

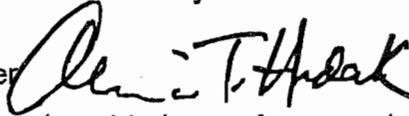
# Memorandum

MIAMI-DADE  
COUNTY

**Date:** September 1, 2011

**To:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**From:** Alina T. Hudak  
County Manager



**Subject:** Retroactive Amendment to Lease Agreement with City of Miami to Lease to the City County-Owned Property Located at 111 N.W. 1 Street, Miami (SPCC) 30<sup>th</sup> Floor Transmitter Room and Roof for Radio Antennae  
Property # 4137-04-02

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

## **RECOMMENDATION**

It is recommended that the Board approve the attached resolution, authorizing execution of a Retroactive Amendment to Lease Agreement with the City of Miami for County-owned property located at 111 N.W. 1 Street, Miami (SPCC), specifically in the 30<sup>th</sup> Floor Transmitter Room and for space on the roof for a radio antennae. This lease is retroactive due to lengthy negotiations with the City of Miami. This item is a companion to two other agenda items on this agenda with the City of Miami.

**PROPERTY:** 111 N.W. 1 Street, Miami, 30<sup>th</sup> Floor Transmitter Room and roof of the SPCC.

**COMMISSION DISTRICT:** 5

**OWNER:** Miami-Dade County

**USE:** 400 square feet of space in the 30<sup>th</sup> Floor transmitter room and roof space for radio antennae.

**TENANT'S TRACK RECORD:** The County has no record of negative performance issues with the City of Miami.

**JUSTIFICATION:** The County adopted Resolution No. R-1107-85 on September 3, 1985, authorizing a Lease with the City of Miami for the use of the roof top and on the 30<sup>th</sup> Floor in the Transmitter Room at the SPCC for a rooftop antenna and related equipment. The Lease Agreement became effective September 3, 1985 for a term of two years and contains successive one-year renewal options. The annual rental amount is set by the County and is based on the City of Miami's share of building operational costs. The City of Miami is responsible for maintenance of its own equipment and the County is responsible for maintaining the exterior of the building. The current annual rent is \$14,000.00 and the City of Miami wishes to pursue an amendment to the lease with the County.

Separately and unrelated, the County adopted Resolution No. R-1120-90 on October 16 1990, authorizing Leases with the City of Miami whereby the County leased from the City of Miami two parcels of land located at (1) 971 N.W. 2 Street, Miami, and (2) 1009 N.W. 5 Street, Miami, for the construction of two State funded health clinics (Dr. Rafael A. Peñalver Clinic and Jefferson Reeves). The leases were for a period of twenty (20) years from October 1, 1990 through September 30, 2010 and the rental rate was \$1.00 per year. To continue operations the leases need to be extended; however, in order for the City of Miami to maintain the rental rate at \$1.00 per year for the leased parcels, the City has requested that the County reduce the rental rate of the City of Miami lease at the SPCC to \$1.00 per year.

**PURPOSE OF AMENDMENT:**

To modify Article XVI, "Option to Renew" to a) reduce the rent to \$1.00 per year and b) replacing successive renewals with a term of May 1, 2011 through April 30, 2016 and providing one five-year renewal option.

**FINANCIAL IMPACT:**

The County will only receive \$1 per year for the SPCC property, and not \$14,000 per year it had been receiving. However, the County will benefit financially by being allowed to continue to rent from the City the two City properties at annual rates of \$1.00 each.

**EFFECTIVE DATES OF AMENDMENT:**

This Retroactive Amendment to Lease Agreement shall become effective upon approval by the Board of County Commissioners and retroactively from October 1, 2010 through April 30, 2016.

**CURRENT LEASE:**

The current lease agreement was approved by the Board on September 3, 1985 by Resolution No. R-1107-85. The lease is for a two-year term with successive one-year renewal option periods.

**COMMENTS:**

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

Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners  
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MONITOR:

Tania Llado, Chief Real Estate Officer

DELEGATED AUTHORITY:

Authorizes the County Mayor or County Mayor's designee to execute the Retroactive Amendment to Lease Agreement and exercise the cancellation provision.



