

MEMORANDUM

Agenda Item No. 14(A)(20)

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

DATE: June 15, 2010

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

SUBJECT: Resolution authorizing Jessie Trice Community Health Center, Inc., formerly known as Economic Opportunity Family Health Center, Inc. to mortgage property located at 5361 NW 22nd Avenue, Miami, Florida and directing the County Mayor to execute and prepare all documents necessary to effectuate same

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



R. A. Cuevas, Jr.
County Attorney

RAC/jls



MEMORANDUM

(Revised)

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

DATE: June 15, 2010

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

SUBJECT: Agenda Item No. **14(A)(20)**

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

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 14(A)(20)
6-15-09

RESOLUTION NO. _____

RESOLUTION AUTHORIZING JESSIE TRICE COMMUNITY HEALTH CENTER, INC., FORMERLY KNOWN AS ECONOMIC OPPORTUNITY FAMILY HEALTH CENTER, INC. TO MORTGAGE PROPERTY LOCATED AT 5361 NW 22ND AVENUE, MIAMI, FLORIDA AND DIRECTING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO EXECUTE AND PREPARE ALL DOCUMENTS NECESSARY TO EFFECTUATE SAME

WHEREAS, pursuant to Resolution R-1201-98, in December 1998, Miami-Dade County conveyed Property located at 5361 NW 22nd Avenue, Miami, Florida to the Economic Opportunity Family Health Center, Inc., a not-for-profit corporation, now known as Jessie Trice Community Health Center, Inc. (JTCHC) for operation as a medical clinic, pursuant to the County Deed attached hereto as Exhibit "A" (the "Property"); and

WHEREAS, pursuant to Resolution R-496-03 in May 2003, Miami-Dade County conveyed real property located at 5361 NW 22nd Avenue, Miami, Florida to the Economic Opportunity Family Health Center, Inc., a not-for-profit corporation, now known as Jessie Trice Community Health Center, Inc. for purposes of platting the Community Health Center Plat as recorded in Plat Book 168, Page 80 of the Public Records of Miami-Dade County, Florida, pursuant to the County Quit Claim Deed attached hereto as Exhibit "B" (the "Property"); and

WHEREAS, the County Deeds include a restriction that the Property cannot be mortgaged without prior approval of the Miami-Dade County Board of County Commissioners; and

WHEREAS, JTCHC has requested permission to mortgage the Property in order to obtain additional funds to construct a corporate/dental office building to be located at NW 27th Avenue and 55th Street, which construction will also be funded by a GOB grant from the County, a Health Foundation from South Florida grant, and an ARRA stimulus grant (Exhibit “C”); and

WHEREAS, it is in the best interests of the community to provide quality health care to the public; and

WHEREAS, the County Deeds include a right of reverter in the event that any of the deed restrictions are breached, including failure to operate the Property as a medical clinic; and

WHEREAS, notwithstanding the mortgage, the County seeks to maintain the current restrictions and right of reverter on the Property, although the same may be encumbered by such mortgage,

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

Section 1. This Board ratifies and adopts these matters set forth in the foregoing recitals.

Section 2. This Board authorizes JTCHC to mortgage the Property in an amount to be determined and approved in writing by the County Mayor or Mayor’s designee and not to exceed \$4,600,000; provided however that although encumbered by the mortgage, the restrictions and the County’s right of reverter will survive.

Section 3. This Board authorizes the County Mayor or Mayor’s designee to take all actions necessary to accomplish the actions stated herein, and to prepare and execute any additional necessary documents in connection therewith, including any necessary federal

approvals, after review and approval for legal sufficiency of same by the County Attorney's Office.

Section 4. Pursuant to Resolution R-974-09, this Board (a) directs the County Mayor or Mayor's designee to record any instruments executed in connection herewith which create or reserve a property interest in favor of the County, in the Public Records of Miami-Dade County, Florida; and to provide a recorded copy of instruments to the Clerk of the Board within thirty (30) days of execution of said instruments; and (b) directs the Clerk of the Board to attach and permanently store a recorded copy of said instruments together with this resolution.

The Prime Sponsor of the foregoing resolution is Commissioner Audrey M. Edmonson. 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 15th day of June, 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.



Debra Herman

OFF REC 18406 PD 3975

98R625448 1998 DEC 24 11:44

Instrument prepared by and return to:
Jacob Dorn, Real Estate Officer
GSA/Facilities Planning and Development Division
111 N.W. 1 Street, Suite 2460
Miami, Florida 33128-1907

DOCSTPDL HARVEY RUVIN, U.68 SIXTY CLERK DADF COUNTY, FL U.45

Folio No. 30 3115 016 0480 and 30 3115 016 0560

COUNTY DEED

THIS DEED, made this 20th day of December, 1998 A.D. by MIAMI-DADE COUNTY, FLORIDA, a Political Subdivision of the State of Florida, party of the first part, whose address is: Stephen P. Clark Center, 111 N.W. 1 Street Suite 17-202, Miami, Florida 33128-1963, and Economic Opportunity Family Health Center, Inc., party of the second part, whose address is 5361 N.W. 22 Avenue, Miami, FL 33142:

WITNESSETH:

That the said party of the first part, for and in consideration of the sum of (One Dollar and No/100 (\$1.00)) to it in hand paid by the party of the second part, receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said party of the second part, the following described land lying and being in Miami-Dade County, Florida:

Lots 1 through 12, Block 4, less the West 25.00 feet of Lots 6 and 7 for road purposes, and Lots 3 through 9 of Block 5, less the East 1/2 of Lot 3, and less the West 25.00 feet of Lots 6 and 7 for road purposes, all of "Oinda Villas Subdivision", Plat Book 5, Page 95, as recorded in the public records of Miami-Dade County, Florida

This conveyance shall be subject to the Economic Opportunity Family Health Center, Inc.: 1) maintaining its status as a not-for-profit corporation, 2) maintaining its Internal Revenue Status as a 501(c)(3) corporation, 3) not conveying or mortgaging the property without the prior approval of the Miami-Dade County Board of County Commissioners, 4) not allowing any permitted mortgage to be in default, 5) continuing to operate the property as a medical clinic. Failure of the Economic Opportunity

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Family Health Center, Inc. to comply with all the terms of this paragraph, after thirty days written notice, shall cause the title to automatically revert to Miami-Dade County.

