Memorandum

MIAMI-DADE COUNTY

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

Date: May 5, 2009

To: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Second Amendment to Lease Agreement at South Dade Skills Center 28300 S.W. 152 Avenue, Miami with The School Board of Miami-Dade County, Florida
Property # 7904-03-02

RECOMMENDATION

It is recommended that the Board approve the attached resolution authorizing execution of the Second Amendment to Lease Agreement for 10 acres of land including 41,651 square feet of classroom and building space located at South Dade Skills Center, 28300 S.W. 152 Avenue, Miami, with School Board of Miami-Dade County, Florida. The attached Second Amendment to Lease Agreement has been prepared by General Services Administration at the request of the Department of Human Services (DHS).

PROPERTY:	South Dade Skills Center 28300 S.W. 152 Avenue, Miami
COMMISSION DISTRICT:	9
OWNER:	Miami-Dade County
USE:	10 acres of land including 41,651 square feet of classroom and building space.
JUSTIFICATION:	The School Board of Miami-Dade County, Florida (School Board) currently occupies the property under a lease agreement. The School Board has responsibility for all building operations expenses, which includes building utilities, routine building and grounds maintenance, security and custodial services, as well as repair of major building components, such as exterior walls, windows, roof, air-conditioning, plumbing and electrical systems. In addition, the lease agreement requires the School Board to pay a portion of the County's building management staff salaries, estimated at $62,230.00 for fiscal year 2007-2008. The School Board needs to continue using the property for student classes.

PURPOSE OF AMENDMENT:

a) Extend the term of the Lease Agreement for a five-year period commencing on December 1, 2007 and ending on November 30, 2012.

b) Incorporate the provision that in the event of any litigation between the parties that each party shall be responsible for its own attorney's fees and court costs through trials and appellate levels

c) Incorporate the provision that parties shall comply with all applicable laws, rules, regulations, ordinances and codes of Federal, State and Local Governments, including but not limited to the Americans with Disabilities Act.

FINANCIAL IMPACT:

Annual revenue to the County will be $62,231.00 which includes the rental rate of $1.00 plus a portion of the DHS building management staff's salary, which is approximately $62,230.00.

EFFECTIVE DATES OF AMENDMENT:

This Second Amendment to Lease Agreement shall become effective upon approval by the Board of County Commissioners and shall terminate November 30, 2012.

CURRENT LEASE:

The current lease agreement was approved by the Board on November 18, 1997 by Resolution No. R-1336-97. The lease is for a five-year term with one five-year renewal option period. The first amendment to the lease agreement, approved by the Board on November 19, 2002 by Resolution No. R-1316-02, modified the term of the lease to one-year with four-additional one-year renewal options; reduced the annual rental rate to $1.00 per year; and transferred responsibility of utilities and operating expenses for the building to the tenant. While the School Board authorized the amendment to the lease agreement at their November 14, 2007 meeting, County staff was reviewing other clauses to ascertain if additional amendments were required. The School Board is current with all their obligations under the lease.

COMMENTS:

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

MONITOR:

Tania Llado, Chief Real Estate Officer

DELEGATED AUTHORITY:

The County Mayor or his designee is authorized to execute a Second Amendment to Lease Agreement and to exercise the cancellation provision.

Wendi J. Norris, Director
General Services Administration

Office of Superintendent of Schools
Board Meeting of November 20, 2007

November 14, 2007

Office of School Facilities
Jaime G. Torrens, Chief Facilities Officer

SUBJECT: **AUTHORIZATION FOR THE SUPERINTENDENT TO FINALIZE NEGOTIATIONS AND EXECUTE AN AMENDMENT TO THE LEASE AGREEMENT WITH MIAMI-DADE COUNTY FOR THE SOUTH DADE SKILLS CENTER, LOCATED AT 28300 SW 152 AVENUE, LEISURE CITY, TO CONTINUE THE LEASE FOR FIVE MORE YEARS**

COMMITTEE: **FACILITIES AND CONSTRUCTION REFORM**

LINK TO STRATEGIC PLAN: **IMPROVE CONSTRUCTION SERVICES**

Introduction

Since 1976, the Board has leased space at 28300 SW 152 Avenue, for the South Dade Skills Center (Center), from Miami-Dade County (County). Out of the total building square footage of 45,216 square feet, the County occupies 1,934 square feet for the Farm Worker Training Program and the District utilizes approximately 37,000 square feet; another 6,000 square feet on the ground floor is unused, as it is prone to flooding.

