER

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 DADE COUNTY, FLORIDA, that this Board authorizes the use of up to \$100,000 of accrued interest earned on the investment of the Decade of Progress Primary Health Care Bond funds to provide supplemental funding for the purchase of a facility for the New Horizons Mental Health Center.

The foregoing resolution was offered by Commissioner Ruth Shack, who moved its adoption. The motion was seconded by Commissioner Barbara M. Carey, and upon being put to a vote, the vote was as follows:

Barbara M. Carey	Aye
Clara Oesterle	Absent
Beverly B. Phillips	Aye
James F. Redford, Jr.	Aye
Harvey Ruvín	Aye
Barry D. Schreiber	Aye
Ruth Shack	Aye
Jorge E. Valdes	Aye
Stephen P. Clark	Aye

The Mayor thereupon declared the resolution duly passed and adopted this 6th day of December, 1983.

DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

RICHARD P. BRINKER, CLERK

By: RAYMOND REED  
Deputy Clerk



Approved by County Attorney [Signature] to form and legal sufficiency.

TO: Honorable Mayor and Members  
Board of County Commissioners

DATE: December 6, 1983

FROM: M. R. Stierheim  
County Manager

SUBJECT: Public Hearing - Decade  
of Progress Bond Interest  
Funds

RECOMMENDATION

It is recommended that the Board authorize the use of up to \$100,000 of Decade of Progress Primary Health Care bond interest as supplemental grant funding to purchase a facility for the New Horizons Mental Health Program.

BACKGROUND

The New Horizons Mental Health Center provides comprehensive mental health services to Dade County residents in Catchment Area IV. Types of services delivered by the Center include therapy counseling, evaluations, day treatment, chemotherapy, and other support services. Catchment Area IV is bounded on the north by N.W. 79 and 85 Streets, on the south by the Miami River, on the east by Biscayne Boulevard and by N.W. 37 Avenue on the west. The Center serves a clientele that is 45% Black, 29% Hispanic, 13% Haitian, and 13% White, in an area where high levels of mental illness and poor socio-economic conditions require priority attention.

The requested funds will enable the Center to purchase its central offices and clinics located at 1469 N.W. 36 Street, which are currently occupied by staff. Purchase of the facility will ensure stability of the program, increase credibility with the community, provide continuous accessibility to clients, and substantially reduce program operating expenses. The Center will continue to contract with the County for provision of care to indigent care patients.

Purchase Plan

The following financial arrangement reflects the method to be used for the purchase of the facility and the resulting annual net savings to the program:

Purchase Price		\$925,000
Joint Funding Participants		
Private	\$150,000	
City of Miami	50,000	
Dade County (DOP Interest)	<u>100,000</u>	
LESS		<u>(300,000)</u>
Mortgage Balance		\$625,000
Current Annual Rent Payments		\$192,589
Projected Annual Debt Service Payments		<u>92,589</u>
Projected Annual Net Savings		\$100,000

New Horizen Center representatives have indicated that letters of commitment have been received from the other joint funding

closing, which is anticipated to occur in December 1983. In addition, because the Center's current funding sources do not permit their grant funds to be used to mortgage real property, a non-profit foundation will be formed to purchase and hold title to the facility. The Center will then lease the facility from the Foundation. New Horizons representatives have given assurances that there will be no comingling of membership on the foundation/Center boards.

#### Interest Income

It has been the Board's policy to use bond interest funds earned on Decade of Progress bond proceeds for three uses in the following priorities: (1) to pay the administrative costs of the bond program; (2) to fund cost overruns; and (3) to include new projects if funds are available.

The Health and Human Services Committee, at its November 8, 1983 meeting, reviewed and unanimously approved this project for recommendation to the full Board.



This instrument prepared by:  
M. KEITH MARSHALL, ESQ.  
Concorde Centre – Suite 805  
2999 NE 191<sup>st</sup> Street  
Aventura, Florida 33180

**MIAMI-DADE COUNTY'S**  
**RELEASE OF GRANT RESTRICTIONS**

Tax Folio No. 01-3123-034-0010

Whereas, NEW HORIZONS FOUNDATION, INC. (the "Foundation"), a corporation not-for-profit, existing under the laws of the State of Florida, having its principal place of business in the County of \_\_\_\_\_, State of Florida has conveyed the below described real property and all improvements thereon (hereinafter referred to as the "Property") to its wholly owned subsidiary, NEW HORIZONS COMMUNITY MENTAL HEALTH CENTER, INC., f/k/a New Horizons Mental Health Center, a corporation not-for-profit, existing under the laws of the State of Florida, having its principal place of business at 1313 N.W. 36 Street, Suite 400, City of Miami, in the County of Miami-Dade and State of Florida 33142 (also referred to herein as "Center"), and