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Wendi J. Norris, Director  
General Services Administration

RESOLUTION NO. R-1107-85

RESOLUTION AUTHORIZING EXECUTION OF RETROACTIVE LEASE AGREEMENT AT METRO-DADE CENTER WITH THE CITY OF MIAMI FOR PREMISES TO BE USED BY THE BUILDING AND VEHICLE MAINTENANCE DEPARTMENT, COMMUNICATIONS DIVISION FOR ITS TELECOMMUNICATIONS EQUIPMENT, AND AUTHORIZING THE 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 City of Miami, for premises to be used by the Building and Vehicle Maintenance Department, Communications Division, in conformity with the form attached hereto and made a part hereof; and 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 Beverly B. Phillips, 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:

Barbara M. Carey	Aye
Clara Osterle	Absent
Beverly B. Phillips	Aye
James P. Redford, Jr.	Aye
Harvey Ruvin	Aye
Barry D. Schreiber	Aye
Jorge F. Valdes	Aye
Sherman S. Winn	Aye
Stephen P. Clark	Aye

The Mayor thereupon declared the Resolution duly passed and adopted this 3rd day of September, 1985.

DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

RICHARD P. BRINKER, CLERK

Approved by County Attorney as to  
form and legal sufficiency. *DBM*

By: RAYMOND REED  
Deputy Clerk

10707-2  
 TO: Honorable Mayor and Members  
 Board of County Commissioners

DATE: September 3, 1985

FROM: M.R. Strieheim  
 County Manager

SUBJECT: Retroactive Lease Agreement  
 with City of Miami for  
 Telecommunication Equipment  
 at Metro-Dade Center  
 Property #4137-04-02

## RECOMMENDATION:

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

## USING AGENCY:

City of Miami, Building and Vehicle Maintenance  
 Department, Communications Division.

## USE:

Telecommunication equipment.

## PROPERTY:

400 square feet of space on the Thirtieth (30)  
 floor transmitter room and the installation of  
 five (5) Radio Antennae and two (2) Microwave  
 Dish Antennae on the roof, at the Metro-Dade  
 Center, 111 N.W. First Street, Miami.

## OWNER:

DADE COUNTY

## TERMS:

Two (2) years for a total combined rental of  
 \$19,800 payable in equal monthly installments  
 of \$825.00 which is divided as follows:

1. For the 400 square feet space on the 30th.  
 floor, an annual rental of \$7,200, payable in  
 equal monthly installments of \$600.00 which is  
 equal to \$18.00 per square foot on an annual  
 basis.
2. For the five (5) Radio Antennae on the  
 roof, an annual rental of \$1,500, payable \$125  
 per month, which is equal to \$25.00 per  
 antennae per month.
3. For the two (2) Microwave Antennae on the  
 roof, an annual rental of \$1,200, payable \$100  
 per month, which is equal to \$50.00 per  
 antennae per month.

Landlord shall pay for all charges for water,  
 electricity, janitorial services and trash  
 pick-up.

## EFFECTIVE DATES:

Commenced May 1, 1985, and terminating April  
 30, 1987.

## RENEWAL OPTION:

Successive one (1) year renewals subject to  
 review for building operational cost increase.  
 City option (Tenant).

## CANCELLATION PROVISION:

Either party, Landlord through its County  
 Manager or his designee, may cancel by giving  
 180 days written notice prior to its effective  
 date, to the other party.

## FORMER LEASE:

None.

## COMMENTS:

The Lease Agreement is retroactive due to the  
 urgent need for the communications equipment  
 and the lengthy processing by the City of  
 Miami.



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**DATE:** September 1, 2011

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

**SUBJECT:** Agenda Item No. 8(F)(1)(E)

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. 8(F)(1)(E)  
9-1-11

RESOLUTION NO. \_\_\_\_\_

RESOLUTION AUTHORIZING EXECUTION OF A RETROACTIVE AMENDMENT TO LEASE AGREEMENT AT COUNTY-OWNED PROPERTY LOCATED AT 111 N.W. 1 STREET, MIAMI (SPCC), ON THE 30<sup>TH</sup> FLOOR TRANSMITTER ROOM AND FOR RADIO ANTENNAE ON THE ROOF OF THE SPCC WITH CITY OF MIAMI; REDUCING THE ANNUAL RENT FROM \$14,000.00 PER YEAR TO ONE DOLLAR (\$1.00) PER YEAR EFFECTIVE OCTOBER 1, 2010 THROUGH APRIL 30, 2016; INCORPORATING ADDITIONAL ARTICLES IN THE LEASE AS OF THE EFFECTIVE DATE; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN

**WHEREAS**, the City of Miami is a political municipality of the State of Florida; and

**WHEREAS**, the County currently leases County-owned property to the City of Miami, pursuant to Resolution No. R-1107-85, adopted by the Board on September 3, 1985, located at the Stephen P. Clark Center, 111 N.W. 1<sup>st</sup> Street, Miami, on the 30<sup>th</sup> floor in the Transmitter Room and for Radio Antennae on the roof, which is utilized for communications equipment at a current monthly rental of \$1,666.67 (the SPCC Lease); and