The lease agreement with the County provides for an annual rent of $1, with the District having responsibility for all building operations expenses, which includes building utilities, routine building and grounds maintenance, security and custodial services, as well as repair of major building components, such as exterior walls, windows, roof, air conditioning, plumbing and electrical systems. In addition, the lease requires the District to pay a portion of the County's building management staff salaries, estimated at $52,983 for 2006-07. The County will in turn reimburse the District for its proportional share of the building utility and maintenance costs for the 1,934 square feet of space it occupies, which was approximately $13,100 for 2006-07. Cost to the District for all building operating expenses for the period of July 1, 2006 to June 30, 2007, minus the County's reimbursement, was approximately $494,763.

The current population at the Center is comprised of 883 students. Of those, 497 are adult daytime and 80 are daytime ESE- dual enrollment students (total of 577), and 306 are adult evening students.

REPLACEMENT
F - 16

Additional Information

The current term of the lease agreement will expire November 30, 2007, and no renewal options remain. Staff explored alternatives to continued use by the District of the leased space, and to that end Facilities Planning collaborated with the Center Principal and Regional staff to review and discuss possible alternate locations for the educational functions now located within the Center.

These options included:

Option 1:

Use of South Dade Senior High School – extending the existing lease with the County to allow continued use of the Center until August 2008, with the possible relocation of the high school students attending the Center to South Dade Senior High School, and the distribution of adult classes to Robert Morgan Educational Center (Robert Morgan), the main South Dade Adult Education Center (South Dade Adult), classrooms at the Homestead Homeless Assistance Center (HAC), South Dade Senior High School (evening only) and Job Corp.

Option 2:

Possible Reuse of the former Science Wing on the campus of South Dade Senior High School –subsequent to the opening of the replacement South Dade Senior High School, potentially repurposing an existing 14-classroom building for this use. This would require capital improvements, the cost of which has been estimated at approximately $2,000,000. Under this scenario, the existing lease with the County would need to be extended for up to an additional year (November 30, 2008). Just as in the above scenario, adult classes would be distributed among different facilities.

Option 3:

Remain at the current location - extending the existing lease with the County to allow continued use of the Center. Annual ongoing costs to the District are expected to remain at approximately $500,000. In addition to the on-going operating costs, the District will remain responsible for the building systems, including roofing, HVAC, and building envelope, at an additional potential expense to the District.

School Operations Recommendations

After reviewing the above three options, and determining that there are no other viable options, School Operations has provided a recommendation that the Center remain at the current location for the foreseeable future. This recommendation is predicated on the following:

- moving operations from the Center would eliminate a District presence for these services east of US 1;
- current classes offered at the Center, such as auto mechanics, would not be practical to replicate at another school site due to the nature and expense of the equipment;
- the relocation of several programs to existing secondary schools during day hours would not be practical due to the co-mingling of adult students and secondary students; and

- a significant majority of students attending the Center have limited access to public transportation and, as such, would not be able to benefit from the adult education program at another site.

Proposed Lease Amendment

Based on the recommendation from School Operations, staff seeks Board authorization to amend the current lease agreement to provide one additional five-year renewal option period (December 1, 2007 through November 30, 2012). In addition, the lease agreement will be amended to incorporate the provisions of the Jessica Lunsford Act, and to specify that each party will be responsible for its own attorney fees in the event of litigation against the other. All other terms and conditions of the lease agreement will remain unchanged, including the following:

- annual rental rate of $1;
- the District is responsible for payment of a percentage of the County's building management staff, which is estimated at $62,230 for 2007-08, as well as all building operations expenses, including the payment of water and sewer, electrical, gas, waste removal and any other utilities serving the facility, routine building and grounds maintenance, security and custodial services;
- the County shall reimburse the District for its proportional share of the building utility and maintenance costs for the 1,934 square feet of space it presently occupies, which is estimated at $13,500 for 2007-08;
- the District is responsible for all other maintenance and repair of the building and its major components, such as exterior walls, windows, roof, air conditioning system and plumbing and electrical systems;
- the District has the right to cancel the lease at any time by giving the County sixty (60) days prior written notice; and
- the County has the right to cancel only if the District defaults under the terms of the lease and fails to cure such default.

