

Memorandum

MIAMI-DADE
COUNTY

Date: April 8, 2008

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

From: George M. Burgess
County Manager

Agenda Item No. 8(F)(1)(D)

Subject: Retroactive Second Amendment to Lease Agreement
at 3300 N.W. 27 Avenue, Miami, for the Administrative Office of the Courts
Property # 3128-00-00

RECOMMENDATION

It is recommended that the Board of County Commissioners approve the attached resolution authorizing execution of a Retroactive Second Amendment to Lease Agreement for 50,448 square feet of space located at 3300 N.W. 27 Avenue, Miami, with the State of Florida Department of Juvenile Justice to be occupied by the Administrative Office of the Courts (AOC). The Amendment has been prepared by the State of Florida Department of Juvenile Justice at the request of the AOC. This amendment is retroactive due to the immediate need to provide an office/chamber for the new magistrate assigned to the juvenile court system.

PROPERTY: 3300 N.W. 27 Avenue, Miami.

COMMISSION DISTRICT: 2

OWNER: State of Florida Department of Juvenile Justice

USE: 50,448 rentable square feet of space on the first and second floors of the Juvenile Justice Center.

JUSTIFICATION: The Administrative Office of the Courts currently occupies space at the Juvenile Justice Center under a lease agreement with the State of Florida. The Chief Judge has the discretion to allocate judicial resources (Judges/Magistrates) to areas where demand and need require additional manpower. Recently, a new magistrate was assigned to the Juvenile Division of the 11th Judicial Circuit of Florida. In order to be able to accommodate the new magistrate, it was necessary to add 121 square feet of office/chamber space to the leased premises.

PURPOSE OF AMENDMENT:

- a) To increase the leased rentable square footage of the "Demised Premises" from 50,327 square feet to 50,448 square feet, as specified in the amendment.
- b) To increase the monthly rent effective February 1, 2008 through October 31, 2008 from \$50,245.21 to \$50,363.92, as a result of the additional square

footage. The current price per square foot will remain the same at \$11.98. The monthly rent effective November 1, 2008 through November 30, 2009 will be increased to \$74,284.68, which is equal to \$17.67 per square foot on an annual basis. The rental payments are adjusted during each renewal period.

FINANCIAL IMPACT:

Due to the increase in the square footage, the total rental costs for February 1, 2008 through October 31, 2008 will increase by \$1,068.39. The annual rent for the period commencing November 1, 2008 and ending November 30, 2009 will increase by \$287,049.12. This increase is necessary to cover building operational costs incurred by the State of Florida.

EFFECTIVE DATES
OF AMENDMENT:

This Retroactive Amendment to Lease Agreement shall become effective upon approval by the Board of County Commissioners and shall be retroactive to February 1, 2008.

CURRENT LEASE:

The current lease agreement was approved by the Board on November 17, 1981 by Resolution No. R-1771-81. A first amendment to the lease agreement was approved by the Board on May 9, 2006 by Resolution No. R-506-06, which increased the leased area by 8,409 square feet. The lease is for a two-year term with successive two-year renewal option periods. The current annual rental amount is \$602,942.52, which is equal to \$11.98 per square foot.

FUNDING SOURCE:

General Funds. This lease will be paid for out of the Administrative Office of the Courts operating budget.

COMMENTS:

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

The State of Florida requires that the County utilize the State's lease form in leases with State agencies.

MONITOR:

Tania Llado, Chief Real Estate Officer

DELEGATED AUTHORITY:

The County Mayor or his designee is authorized to execute a Retroactive Second Amendment to Lease Agreement, exercise the cancellation provision, and exercise the successive two-year renewal option periods.


