

# MEMORANDUM

Agenda Item No. 8(F)(1)


**TO:** Honorable Chairwoman Audrey M. Edmonson  
and Members, Board of County Commissioners

**DATE:** June 4, 2019

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Resolution approving the terms of and authorizing execution by the County Mayor of a First Amendment to Lease Agreement between Miami-Dade County and the School Board of Miami-Dade County, for the premises located at 10655 SW 4 Street, Miami, Florida to be utilized by the Miami-Dade County Fire Rescue Department, with a total fiscal impact to the County calculated to be \$1.00 to extend the term of the lease agreement to July 10, 2020 and to provide potential for two additional extension terms of six months under the same terms and conditions upon written notice by the County; authorizing the County Mayor to exercise any and all other rights conferred therein, and take all actions necessary to effectuate same

The accompanying resolution was prepared by the Internal Services Department and placed on the agenda at the request of Prime Sponsor Commissioner Jose "Pepe" Diaz.

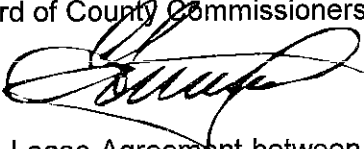


Abigail Price-Williams  
County Attorney

APW/uw

**Date:** June 4, 2019

**To:** Honorable Chairwoman, Audrey M. Edmonson  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez   
Mayor

**Subject:** First Amendment to Lease Agreement between Miami-Dade County and the School Board of Miami-Dade County, Florida, for Property Located at 10655 SW 4 Street, Miami, Florida Lease No. 25-4005-001-0460 and 25-4005-001-0510

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### **Recommendation**

It is recommended that the Board of County Commissioners (Board) authorize execution of the attached First Amendment to Lease Agreement (Amendment) between the School Board of Miami-Dade County, Florida (Landlord), and Miami-Dade County (County) for property located at 10655 SW 4 Street, Miami, Florida (Premises), to be utilized by Miami-Dade County Fire Rescue for Fire Station No. 29. The County has occupied the Premises since 2017. More specifically, the resolution does the following:

- Authorizes an Amendment to extend the lease term, which is currently due to expire on July 10, 2019 for one additional year; and
- Provides for an additional extension of the lease term, under the same terms and conditions, for two additional terms of six months upon written notice by the County and approval by the Superintendent of Miami-Dade County Public Schools.

The Amendment will become effective on the effective date of the Resolution approving the Lease Agreement.

### **Scope**

The Premises is in Commission District 12, which is represented by Commissioner Jose "Pepe" Diaz. Written notice of the Amendment was provided to the District Commissioner.

### **Fiscal Impact/Funding Source**

The fiscal impact to the County for the additional year is estimated to be \$1.00. The County is responsible for installation and ongoing cost of utilities. In addition, the County shall be responsible for maintenance, repair, and upkeep of the Premises. The funding source is the General Fund.

The County has paid \$1.00 annually since the effective date of the Lease.

### **Track Record/County Monitor**

The County has no record of any negative performance issues with the Landlord. Curtis Waybright of the Internal Services Department is the Lease Monitor.

### **Delegated Authority**

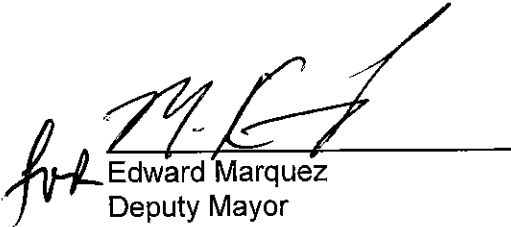
This item authorizes the County Mayor or the County Mayor's designee to execute the attached Amendment, and to exercise all other rights conferred therein.

**Background**

The Florida Department of Transportation has planned for road improvements along SW 107 Avenue from SW 12 Street to Flagler Street, which consists of widening SW 107 Avenue from four to six lanes via Project No. 412479-2-52-01 (Project). Fire Station No. 29, previously located at the intersection of SW 4 Street, was impacted by the scope of the Project.

In an effort to maintain an operational fire station within the City of Sweetwater, the County sought to lease a portion of an activity field belonging to Sweetwater Elementary School for the purpose of establishing a temporary fire station. Pursuant to Resolution No. R-882-15, the Landlord and the County entered into a lease agreement for a period of two years, at a cost of \$1.00 per year, upon the terms and conditions set forth in the Lease. The Amendment seeks to extend the term of the Lease, as the County requires additional time to construct a new fire station where the previous one was located.

The County shall have the right, at any time, and without cause, to terminate the Lease by providing the Landlord with at least 90 days' advanced written notice.

  
Edward Marquez  
Deputy Mayor

**FIRST AMENDMENT TO LEASE AGREEMENT**

THIS FIRST AMENDMENT TO LEASE AGREEMENT (the "First Amendment") is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_ 2019, by and between THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, a body corporate and politic existing under the laws of the State of Florida (hereinafter referred to as the "**BOARD**"), and the MIAMI-DADE COUNTY, a political subdivision of the State of Florida (hereinafter referred to as the "**COUNTY**"). The BOARD and COUNTY are sometimes referred to in this Third Amendment individually as "**Party**" and collectively as "**Parties**".