The proposed lease amendment will be reviewed by the Office of Risk and Benefits Management and the School Board Attorney's Office prior to its execution.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, authorize the Superintendent to finalize negotiations and execute an amendment to the lease agreement with Miami-Dade County for the South Dade Skills Center, located at 28300 SW 152 Avenue, at an annual rental rate of $1, and substantially in conformance with the terms and conditions listed above. The term of the renewal option period will commence December 1, 2007 and will end November 30, 2012.

MAL

MEMORANDUM

Substitute
Agenda Item No. 6(F)(1)(I)

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: November 19, 2002

SUBJECT: Amendment to Lease at 28300 S.W. 152 Avenue, with the School Board of Miami-Dade County
Property #7904-03-02

FROM: Steve Shiver
County Manager

This item is being substituted to modify the square footage occupied by the County from 3,565 square feet to approximately 1,934 square feet, subject to final measurement, to modify the financial impact, and to include language in the amendment providing for the County Manager and the Superintendent of Schools to modify the square footage.

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

PROPERTY: The South Dade Skill Center
28300 S.W. 152 Avenue, Miami

OWNER: Miami-Dade County

TENANT: The School board of Miami-Dade County

USE: Classroom training and related uses.

PURPOSE OF AMENDMENT:

a.) Reduce the annual rental rate from $384,688.17 to $1.00.

b.) Tenant shall assume the responsibility for the payment of water and sewer, electrical, gas, waste removal and any other utilities serving the facility, and for routine building and grounds maintenance, security and custodial services, except that Landlord shall reimburse Tenant for its proportional share of the building utility and maintenance costs for approximately 1,934 square foot space occupied by the Landlord.

c.) Tenant shall reimburse the County for thirty percent (30%) of the salary and benefits for the Center Director and fifty percent (50%) of the salary and benefits for the Center Director's secretary.

d.) The Tenant shall assume responsibility for all other maintenance and repair of major building components, such as exterior walls, windows, roof, air conditioning system, plumbing and electrical systems.

e.) Modify the term of the lease to one (1) year, with four (4) additional one-year renewal options

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JUSTIFICATION: The South Dade Skills Center is situated a ten-acre former rock pit, and includes approximately 45,216 square feet of buildings, grounds and a small lake. The School Board has been leasing 43,282 square feet at the Skills Center from the County since 1976 to provide vocational and adult education and training to the South Dade migrant community. The County occupies the remaining 1,934 square feet at the facility, from which it administers the Farmworker Training Program, manages the facility and grounds, and coordinates various other activities for the migrant community. The current lease term expires November 30, 2002; however, the School Board has an option to renew for an additional five-year period. The School Board would like to renew the lease, but not under the present terms and conditions, which require that the School Board pay rent equivalent to its pro-rata share of the facility's operating expenses, which amounted to $384,688.17 for the current term.

Following extensive negotiations, the School Board has requested that the rental rate be reduced to $1.00 a year, in exchange for their assuming all operational and maintenance costs of the entire facility and grounds, which they believe can be reduced by careful coordination with other existing school facilities in the area. The amended agreement requires that facility appearance and condition be maintained. In addition, the School Board has agreed to cover a significant portion of the personnel expense for the Center Director and secretary, both of whom are County employees and will continue to manage the facility. The County will be required to reimburse the School Board for its pro-rata share of operating expenses (due to its occupancy of the 1,934-square foot area).

TERM: One year with four one-year renewal options.