Director
General Services Administration



MEMORANDUM

(Revised)

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

DATE: April 8, 2008

FROM: 
R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 8(F)(1)(D)

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
Veto _____
Override _____

Agenda Item No. 8(F) (1) (D)
4-8-08

RESOLUTION NO. _____

RESOLUTION AUTHORIZING EXECUTION OF A RETROACTIVE SECOND AMENDMENT TO LEASE AGREEMENT AT 3300 N.W. 27 AVENUE, MIAMI, WITH STATE OF FLORIDA DEPARTMENT OF JUVENILE JUSTICE FOR PREMISES TO BE UTILIZED BY THE ADMINISTRATIVE OFFICE OF THE COURTS FOR ITS JUVENILE AND DOMESTIC RELATIONS COURT; AND AUTHORIZING THE COUNTY MAYOR OR DESIGNEE 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 Retroactive Second Amendment to Lease Agreement between Miami-Dade County and State of Florida Department of Juvenile Justice for premises to be utilized by the Administrative Office of the Courts for its Juvenile and Domestic Relations Court, in substantially the form attached hereto and made a part hereof; authorizes the County Mayor or his designee to execute same for and on behalf of Miami-Dade County; and authorizes the County Mayor or his designee 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:

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 8th day of April, 2008. 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.



Monica Rizo

Approved _____ Mayor

Veto _____

Override _____

Agenda No. 8(F)(1)(B)

05-09-06

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

RESOLUTION NO. R-506-06

RESOLUTION AUTHORIZING EXECUTION OF A RETROACTIVE AMENDMENT TO LEASE AGREEMENT AT 3300 N.W. 27 AVENUE, MIAMI, WITH STATE OF FLORIDA DEPARTMENT OF JUVENILE JUSTICE FOR PREMISES TO BE UTILIZED BY THE ADMINISTRATIVE OFFICE OF THE COURTS FOR ITS JUVENILE AND DOMESTIC RELATIONS COURT; 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 Retroactive Amendment to Lease Agreement between Miami-Dade County and State of Florida Department of Juvenile Justice for premises to be utilized by the Administrative Office of the Courts for its Juvenile and Domestic Relations Court, 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 **Dennis C. Moss** who moved its adoption. The motion was seconded by Commissioner **Sally A. Heyman** and upon being put to a vote, the vote was as follows:

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

6

The Chairperson thereupon declared the resolution duly passed and adopted this 9th day of May, 2006. 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



KAY SULLIVAN
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

HCB

Hugo Benitez



STATE OF FLORIDA

DEPARTMENT OF MANAGEMENT SERVICES
AGREEMENT FOR MODIFICATION TO
INCREASE OR DECREASE SQUARE FOOTAGE,
AND RESTRUCTURE THE RENTAL RATE

LEASE NO.: WR-16232
MODIFICATION NO.: 1

WHEREAS, Dade County, a political subdivision of the State of Florida, hereinafter called Lessee and the State of Florida Department of Juvenile Justice, hereinafter called Lessor, has previously entered into Lease Number WR-16232, on January 7, 1982, effective November 1, 1981, which now consists of 41,918 square feet at a monthly rate of Thirty Nine Thousand Eight Hundred Sixty-Nine Dollars and 58/100 Cents (\$39,869.58).

WHEREAS, the current description of the leased premises is: (Current Description):

The Juvenile Court portion of the Dade Juvenile Justice Center, 3300 N. W. 27th Avenue, Miami, Florida 33142 ; and

WHEREAS, the Lessee has determined an increase in the amount of space provided by Lessor to Lessee under said Lease will be required; and both the Lessor and Lessee wish to amend and modify said lease so as to, restructure the rental rate(s) of the lease effective January 1, 2006.

NOW, THEREFORE, in consideration of the mutual promises and covenants herein contained, the parties hereto hereby agree as follows:

1. Commencing January 1, 2006, said Lease is hereby amended and modified to the extent necessary to increase the amount of space provided by Lessor to Lessee under said Lease from 41,918 square feet to 50,327 square feet, thereby resulting in a net increase of 8,409 square feet of space.

(Description of increased area)

Office space located at the Dade Juvenile Justice Center, 3300 NW 27th Avenue, Miami, Florida 33142 which shall constitute an aggregate area of 8,409 square feet of net rentable space.

8

2. For period commencing January 1, 2006, to and including October 31, 2007, said lease is hereby amended and modified to the extent necessary to restructure the amount of rental rate per square foot per year paid to the Lessor by the Lessee under said lease from Four Hundred Seventy Eight Thousand, Four Hundred Thirty-Four and 96/100 Dollars (\$478,434.96) to (See Rental Rate Addendum A Attached) per square foot per year, thereby resulting in a change of the monthly rental from Thirty Nine Thousand, Eight Hundred Sixty-Nine and 58/100 Dollars (\$39,869.58) to (See Rental Rate Addendum A Attached) per month, and description of the leased square footage is described as:

Office space located at the Dade Juvenile Justice Center, 3300 NW 27th Avenue, Miami, Florida 33142 which shall constitute an aggregate area of 50,327 square feet of net rentable space.

