

MEMORANDUM

Agenda Item No. 11(A)(17)

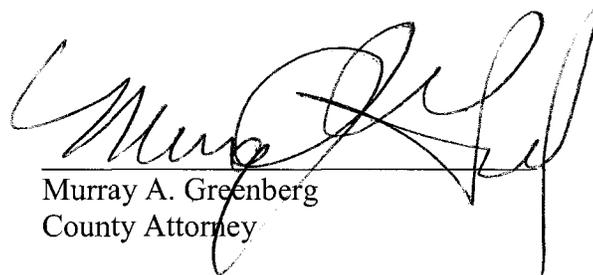
TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: March 6, 2007

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Resolution relating to the
Opa-locka Executive Airport
Community Development
Corporation (CDC)

The accompanying resolution was prepared and placed on the agenda at the request of the Airport and Tourism Committee.



Murray A. Greenberg
County Attorney

MAG/jls



MEMORANDUM

(Revised)

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

DATE: March 6, 2007

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Agenda Item No. 11(A)(17)

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)(17)

Veto _____

3-6-07

Override _____

RESOLUTION NO. _____

RESOLUTION RELATING TO OPA-LOCKA EXECUTIVE AIRPORT; DIRECTING THE MAYOR OR HIS DESIGNEE TO SEND A WRITTEN NOTICE TO THE OPA-LOCKA COMMUNITY DEVELOPMENT CORPORATION (CDC) IN WHICH CDC IS GIVEN NINETY (90) DAYS TO CURE ITS DEFAULTS UNDER THE REVIVED AND AMENDED AGREEMENT BETWEEN MIAMI-DADE COUNTY AND CDC, AND IF CDC FAILS TO PROVIDE AN ADEQUATE CURE WITHIN SUCH NINETY-DAY PERIOD, DIRECTING THE MAYOR OR HIS DESIGNEE TO SEND A NOTICE OF TERMINATION OF THE AGREEMENT

WHEREAS, in 1986 this Board approved a development lease agreement with the Opa-locka Community Development Corporation (“CDC”) for development of certain property at Opa-locka Executive Airport (“OPF”); and

WHEREAS, CDC failed to initiate any development under such agreement and the agreement therefore lapsed; and

WHEREAS, by Resolution No. R-991-96 this Board directed the County Manager to negotiate an amendment to the 1986 agreement, and by Resolution No. R-465-97, this Board approved the current Revived and Amended Agreement with CDC; and

WHEREAS, the 1997 agreement provided for a term of forty (40) years from the Effective Date of May 6, 1997, but for the past ten years CDC has failed once again to develop the property as provided for in the current agreement; and

WHEREAS, the County desires to provide CDC with one final opportunity to cure its defaults in not developing the property and is willing to permit CDC a 90-day period within which to cure its defaults under the agreement, which must include CDC’s entering into an

acceptable joint venture agreement with a developer and the joint venture successfully negotiating with the Aviation Department a development lease agreement for the premises,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board hereby directs the Mayor or his designee to send a written notice to CDC requiring CDC to cure its defaults under the Revived and Amended Agreement within ninety (90) days of such written notice, and if CDC fails to provide an adequate cure for such defaults within such ninety day period by entering into an acceptable joint venture agreement with a developer and the joint venture successfully negotiating with the Aviation Department a development lease agreement for the premises, the County Mayor or his designee is directed to send a written notice to CDC terminating the agreement.

The foregoing resolution was sponsored by the Airport and Tourism Committee 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 6th day of March, 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.

TPA

Thomas P. Abbott