FINANCIAL IMPACT: Two custodial staff will be affected in the reduction of building responsibilities. The revenues generated from the previous lease were only sufficient to cover operating and maintenance costs of the facility. All of those costs will now be assumed by the Tenant.

EFFECTIVE DATES OF AMENDMENT: Commencing December 1, 2002 and terminating November 30, 2003

FORMER LEASE: On November 18, 1997 the Board passed Resolution No. R-1366-97 authorizing execution of lease Agreement at South Dade Skill Center with the Dade county School Board. That lease agreement commenced on December 1, 1997.

CANCELLATION PROVISION: The tenant may cancel by giving 60 days written notice. The County may cancel by giving 60 days written notice due to the tenant's default of lease provisions.

COMMENTS: Attached for your information is a copy of the previously approved resolutions and memorandums with data concerning the Lease.

Approved _____ Mayor
Veto _____
Override _____

Subs: lute
Agenda Item No. 6(F)(1)(I)
11-19-02

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

RESOLUTION NO. R-1316-02

RESOLUTION AUTHORIZING THE EXECUTION OF A LEASE AMENDMENT AT SOUTH DADE SKILL CENTER LOCATED AT 28300 S.W. 152 AVE., MIAMI, WITH THE MIAMI-DADE COUNTY SCHOOL BOARD FOR PREMISES TO BE UTILIZED AS CLASSROOMS FOR EDUCATIONAL PURPOSES, UPON PROPER EXECUTION; AUTHORIZING THE COUNTY MANGER TO EXECUTE SAME AND EXERCISE ANY AND ALL 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,

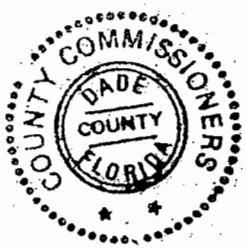
NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI DADE COUNTY, FLORIDA, that this Board hereby approves a Lease Amendment between Miami-Dade County and Miami-Dade County School Board, for premises to be utilized as classrooms and educational purposes, in substantially the form 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 rights conferred therein.

The foregoing resolution was offered by Commissioner **Rebeca Sosa**, who moved its adoption. The motion was seconded by Commissioner **Dennis C. Moss** and upon being put to a vote, the vote was as follows:

Bruno A. Barreiro	**absent**	Dr. Barbara Carey-Shuler	**aye**
Jose "Pepe" Diaz	**absent**	Betty T. Ferguson	**aye**
Sally A. Heyman	**aye**	Joe A. Martinez	**aye**
Jimmy L. Morales	**aye**	Dennis C. Moss	**aye**
Dorrin D. Rolle	**aye**	Natacha Seijas	**absent**
Katy Sorenson	**aye**	Rebeca Sosa	**aye**

Sen. Javier D. Souto **aye**

The Chairperson thereupon declared the resolution duly passed and adopted this 19th day of November, 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.

Richard B. Rosenthal

By: **KAY SULLIVAN**
Deputy Clerk

M E M O R A N D U M

Agenda Item No. 6(A)(2

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: November 18, 1997

SUBJECT: Lease Agreement at 28300 S.W. 152 Avenue with the School Board of Dade County for Dade County-owned Property

FROM: Armando Vidal, P.E.
County Manager

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:	The South Dade Skill Center, 28300 S.W. 152 Avenue, Miami.
OWNER:	Dade County.
TENANT:	The School Board of Dade County.
USE:	41,651 square feet of classroom and office space.
JUSTIFICATION:	The Dade County School Board has a need to continue utilizing this facility for basic educational and vocational training for migrant workers from the South Dade area. The School Board has been at this location for the past eighteen years.
LEASE TERM:	Five years with one additional five-year renewal option period.
RENTAL RATE:	Annual revenue to the County is $345,071.83 which is equal to $8.28 per square foot. The annual rent will be adjusted in accordance with the annual percentage increase in the Consumer Price Index. In no event shall the increase exceed five percent