This grant conveys only the interest of the County and its Board of County Commissioners in the property herein described and shall not be deemed to warrant the title or to represent any state of facts concerning the same.

IN WITNESS WHEREOF the said party of the first part has caused these presents to be executed in its name by its Board of County Commissioners acting by the Mayor of said Board, the day and year aforesaid.

(OFFICIAL SEAL)

HARVEY RUVIN
CLERK BOARD OF COUNTY COMMISSIONERS

ATTEST:
HARVEY RUVIN, CLERK



MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

By: Paul Shaw
Deputy Clerk

By: James J. Lewis
Mayor

The foregoing was authorized and approved by Resolution No. E-1201-98 of the Board of County Commissioners of Miami-Dade County, Florida, on the 20th day of October, 1998.

BEGINNING at the Southeast Corner of Lot 10, Block 4 of said plat of "OLINDA VILLAS SUBDIVISION"; thence S89°51'40"W along the South Line of said Lot 10, Block 4 and the North right-of-way line of N.W. 53rd Street for 25.00 feet; thence S00°00'40"W departing said South line of Lot 10, Block 4 and the North right-of-way line of N.W. 53rd Street for 50.00 feet to a point on the South right-of-way line of said N.W. 53rd Street and the said North line of Lot 3, Block 5 of the said plat of "OLINDA VILLAS SUBDIVISION"; thence N26°33'04"E for 55.96 feet to the POINT OF BEGINNING.

This conveyance shall be subject to the Economic Opportunity Family Health Center, Inc.: 1) maintaining its status as a Florida non-profit corporation, 2) maintaining its Internal Revenue Service status as a 501(c)(3) corporation, 3) not conveying or mortgaging the property without the prior approval of the Miami-Dade County Board of County Commissioners, 4) not allowing any permitted mortgage to be in default, 5) continuing to operate the property as a medical clinic. Failure of the party of the second part, its successors and/or assigns, to comply with all the terms of this paragraph, after thirty days written notice, shall cause the title to automatically revert to Miami-Dade County. *

This grant conveys only the interest of the County and its Board of County Commissioners in the property herein described, and shall not be deemed to warrant the title or to represent any state of facts concerning the same.

IN WITNESS WHEREOF, the said party of the first part, has caused these presents to be executed in its name by its Board of County Commissioners, acting by the Mayor, and attested by the Clerk or Deputy Clerk of said Board, the day and year aforesaid.

ATTEST:
HARVEY RUVIN,
CLERK OF SAID BOARD



MIAMI-DADE COUNTY, FLORIDA, a political subdivision of the State of Florida,

BY ITS BOARD OF COUNTY COMMISSIONERS

BY: [Signature]
Deputy Clerk.

By: [Signature]
Mayor

The foregoing was authorized and approved by Resolution No. R-496-03 of the Board of County Commissioners of Miami-Dade County, Florida, on the 6th Day of May, A.D. 2003.

"Quality Healthcare Everyone Can Afford"



*Serving the Community
Since 1967*

May 6, 2010

Mr. George M. Burgess
County Manager
Miami-Dade County
Office of the Mayor
Stephen P. Clark Center
111 N.W. 1st Street, Suite 2910
Miami, Florida 33128

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ROBERT L. THOMAS
CEDRIC B. RAGSDALE, CPA
DAVID WILLIAMS, JR.

RE: Approval to Encumber Property – 5361 NW 22nd Avenue

Dear Mr. Burgess:

We are very excited to be investing in the communities who have supported our organization for over 40 years by establishing a new "state of the art" Corporate/Dental office complex. The community will truly benefit from organizations such as ours providing quality health care. The funding for this project is coming from multiple sources that include an ARRA Stimulus grant and GOB grant from Miami-Dade County along with our own investment.

We are hereby requesting Miami-Dade County's approval to mortgage the property located at 5361 NW 22nd Avenue as "temporary collateral" during the construction of our new Corporate/Dental Office building to be located on a vacant property located at NW 27th Avenue & 55th Street with a loan from TD Bank.

The referenced property was conveyed to our organization back in 1999 to continue providing quality health care to the surrounding community with a restriction on the deed that requires obtaining permission from the County to mortgage the property.

In the past, the organization has invested \$3 million in this facility which makes it the most valuable property the organization owns. Using this property as temporary collateral will minimize our cost in financing the construction phase of the 27th Avenue project.

If additional information is required or you should have any questions, please contact me at (305) 805-1700 or Robert Aguero, VP of Fiscal Affairs, at ext. 23145 or cell phone 786-299-7618.

Your cooperation in this matter is greatly appreciated.

Sincerely,

Annie R. Neasman
President & CEO

r/
Attachments

JESSIE TRICE COMMUNITY HEALTH CENTER, INC.
(FORMERLY ECONOMIC OPPORTUNITY FAMILY HEALTH CENTER, INC.)
700 S. Royal Poinciana Boulevard, Suite 300, Miami Springs, FL 33166
Tel: (305) 805-1700 • Fax (305) 805-1715
Email: JTCHC@HCNetwork.org
Website: www.jtchc.org

EXHIBIT "C"

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