Whereas, it was asserted that the Property was subject to certain limitations and restrictions in connection with a certain financial grant made to the Center by Miami-Dade County (hereinafter referred to as the "Grant"), and

Whereas, the County granted \$100,000.00 to the Center in 1983 to provide partial funding for the purchase of the Property pursuant to R-1527-83, a copy of which is attached hereto and incorporated herein, which resolution does not, by its terms, impose any restrictions on the use of the Property, and

Whereas, the Center has operated, and continues to operate a community health center service, and created and administers alcohol and drug rehabilitation programs and otherwise acts as a community service non-profit enterprise, and

Whereas the Center is desirous of owning the property free and clear of any restrictions in connection with the Grant and that any such restrictions not be a cloud on title of any owner of the Property, and

Whereas, the Center represents that the Grant, nor any restrictions in connection with the Grant, appear in the Public Records of the County of Miami-Dade County, Florida, and

Whereas, the Center has requested that Miami-Dade County release any restrictions which are or might have been contained in the Grant, or confirm that any agreements to repay Miami-Dade County grant funds granted to purchase the Property have either expired or are ineffective and are of no force and effect, and

Whereas, Miami-Dade County has conducted a diligent search of its records and has found no evidence of such restrictions, and

Whereas, Miami-Dade County is desirous of granting this request,

NOW THEREFORE, WITNESSETH that:

Miami-Dade County (herein also referred to as the "County") hereby unconditionally and forever releases the below described property, the Foundation, the Center, and any future owners of the subject property from all restrictions and limitations contained in or agreements to effectuate the Grant, including any additional Miami-Dade County grants or contracts in addition to the Grant, entered for the purpose of purchasing the central office and clinics located at 1469 N.W. 36<sup>th</sup> Street, Miami, Florida, including, but not limited to any right that the County might have: (a) to enforce specific performance of any restrictions of the Grant in the event of any use of the property not conforming to any condition of the Grant or grants, (b) to receive repayment of the Grant with or without interest, (c) to enforce any Grant restrictions. This release specifically releases all restrictions referred to in a certain Quit Claim Deed from NEW HORIZONS FOUNDATION, INC. to NEW HORIZONS COMMUNITY MENTAL HEALTH CENTER, INC. dated August 4, 2005. The Property is legally described as such lands lying being and situate in the County of Miami-Dade, Florida:

Lots 1, 2, 3, 4, 5, 6, 7, 18, 23, and 24, Block 1, Cordova Park, according to the Plat thereof recorded in Plat Book 7, Page 92, of the Public Records of Miami-Dade County, Florida.

Less the South 5 feet of said Lots 1, 2, 3, 4, 5, 6, and 7;  
Less the West 5 feet of said Lots 1;  
Less the West 5 feet of the South 60 feet of said Lot 24;  
Less the North 46 feet of said Lots 23 and 24;  
Less the external area of a circular curve, contained within said Lot 1, concave to the Northeast, having a radius of 25 feet and tangents which are 25 feet East of, and parallel with, the centerline of N.W. 15th Avenue and 35 feet North of, and parallel with the centerline of N.W. 36<sup>th</sup> Street.

This Release of Grant Restrictions shall inure to the benefit of NEW HORIZONS FOUNDATION, INC., NEW HORIZONS COMMUNITY MENTAL HEALTH CENTER, INC. and their successors and/or assigns and/or grantees.

In Witness Whereof, the Releasor has caused these presents to be signed in name by its proper officers, and duly attested:

MIAMI-DADE COUNTY, a county of the State of Florida

By: \_\_\_\_\_

Attest:

\_\_\_\_\_  
CLERK OF MIAMI-DADE COUNTY, FLORIDA  
[SEAL]

STATE OF FLORIDA         )  
                                     ) SS  
COUNTY OF MIAMI-DADE )

I HEREBY CERTIFY that the foregoing RELEASE OF GRANT RESTRICTIONS was executed and acknowledged before on this \_\_\_\_\_ day the County Manager of Miami-Dade County or his designee who is:

\_\_\_\_ Who is personally known to me  
\_\_\_\_ Who produced identification: \_\_\_\_\_  
  Type of identification

before me, a Notary public duly authorized in the State and County named above to take acknowledgements and who ( ) did ( ) did not take an oath.

WITNESSETH my hand and official seal in the State and County above, this \_\_\_\_\_ day of \_\_\_\_\_, 2006

\_\_\_\_\_  
NOTARY PUBLIC, State of Florida

My Commission Expires:

DRAFT