LEASE CONDITIONS:	The County will provide limited maintenance, security and custodial services. Maintenance of equipment utilized solely for the tenant's program shall be tenant's responsibility. The County will pay for water, and electricity charges.
EFFECTIVE DATE:	Commencing December 1, 1997 and terminating November 30, 2002.
CANCELLATION PROVISION:	The tenant may cancel by giving 60 days written notice. The County may cancel by giving 60 days written notice due to the tenant's default of unfulfilled covenants of contract.
FORMER LEASE:	On July 7, 1992, by Resolution No. R-799-92, the Board retroactively approved a lease agreement for one year with five additional one-year renewal option periods. The lease commenced on December 1, 1991.
OTHER PROPERTIES EVALUATED:	The rate negotiated at this location reflects the actual building operational costs.

This item is scheduled for review by the Policy Formulation and Internal Support Committee at its meeting of October, 1997.

Approved _____ Mayor

Veto _____

Override _____

Agenda Item No. 6(A)(2)
11-18-97

RESOLUTION NO. R-1366-97

RESOLUTION AUTHORIZING EXECUTION OF LEASE AGREEMENT AT THE SOUTH DADE SKILL CENTER, 28300 S.W. 152 AVENUE, MIAMI, WITH THE DADE COUNTY SCHOOL BOARD FOR PREMISES UTILIZED AS CLASSROOMS FOR EDUCATIONAL PURPOSES; 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 DADE COUNTY, FLORIDA, that this Board hereby approves the Lease Agreement between Dade County and the Dade County School Board, for premises utilized as classrooms for educational purposes, 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 authorizes the County Manager to exercise any and all other rights conferred therein.

The foregoing resolution was offered by Commissioner James Burke, 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	aye	James Burke	aye
Dr. Barbara M. Carey	aye	Miguel Diaz de la Portilla	aye
Betty T. Ferguson	aye	Bruce C. Kaplan	absent
Gwen Margolis	aye	Natacha Seijas Millan	aye
Jimmy L. Morales	aye	Dennis C. Moss	aye
Pedro Reboredo	absent	Katy Sorenson	aye

Javier D. Souto aye

The Chairperson thereupon declared the resolution duly passed and adopted this 18th day of November, 1997. 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.

DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

HARVEY RUVIN, CLERK

Approved by the County Attorney as
to form and legal sufficiency. 1162

By: KAY SULLIVAN
Deputy Clerk

MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

DATE: May 5, 2009

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

SUBJECT: Agenda Item No. 8(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 Mayor'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)(A)

5-5-09

RESOLUTION NO. _____

RESOLUTION RETROACTIVELY AUTHORIZING A SECOND AMENDMENT TO LEASE AGREEMENT AT THE SOUTH DADE SKILLS CENTER, 28300 S.W. 152 AVENUE, MIAMI, WITH THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, FOR PREMISES TO BE UTILIZED AS CLASSROOMS FOR EDUCATIONAL PURPOSES; AND AUTHORIZING THE COUNTY MAYOR OR DESIGNEE TO EXECUTE SUCH AMENDMENT EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN

WHEREAS, the School Board of Miami-Dade is a political subdivision of the State of Florida; and

WHEREAS, the School Board of Miami-Dade desires to use certain county-owned property located at 28300 S.W. 152 Avenue, Miami for premises to be used as classrooms for education purposes; and

WHEREAS, the County is satisfied that The School Board of Miami-Dade does require a county-owned property for such use and the property is not otherwise needed for County purposes; and

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 retroactively approves the Second Amendment to Lease Agreement between Miami-Dade County and the School Board of Miami-Dade County, Florida, for premises to be utilized by as classrooms for educational purposes, 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:

Dennis C. Moss, Chairman
Jose "Pepe" Diaz, Vice-Chairman

Bruno A. Barreiro	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Barbara J. Jordan	Joe A. Martinez
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 5th day of May, 2009. 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. MR

Monica Rizo

SECOND AMENDMENT TO LEASE AGREEMENT

THIS SECOND AMENDMENT TO LEASE AGREEMENT (the "Amendment") is made and entered into this _____ day of _____ 2008, by and between THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, a body corporate and politic (hereinafter referred to as the "TENANT"), and MIAMI-DADE COUNTY, a political subdivision of the State of Florida (hereinafter referred to as the "LANDLORD").