**WHEREAS**, the County is satisfied that the City of Miami does require the County-owned property for such use and the property is not otherwise needed for County purposes; and

**WHEREAS**, the City of Miami has requested a reduction in the rental rate to an annual nominal fee of One Dollar (\$1.00), retroactive to the date of the renewal period; and

**WHEREAS**, the County currently leases two properties from the City of Miami, pursuant to Resolution No. R-1120-90, adopted by the Board on October 16, 1990, located at 1009 N.W. 5<sup>th</sup> Street, Miami and 971 N.W. Second Street, Miami, for the development of two State-funded primary care facilities at an annual nominal fee of One Dollar (\$1.00), with such lease term having expired on September 30, 2010; and

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**WHEREAS**, the County developed both City parcels with public health clinics, and the County desires to continue such leases at the nominal fee; and

**WHEREAS**, the City of Miami has agreed to grant the County a retroactive lease agreement for the two public health facility sites at an annual nominal fee of One Dollar (\$1.00) from October 1, 2010 through April 30, 2016, in exchange for the reduction in the rental fee on the County-owned property; 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 1) incorporates the prior recitals herein, 2) approves the Retroactive Amendment to Lease Agreement between Miami-Dade County (as landlord) and the City of Miami (as tenant) for the property located at the Stephen P. Clark Center, 111 N.W. 1<sup>st</sup> Street, Miami, on the 30<sup>th</sup> floor in the Transmitter Room and for Radio Antennae on the roof, in substantially the form attached hereto, and reduces the annual rent to One Dollar (\$1.00), **PROVIDED THAT** the City of Miami has granted the County an extension of two leases on City-owned property located at (1) a portion of Henderson Park, 971 N.W. 2 Street, Miami, and (2) a portion of the Culmer Center Property, 1009 N.W. 5 Street, Miami at an annual rent of \$1.00 for each lease (the Clinic Leases), for a term through April 30, 2016 and has granted the County an option to renew the Clinic Leases for one (1) additional five-year (5) renewal option period from May 1, 2016 through April 30, 2021, under the same terms and conditions; then, incorporates additional Articles in the SPCC Lease as of the effective date; authorizes the County Mayor or County Mayor's designee to execute the SPCC Lease for and on behalf of Miami-Dade County; and authorizes the County Mayor or County Mayor's 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:

Joe A. Martinez, Chairman	
Audrey M. Edmonson, Vice Chairwoman	
Bruno A. Barreiro	Lynda Bell
Esteban L. Bovo, Jr.	Jose "Pepe" Diaz
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Rebeca Sosa	Sen. Javier D. Souto
Xavier L. Suarez	

The Chairperson thereupon declared the resolution duly passed and adopted this 1<sup>st</sup> day of September, 2011. 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.

JEB

Jason E. Bloch

## AMENDMENT TO LEASE AGREEMENT

THIS AMENDMENT TO LEASE AGREEMENT ("Amendment") is made this \_\_\_\_\_ day of \_\_\_\_\_, 2011, by and between MIAMI-DADE COUNTY, a political subdivision of the State of Florida, "LANDLORD," and CITY OF MIAMI, a political municipality of the State of Florida, ("TENANT").

### ***WITNESSETH:***

**WHEREAS**, by Resolution No. R-1107-85, adopted September 3, 1985, the Board of County Commissioners authorized a Lease Agreement, attached hereto as Exhibit "A," (the "Lease") between the above named parties for an initial term of two years with successive one-year renewal option periods for that certain property located at 111 N.W. First Street, Miami, FL (SPCC) on the 30<sup>th</sup> Floor in the Transmitter Room and Radio Antennae on the Roof of the Stephen P. Clark Center, as depicted in Exhibit D; and

**WHEREAS**, the parties have successively renewed the Lease every one year period and the Lease is currently in the twenty-fifth renewal option period, which began on May 1, 2010 and ends on April 30, 2011 at a monthly rental rate of \$1,166.67 or an annual rental rate of \$14,000.00; and

**WHEREAS**, the LANDLORD wishes to retroactively reduce the annual rental rate of \$14,000.00 to an annual rental of One Dollar (\$1.00) from October 1, 2010 through April 30, 2011; and

**WHEREAS**, the option to renew is upcoming and the LANDLORD will renew the Lease from May 1, 2011 through April 30, 2016 at an annual rental of One Dollar (\$1.00); and