;and

3. The covenants and conditions contained in the original State of Florida, Department of Management Service's Lease Agreement No. WR-16-232, as amended by the above modification, are readopted by the Lessor and Lessee and incorporated herein.

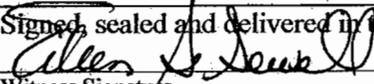
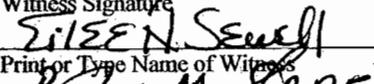
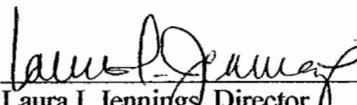
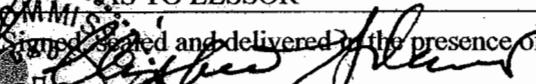
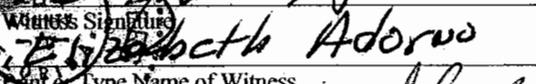
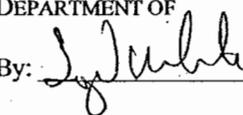
THIS SPACE LEFT INTENTIONALLY BLANK

9

IN WITNESS WHEREOF, the parties hereto have hereunto executed this instrument for the purpose herein expressed, this 19th day of September, 2004.

ANY MODIFICATION OF A LEASE AGREEMENT SHALL NOT BECOME LEGALLY EFFECTIVE UNTIL APPROVED/ACCEPTED BY THE DEPARTMENT OF MANAGEMENT SERVICES.

ORIGINAL SIGNATURES REQUESTED ON ALL COPIES

Signed, sealed and delivered in the presence of:  Witness Signature <u>EILEEN SEWELL</u> Print or Type Name of Witness <u>BYRON M. PAPER</u> Witness Signature  Print or Type Name of Witness <u>AS TO LESSOR</u>		LESSOR: STATE OF FLORIDA DEPARTMENT OF JUVENILE JUSTICE By:  Laura I. Jennings, Director Purchasing and Leasing Section Bureau of General Services
Signed, sealed and delivered in the presence of:  Witness Signature <u>ELIZABETH ADORVO</u> Print or Type Name of Witness <u>TANIA LLADO</u> Witness Signature  Print or Type Name of Witness <u>AS TO LESSEE</u>		LESSEE: DADE COUNTY, a political subdivision of the State of Florida: (SEAL) By:   George M. Burgess County Manager 
APPROVED AS TO CONDITIONS AND NEED THEREFOR DEPARTMENT OF MANAGEMENT SERVICES _____ General Services Manager, Bureau of Real Property Management _____ Director Division of Facilities Management APPROVAL DATE: _____	APPROVED AS TO FORM AND LEGALITY, SUBJECT ONLY TO FULL AND PROPER EXECUTION BY THE PARTIES GENERAL COUNSEL DEPARTMENT OF MANAGEMENT SERVICES By: _____ _____ Print or Type Name APPROVAL DATE: _____	APPROVED AS TO FORM AND LEGALITY, SUBJECT ONLY TO FULL AND PROPER EXECUTION BY THE PARTIES GENERAL COUNSEL DEPARTMENT OF _____ By:  <u>Tonia White</u> Print or Type Name APPROVAL DATE: <u>9-15-04</u>

DADE COUNTY

ADDENDUM "A"

Lease No.: WR-16232
50,327 Square Feet

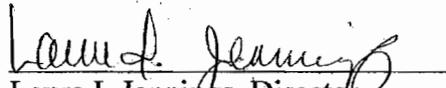
RENTAL RATES:

The Lessee shall pay the Lessor the following rates for the term specified below:

<u>TERM</u>	<u>AMOUNT PER SQ. FT.</u>	<u>MONTHLY RENTAL</u>
1/01/06 - 10/31/07	\$11.41	\$47,852.59 Forty seven Thousand, Eight Hundred Fifty-Two and 59/100 Dollars