WITNESSETH

WHEREAS, the LANDLORD and TENANT entered into that certain Lease Agreement dated November 18, 1997 (the "Lease"); and

WHEREAS, the LANDLORD and TENANT entered into that certain Lease Amendment dated December 2, 2002; and

WHEREAS, the LANDLORD and TENANT are desirous of amending certain terms and conditions of the Lease as set forth hereinbelow; and

WHEREAS, The School Board of Miami-Dade County, Florida, has authorized this Amendment in accordance with Board Action No. 110,874, at its meeting of November 20, 2007.

NOW, THEREFORE, for and in consideration of the conditions and covenants hereinafter contained and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. The foregoing recitals are true and correct and are incorporated herein by reference.

2. Article XVI of the Lease is hereby amended to add the following paragraph:

   "Effective December 1, 2007, the term of the Lease shall be extended for the five (5) year period commencing December 1, 2007 and ending November 30, 2012."

3. Article XXIV shall be amended to add the following provisions:

   "9. Legal Fees and Court Costs

   In the event of any litigation between the parties under this Lease Agreement, each party shall be responsible for its own attorney's fees and court costs through trials and appellate levels. The provisions of this

paragraph shall survive the termination of this Lease Agreement."

"10. Compliance with Federal, State and Local Laws

The Parties shall comply with all applicable laws, rules, regulations, ordinances and codes of Federal, State and Local Governments, as they may be amended from time to time, including, but not limited to, the Americans with Disabilities Act, as they apply to this Lease Agreement."

4. All other terms and conditions of the Lease shall remain in full force and effect.

THE REMAINDER OF THIS PAGE LEFT INTENTIONALLY BLANK

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

LANDLORD:
MIAMI-DADE COUNTY, FLORIDA

By:_____
Name:_____
Title:_____

TENANT:
THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA

Rudolph F. Crew, Ed.D.
Superintendent of Schools

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

11/6/08

School Board Attorney

MIAMI-DADE COUNTY
BOARD OF COUNTY COMMISSIONERS
OFFICE OF THE COMMISSION AUDITOR

Legislative Notes

Agenda Item: 8(F)1(A)

File Number: 090914

Committee(s) of Reference: Board of County Commissioners

Date of Analysis: April 15, 2009

Type of Item: Second Amendment to a Lease Agreement

Commission District 9

Summary

This resolution approves a second amendment to a lease agreement at the South Dade Skills Center, with the School Board of Miami-Dade County (SB).

Background and Relevant Legislation

	Resolution	Terms	Fiscal Impact
Original Lease Agreement	R-1336-97	• Approved in November 1997; • 5 year term with one 5 year renewal option; and • Annual rent is $384,688	• Annual Revenue to the Count is $384,688
Amendment One	R-1316-02	• Reduce annual rent from $384,688 to $1.00 • SB will assume all operational costs and maintenance costs of the entire facility; • SB will reimburse County for DHS building management staff's salary; and • Term modification to one (1) year, with four (4) additional one-year renewal options	• SB is responsible for total Operating cost in excess of $500,000 a year plus capital expenses for building upgrade (i.e new roof, HVAC system); • SB covers 30% of salary and benefits for the Center Director which amounts to $41,280; • SB covers 50% salary and benefits for Center Director secretary which amounts to $20,949
Amendment Two		• Extend term of Lease Agreement for a five year period commencing on December 1, 2007 and ending on November 30, 2012;	• Annual revenue to the County $62,231 which includes the rental rate of $1.00 plus a portion of the DHS building management staff's

		• Include provision that in the event any litigation between the parties that each party will be responsible for its own attorney's fees and court costs; and • Include provision that all parties will comply with applicable laws, rules, regulations, ordinances of Federal, State and Local governments.	salary (total $62,230).

There are no gaps in the lease agreement since it is on a month to month basis.

Budgetary Impact

Annual revenue to the County totals $62,231.

Prepared by: Mia B. Marin