WITNESSETH

WHEREAS, the COUNTY owns and has under its jurisdiction certain real property known as Fire Station No. 29, located at 351 S.W. 107 Avenue, Miami, Florida (the "**Fire Station**"), adjacent to Sweetwater Elementary School, located at 10655 S.W. 4 Street, Miami, Florida ("**School**"); and

WHEREAS, due to a Florida Department of Transportation ("**FDOT**") roadway project along S.W. 107 Avenue, the COUNTY has been required to renovate and rebuild the Fire Station; and

WHEREAS, as a result, the BOARD and COUNTY entered into that certain Lease Agreement dated December 3, 2015 (the "**Agreement**"), to allow the COUNTY to use a portion of the School playfield, on an interim basis, to construct and operate a temporary fire station, while the Fire Station is rebuilt and made operable; and

WHEREAS, the current term of the Agreement expires on July 10, 2019; and

WHEREAS, the COUNTY has advised the BOARD that it will require additional time to rebuild the Fire Station and has requested that the term of the Agreement be extended beyond July 10, 2019; and

WHEREAS, the BOARD and COUNTY are desirous of entering into this First Amendment to extend the term of the Agreement, as provided below; and

WHEREAS, the Parties acknowledge and agree that use of the School site by the COUNTY shall be limited in duration, and will not extend beyond the time set forth herein; and

WHEREAS, The School Board of Miami-Dade County, Florida has authorized this First Amendment in accordance with Board Action No. \_\_\_\_\_ at its meeting of \_\_\_\_\_, 2019; and

WHEREAS, the Miami-Dade County Board of County Commissioners, by the adoption of Resolution No. \_\_\_\_\_, at its meeting of \_\_\_\_\_, 2019, approved this First Amendment.

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 III (TERM) of the Agreement is hereby amended to extend the term of the Agreement for the period commencing July 11, 2019 and ending July 10, 2020 at midnight. Except as hereby amended, the rest of Article III shall remain unchanged and in full force and effect.
3. Article XIV (EXTENSION OF TERM) of the Agreement is deleted in its entirety and replaced with the following language:

**Article XIV.**  
**EXTENSION OF TERM**

"The Superintendent of Schools may, in his or her sole and absolute discretion and authority, extend the term of this Agreement for two additional terms of six (6) months each, under the same terms and conditions contained in this Agreement, provided the COUNTY provides written notice to the BOARD, as set forth in Article XXVII, at least ninety (90) days prior to the expiration of the then current term, and the COUNTY is not in default in performance of the obligations set forth in this Agreement. The Parties acknowledge and agree that any such extension of the term shall be accomplished through the execution by the Parties of an amendment to this Agreement."

4. Sections C and D of Article XXVII (NOTICE AND GENERAL CONDITIONS) of the Agreement are hereby deleted and replaced with a new Section C and new Section D that shall read as follows:

"C. For purposes of the Agreement, the Superintendent of Schools or his/her designee shall be the party designated by the BOARD to grant or deny all approvals or waivers required by the Agreement dealing

with construction by the COUNTY, or any other routine operational issues.

- D. In addition to the above, for purposes of the Agreement, the Superintendent of Schools shall be the party designated by the BOARD to execute amendments to this Agreement within the authority granted to the Superintendent by the BOARD in this Agreement, and to grant or deny any approvals required by the Agreement, including placing the COUNTY in default, or renewing, extending, canceling or terminating the Agreement.”
- 5. Except as amended by this First Amendment, all other terms and conditions of the Agreement shall remain unchanged and in full force and effect.

**[INDIVIDUAL SIGNATURE PAGES FOLLOW]**

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

**WITNESSES AS TO THE LESSOR:**

**LESSOR:**

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA

Print Name: \_\_\_\_\_

By: \_\_\_\_\_

Alberto M. Carvalho  
Superintendent of Schools

Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

**RECOMMENDED:**

\_\_\_\_\_  
Jaime G. Torrens

Chief Facilities Officer

Date: \_\_\_\_\_

**TO THE BOARD: APPROVED AS TO RISK MANAGEMENT ISSUES:**

**TO THE BOARD: APPROVED AS TO FORM AND LEGAL SUFFICIENCY:**

\_\_\_\_\_  
Office of Risk and Benefits Management  
Date: \_\_\_\_\_

\_\_\_\_\_  
School Board Attorney  
Date: \_\_\_\_\_

**TO THE BOARD: APPROVED AS TO TREASURY MANAGEMENT ISSUES:**

\_\_\_\_\_  
Office of Treasury Management  
Date: \_\_\_\_\_

**WITNESSES AS TO THE COUNTY:**

**COUNTY:**  
MIAMI-DADE COUNTY

\_\_\_\_\_  
\_\_\_\_\_  
Print Name: \_\_\_\_\_  
\_\_\_\_\_  
Print Name: \_\_\_\_\_

