MEMORANDUM Agenda Item No. 11(A)(5)

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

DATE: July 8, 2010

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

SUBJECT: Resolution directing County Mayor to prepare report relating to status of lease agreement between Miami-Dade County and the University of Miami for a development of medical practice building and hospital

This item differs from the original in that it deletes the language that would conditionally withhold future County funds to the University of Miami.

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan.

R. A. Cuevas, Jr.
County Attorney

RAC/cp

MEMORANDUM

(Revised)

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

DATE: July 8, 2010

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

SUBJECT: Agenda Item No. 11(A)(5)

Please note any items checked.

_____ **"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**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous_____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

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Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(5)
7-8-10

RESOLUTION NO. _____

RESOLUTION DIRECTING COUNTY MAYOR OR MAYOR'S DESIGNEE TO PREPARE REPORT RELATING TO STATUS OF LEASE AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE UNIVERSITY OF MIAMI FOR A DEVELOPMENT OF MEDICAL PRACTICE BUILDING AND HOSPITAL

WHEREAS, in 2005, pursuant to Resolution R-1083-05, Miami-Dade County, at the initiation of the University of Miami ("University"), entered into a long-term ground lease ("Lease") with the University, for real property (the "Site") which is part of the designated facilities of the Public Health Trust ("PHT"); and

WHEREAS, the University committed to construct on the Site a multispecialty medical practice building and hospital for the use and benefit of the University's Miller School of Medicine and the patients that it serves; and

WHEREAS, the Lease requires that the parties agree to a "Campus Rationalization Plan" to ensure that the University's construction on the Site is consistent with the overall plans for the University of Miami/Jackson Memorial Medical Center; and

WHEREAS, the medical practice building and hospital were to be constructed on five adjoining parcels of land, three owned by Miami-Dade County and two owned by the University; and

WHEREAS, pursuant to Resolution R-1084-05, Miami-Dade County, at the initiation of the University, authorized the County Manager or his designee to execute a Declaration of Restrictive Covenants in Lieu of Unity of Title ("Covenant") so that the adjoining parcels could be treated together for zoning purposes; and

WHEREAS, to-date, it appears that the University has not pursued plans to construct a multispecialty medical practice building and hospital on the Site; and

WHEREAS, this Board wishes to direct the Mayor or his designee to report to the Board the status of the University's development plans for the medical practice building and hospital on the Site and to recommend to the Board resolution to outstanding Lease issues, if any[[~~; and~~]][1]

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[[~~**WHEREAS,** this Board wishes to establish as its policy that, until such time that the Board receives and accepts such report, no County funds shall be granted to the University for any reason, with the exception of any amounts the County is contractually required to remit pursuant to any previously approved agreements,~~]]

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that[[~~:~~

~~Section 1 This~~]] >>this<< Board hereby directs the County Mayor or Mayor's designee to submit a written report directly to this Board without committee review within forty-five (45) days from the effective date of this resolution detailing the current status of the University's development of the medical practice building and hospital contemplated by the Lease, including but not limited to, an assessment of the status of the development and adoption of the Campus Rationalization Plan, any design or construction documents submitted to the County or the Trust by or on behalf of the University regarding the utilization of the Site, any permits applied for and/or issued for the development on the Site, evidence of the execution and recordation of the Declaration of Restrictive Covenants in Lieu of Unity of Title for the Site, and any other documents evidencing the University's intentions regarding its development and utilization of

[1] The differences between the substitute and the original item are indicated as follows: words double stricken through and/or [[double bracketed]] shall be deleted, words double underlined and/or >>double arrowed<< constitute the amendment proposed.

the Site. The report shall include a recommendation as to how best to resolve any outstanding Lease issues, which recommendation may include a proposed amendment to the Lease.

[[~~Section 2. This Board hereby establishes as its policy that, until such time that the Board receives and accepts such report, no County funds shall be granted to the University for any reason, with the exception of any amounts the County is contractually required to remit pursuant to previously approved agreements.~~]]

The Prime Sponsor of the foregoing resolution is Commissioner Barbara J. Jordan. It 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 8th day of July, 2010. 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.

Jeffrey Poppel

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