Lessor: State of Florida
Department of Juvenile Justice

Lessee: Dade County, a Florida
political subdivision



Laura I. Jennings, Director
Purchasing and Leasing Section
Bureau of General Services

9/19/06

Date



George M. Burgess
County Manager


9/7/06

Date

RESOLUTION NO. R-1771-81

RESOLUTION AUTHORIZING EXECUTION OF RETROACTIVE LEASE AGREEMENT WITH STATE OF FLORIDA HEALTH AND REHABILITATIVE SERVICES AT 3300 N.W. 27TH AVENUE, FOR PREMISES TO BE USED BY DADE COUNTY FOR ITS JUVENILE AND DOMESTIC RELATIONS COURT; AND AUTHORIZING COUNTY MANAGER TO EXERCISE RENEWAL AND CANCELLATION PROVISIONS CONTAINED 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 DADE COUNTY, FLORIDA, that this Board approves the retroactive Lease Agreement between Dade County and State of Florida Health and Rehabilitative Services at 3300 N.W. 27th Avenue, for premises to be used by Juvenile and Domestic Relations Court, in substantially the form attached hereto and made a part hereof; authorizes the County Manager to execute same for and on behalf of Dade County; and to exercise the renewal and cancellation provisions contained therein.

The foregoing resolution was offered by Commissioner Clara Gesterle

, 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:

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

The Mayor thereupon declared the resolution duly passed and adopted this 17th day of November, 1981.

DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

RICHARD P. BRINKER, CLERK

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

By: RAYMOND REED
Deputy Clerk.

TO: Honorable Mayor and Members
Board of County Commissioners

DATE: November 17, 1981

FROM: M. R. Stierheim
County Manager

SUBJECT: Lease Agreement for
Juvenile Justice
Center between State
of Florida and Dade
County

RECOMMENDATION:

The following Lease has been reviewed by General Service Administration and is recommended for approval:

USING AGENCY: Dade County

USE: Juvenile and Domestic Relations Court.

PROPERTY: Approximately 41,918 square feet of space on the first and second floors of the Juvenile Justice Center located at 3300 N.W. 27 Avenue.

OWNER: State of Florida

TERMS: Two years at \$711,767.64 payable monthly at \$29,656.99 which is equal to \$8.49 a square foot on an annual basis. Landlord to provide complete interior and exterior maintenance according to specifications in addendum attached to and made a part of the Lease Agreement. Landlord shall also provide for the correction to the HVAC system in the intended modes, all building and grounds improvements and maintenance and provide an on site Building Manager.

EFFECTIVE DATES: November 1, 1981 to October 31, 1983

RENEWAL OPTION: Successive two-year period. Terms to be adjusted during each renewal period.

CANCELLATION PROVISION: Tenant may cancel by giving 120 days notice in writing to Landlord.

FORMER LEASE: None

FUNDING SOURCE: General Fund

STATE OF FLORIDA)
) SS:
COUNTY OF DADE)

I, RICHARD P. BRINKER, Clerk of the Circuit Court in and for Dade County, Florida, and Ex-Officio Clerk of the Board of County Commissioners of said County, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. R-1771-81, adopted by the said Board of County Commissioners at its meeting held on November 17, 19 81.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this 19th day of November, A. D. 19 81.

RICHARD P. BRINKER, Ex-Officio Clerk
Board of County Commissioners
Dade County, Florida

By Jesse G. Holzman
Deputy Clerk



Board of County Commissioners
Dade County, Florida

STATE OF FLORIDA

DEPARTMENT OF JUVENILE JUSTICE
AGREEMENT FOR MODIFICATION TO
INCREASE SQUARE FOOTAGE

LEASE NO. **WR-16232**
MODIFICATION NO.: **2**

WHEREAS, the Department of JUVENILE JUSTICE, as Lessor, has previously entered into Lease Number WR16232, on January 7, 1982, effective November 1, 1981, which now consists of 50,327 square feet; the current Lessee being Dade County, a political subdivision; and

WHEREAS, the current description of the leased premises is:

Office space located at the Dade Juvenile Justice Center, 3300 NW 27th Avenue, Miami, Florida 33142, which shall constitute an aggregate area of 50,327 square feet of net rentable space.