**WHEREAS**, by Resolution No. R-1120-90, adopted October 16, 1990, the Board of County Commissioners authorized two separate lease agreements between LANDLORD and the TENANT for LANDLORD'S use of TENANT'S parcels of land located at 1009 N.W. 5 Street, Miami, attached hereto as Exhibit "B" and 971 N.W. Second Street, Miami, attached hereto as Exhibit "C" allowing LANDLORD to develop two State-funded primary care facilities in the Little Havana and Overtown areas; and

Property # 4137-04-02      Folio # 01-4137-023-0020

**WHEREAS**, the two leased locations provided for a 20-year term at an annual rental fee of One Dollar (\$1.00) and restricted the use to the provision of public health care; and

**WHEREAS**, the LANDLORD developed the two leased locations with public health care facilities and the 20 year term expired on September 30, 2010; and

**WHEREAS**, the TENANT wishes to grant the LANDLORD new lease agreements for said two leased locations situated at 1009 N.W. 5 Street, Miami, Florida and 971 N.W. Second Street, Miami, Florida, at an annual rental of One Dollar (\$1.00) from October 1, 2010 through April 30, 2016 where Miami-Dade County is the tenant and the City is the landlord; and

**WHEREAS**, both LANDLORD and TENANT are desirous of amending said Lease as set forth below. Provided that this Lease Agreement shall not become effective until it has been approved by the Miami-Dade County Board of County Commissioners and further providing that if the Board fails to approve the Lease Agreement within one-hundred fifty (150) days of the Lease being transmitted by the City, this Lease Agreement shall automatically lapse and not be of further force and effect; and

**WHEREAS**, by Resolution No. \_\_\_\_\_, adopted \_\_\_\_\_, 2011, the Board of County Commissioners has authorized the amending of said Lease; and

**NOW, THEREFORE**, in consideration of the foregoing premises, and the mutual covenants herein contained, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

### AGREEMENT

1. The foregoing recitals and provisions are hereby adopted and incorporated herein to the Lease.
2. The following paragraphs shall supersede and replace the referenced Articles in the Lease as of the effective date;
3. Article XVI, **"OPTION TO RENEW"**. Provided this Lease is not otherwise in default, the TENANT is hereby granted the option to extend this Lease from May 1, 2011 through April 30, 2016, upon the same terms and conditions, at an annual rental fee of One Dollar (\$1.00). In exchange for this consideration, the TENANT grants the COUNTY the option to renew from October 1, 2010 through April 30, 2016, at an annual rental fee of One Dollar (\$1.00)each, the use of two (2) public health clinics for two leased locations of the

TENANT's properties leased to LANDLORD under (1) a portion of Henderson Park, located at 971 N.W. 2 Street, Miami, Florida, as illustrated in the attached Exhibit "C", attached hereto and made a part hereof, and (2) a portion of the Culmer Center Property, located at 1009 N.W. 5 Avenue, Miami, Florida, as illustrated in the attached Exhibit "B", attached hereto and made a part hereof. Provided this Lease or other agreements between both parties are not in default on April 30, 2016, the TENANT is hereby granted the option to extend the term for one (1) additional five-year (5) renewal option period, under the same terms and conditions, by requesting a written option to renew of the LANDLORD by sending notice in writing at least 90 days prior to expiration of this Lease.

4. Article XXI, "GOVERNING LAWS", This Lease, including any exhibits or amendments, if any, and all matters relating thereto (whether in contract, statute, or tort or otherwise) shall be governed by and construed in accordance with the laws of the State of Florida.
5. Article XXII, "WRITTEN AGREEMENT", This Lease, including any exhibits or amendments, if any, and all matters relating thereto (whether in contract, statute, or tort or otherwise) shall be governed by and construed in accordance with the laws of the State of Florida.

In all other respects, all terms and provisions of the Lease shall remain in full force and effect.

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

ATTEST: CITY OF MIAMI

A FLORIDA MUNICIPAL CORPORATION

\_\_\_\_\_  
PRISCILLA A. THOMPSON  
CITY CLERK

\_\_\_\_\_  
WITNESS

By: \_\_\_\_\_  
TONY E. CRAPP, JR  
CITY MANAGER  
(TENANT)

APPROVED AS TO LEGAL FORM  
AND CORRECTNESS:

\_\_\_\_\_  
JULIE O. BRU  
CITY ATTORNEY

\_\_\_\_\_  
GARY RESHEFSKY  
RISK MANAGEMENT DIRECTOR

(OFFICIAL SEAL)

ATTEST:

HARVEY RUVIN, CLERK

MIAMI-DADE COUNTY FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Mayor (LANDLORD)

Approved by County Attorney as to  
form and legal sufficiency:

\_\_\_\_\_  
COUNTY ATTORNEY'S OFFICE