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

**ATTEST:**

\_\_\_\_\_  
County Clerk  
Date: \_\_\_\_\_

**TO THE COUNTY: APPROVED AS TO  
LEGAL FORM AND SUFFICIENCY:**

By: \_\_\_\_\_  
County Attorney  
Date: \_\_\_\_\_

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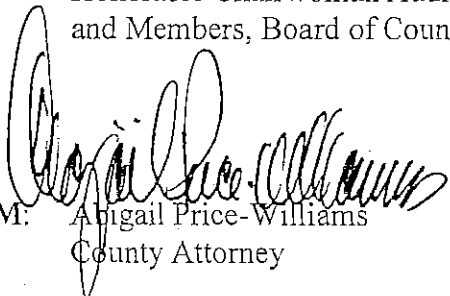




**MEMORANDUM**  
(Revised)

TO: Honorable Chairwoman Audrey M. Edmonson  
and Members, Board of County Commissioners

DATE: June 4, 2019

FROM:   
Abigail Price-Williams  
County Attorney

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

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
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's present \_\_\_\_, 2/3 membership \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) \_\_\_\_, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) \_\_\_\_, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) \_\_\_\_ ) 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. 8(F)(1)  
6-4-19

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

RESOLUTION APPROVING THE TERMS OF AND AUTHORIZING EXECUTION BY THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE OF A FIRST AMENDMENT TO LEASE AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FOR THE PREMISES LOCATED AT 10655 SW 4 STREET, MIAMI, FLORIDA TO BE UTILIZED BY THE MIAMI-DADE COUNTY FIRE RESCUE DEPARTMENT, WITH A TOTAL FISCAL IMPACT TO THE COUNTY CALCULATED TO BE \$1.00 TO EXTEND THE TERM OF THE LEASE AGREEMENT TO JULY 10, 2020 AND TO PROVIDE POTENTIAL FOR TWO ADDITIONAL EXTENSION TERMS OF SIX MONTHS UNDER THE SAME TERMS AND CONDITIONS UPON WRITTEN NOTICE BY THE COUNTY; AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESGINEE TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN, AND TAKE ALL ACTIONS NECESSARY TO EFFECTUATE SAME

**WHEREAS**, Miami-Dade County ("County") owns and has under its jurisdiction certain real property known as Fire Station No. 29, located at 351 SW 107 Avenue, Miami, Florida, adjacent to Sweetwater Elementary School, located at 10655 SW 4 Street, Miami, Florida ("School"); and

**WHEREAS**, due to a Florida Department of Transportation ("FDOT") roadway project along SW 107 Avenue, the County was required to construct a new fire station; and

**WHEREAS**, as a result, The School Board of Miami-Dade County ("Landlord") and the County entered into that certain Lease Agreement dated December 3, 2015 ("Lease") to allow the County to use a portion of the activity field for the Sweetwater Elementary School, on a temporary basis, to operate a temporary fire station, while a fire station for the area is constructed and made operable; and

**WHEREAS**, the current term of the Lease expires on July 10, 2019; and

**WHEREAS**, the County has advised the Landlord that it will require additional time to construct the fire station and has requested that the term of the Lease be extended beyond July 10, 2019; and

**WHEREAS**, the Landlord and County are desirous of entering into this First Amendment to Lease Agreement to extend the term of the Lease to July 10, 2020, and to provide for the potential of extending the Lease for up to two additional six month periods under the same terms and conditions upon written notice by the County; and

**WHEREAS**, the parties acknowledge and agree that use of a portion of the activity field for the Sweetwater Elementary School site by the County shall be limited in duration, and will not extend beyond the time set forth herein; and

**WHEREAS**, The School Board of Miami-Dade County, Florida, has authorized this First Amendment in accordance with Board Action No. 120,086 at its meeting of April 17, 2019,

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

**Section 1.** The foregoing recital are incorporated into this resolution and are approved.

**Section 2.** The Board approves of the Amendment to Lease Agreement, attached to the accompanying memorandum, between The School Board of Miami-Dade County and the County, for the premises located at 10655 SW 4 Street, Miami, Florida, with an estimated fiscal impact to the County of \$1.00, in order to extend the term of the Lease for a one year period, until July 10, 2020 and provide for the potential of extending the Lease for up to two additional six month periods under the same terms and conditions upon written notice by the County.

**Section 3.** The County Mayor or County Mayor’s designee is authorized to execute the Amendment to Lease Agreement, exercise any and all rights conferred therein, and take all actions necessary to effectuate the same.

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:

- |                                |                      |
|--------------------------------|----------------------|
| Audrey M. Edmonson, Chairwoman |                      |
| Rebeca Sosa, Vice Chairwoman   |                      |
| Esteban L. Bovo, Jr.           | Daniella Levine Cava |
| Jose “Pepe” Diaz               | Sally A. Heyman      |
| Eileen Higgins                 | Barbara J. Jordan    |
| Joe A. Martinez                | Jean Monestime       |
| Dennis C. Moss                 | Sen. Javier D. Souto |
| Xavier L. Suarez               |                      |

The Chairperson thereupon declared this resolution duly passed and adopted this 4<sup>th</sup> day of June, 2019. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the 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.

MBV

Micheal B. Valdes

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