; and

WHEREAS, the Lessee has determined that an increase in the amount of square footage covered by the lease effective February 1, 2008; and

SPACE LEFT INTENTIONALLY BLANK

15

NOW, THEREFORE, in consideration of the mutual promises and covenants herein contained, the parties agree as follows:

1. Commencing February 1, 2008 the lease is amended to increase the amount of square feet provided by the Lease from 50,327 square feet to 50,448 square feet, thereby resulting in a net increase of 121 square feet of space. The description of added square footage is:

Office space located at Dade Juvenile Justice Center, 3300 NW 27th Avenue, Miami, Florida 33142, which shall constitute an increase of 121 square feet of net rentable space.

; and

2. Corresponding with such increase in square footage, the lease is hereby further amended to increase the total rent moneys being paid to the Lessor by the Lessee to the amounts shown on the **Revised Rent Schedule Addendum A1**, attached hereto; and description of the leased square footage is described as:

Office space located at the Dade Juvenile Justice Center, 3300 - 27th Avenue, Miami, Florida 33142, which shall constitute an aggregate area of 50,448 square feet of net rentable space.

, and

3. The covenants and conditions contained in the original State of Florida, Department of Juvenile Justice's Lease Agreement No.: WR-16232, as amended by the above modification are hereby readopted and incorporated herein.

16

IN WITNESS WHEREOF, the parties hereto have hereunto executed this instrument for the purpose herein expressed, this ____ day of _____, 20_____.

ANY MODIFICATION OF A LEASE AGREEMENT SHALL NOT BECOME LEGALLY EFFECTIVE UNTIL APPROVED/ACCEPTED BY THE DEPARTMENT OF JUVENILE JUSTICE.

ORIGINAL SIGNATURES REQUESTED ON ALL COPIES

<p>Signed, sealed and delivered in the presence of:</p> <p>_____ Witness Signature</p> <p>_____ Print or Type Name of Witness</p> <p>_____ Witness Signature</p> <p>_____ Print or Type Name of Witness</p> <p>As to President, General Partner, Trustee</p>	<p>LESSOR: STATE OF FLORIDA DEPARTMENT OF JUVENILE JUSTICE</p> <p>By: _____ Richard L. Haire, Director Purchasing, Leasing & Land Acquisitions Bureau of General Services</p>
<p>Signed, sealed and delivered in the presence of:</p> <p>_____ Witness Signature</p> <p>_____ Print or Type Name of Witness</p> <p>_____ Witness Signature</p> <p>_____ Print or Type Name of Witness</p> <p>AS TO LESSEE</p>	<p>LESSEE: DADE COUNTY, a political subdivision of the State of Florida</p> <p>By: _____</p> <p>_____ Print or Type Name</p> <p><u>County Mayor</u></p>
<p>APPROVED AS TO FORM AND LEGALITY, SUBJECT ONLY TO FULL AND PROPER EXECUTION BY THE PARTIES GENERAL COUNSEL DADE COUNTY</p> <p>By: _____</p> <p>_____ (Print Name and Title)</p> <p>APPROVAL DATE: _____</p>	<p>APPROVED AS TO FORM AND LEGALITY, SUBJECT ONLY TO FULL AND PROPER EXECUTION BY THE PARTIES</p> <p>GENERAL COUNSEL DEPARTMENT OF JUVENILE JUSTICE</p> <p>By: _____</p> <p><u>Tonja White, Assistant General Counsel</u> (Print Name and Title)</p> <p>APPROVAL DATE: _____</p>

DEPARTMENT OF JUVENILE JUSTICE

ADDENDUM "A1"

LEASE NO.: WR-16232

Modification 2

50,448 Square Feet

REVISED RENTAL RATES:

The Lessee shall pay the Lessor the following rates for the term specified below:

<u>TERM</u>	<u>AMOUNT PER SQUARE FOOT</u>	<u>MONTHLY RENTAL</u>	<u>ANNUAL</u>
2/01/2008 – 10/31/2008	\$11.98	\$50,363.92	(9 months) \$453,275.28
11/01/2008 – 10/31/2009	\$17.67	\$74,284.68	\$891,416.16

18

