MEMORANDUM

Agenda Item No. 8(N)(1)

TO:	Honorable Chairwoman Audrey M. Edmonson and Members, Board of County Commissioners	**DATE**:	August 31, 2020
FROM:	Abigail Price-Williams County Attorney	**SUBJECT:**	Resolution approving the termination of lease agreement with the University of Miami, for the vacant County property located under the Metrorail guideway between Stanford Drive and Granada Boulevard and the vacant parcel at Sagua Avenue, due to the County's need of the leased area for transportation purposes; and authorizing the County Mayor to execute the termination of lease for and on behalf of the County, to exercise all provisions and all rights contained therein, and to perform all acts necessary to effectuate same

The accompanying resolution was prepared by the Transportation and Public Works Department and placed on the agenda at the request of Prime Sponsor Commissioner Xavier L. Suarez.

Abigail Price-Williams
County Attorney

APW/uw

Memorandum

Date: August 31, 2020

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

From: Carlos A. Gimenez
Mayor

Subject: Termination of Lease Agreement with the University of Miami, for the Vacant County Property Located Under the Metrorail Guideway Between Stanford Drive and Granada Boulevard and the Vacant Parcel at Sagua Avenue

Recommendation

It is recommended that the Board of County Commissioners (Board) approve the termination of a Lease Agreement (Lease) with the University of Miami (Tenant), for the vacant County property located under the Metrorail guideway between Stanford Drive and Granada Boulevard and the vacant parcel at Sagua Avenue, pursuant to Section 1.03 of the Lease.

Scope

Once complete, The Underline will be an asset of countywide impact located across Commission Districts 5 and 7 represented by Commissioners Eileen Higgins and Xavier L. Suarez, respectively. This Lease relates to vacant parcels located on a portion of The Underline in Commission District 7.

Fiscal Impact/Funding Source

The Tenant is currently paying approximately $65,500 in annual rent, upon termination of the Lease, the County will no longer receive rent payments. This revenue loss will be offset as other leases, permits or license agreements are entered into by the Department of Transportation and Public Works.

Track Record/Monitor

Javier Bustamante, Chief of the Right-of-Way, Utilities and Joint Development Division of the Department of Transportation and Public Works is be responsible for monitoring the Lease.

Background

In 2000, the County executed the Lease with the Tenant for the vacant County property located under the Metrorail guideway between Stanford Drive and Granada Boulevard and a vacant parcel at Sagua Avenue. The County has a need to utilize the land for public transportation purposes. As part of The Underline, the activation of these vacant parcels will encourage residents and visitors to walk, run, bike and access transit services at the University Metrorail station. Upon approval of this resolution, the County Mayor or County Mayor's designee will terminate the lease and the Tenant will have 360 days to vacate and return the land to the County.

Jennifer Moon
Deputy Mayor

MEMORANDUM

(Revised)

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

DATE: August 31, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 8(N)(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(N)(1)
8-31-20

RESOLUTION NO. _____

RESOLUTION APPROVING THE TERMINATION OF LEASE AGREEMENT WITH THE UNIVERSITY OF MIAMI, FOR THE VACANT COUNTY PROPERTY LOCATED UNDER THE METRORAIL GUIDEWAY BETWEEN STANFORD DRIVE AND GRANADA BOULEVARD AND THE VACANT PARCEL AT SAGUA AVENUE, DUE TO THE COUNTY'S NEED OF THE LEASED AREA FOR TRANSPORTATION PURPOSES; AND AUTHORING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE TERMINATION OF LEASE FOR AND ON BEHALF OF THE COUNTY, TO EXERCISE ALL PROVISIONS AND ALL RIGHTS CONTAINED THEREIN, AND TO PERFORM ALL ACTS NECESSARY TO EFFECUATE SAME

WHEREAS, on April 11, 2000, the Board adopted Resolution No. R-331-00 approving a Lease Agreement with the University of Miami as outlined in the accompanying memorandum; and

WHEREAS, Section 1.03 of the Lease Agreement allows for the termination of said Lease Agreement if the Board makes a determination that the Premises are needed for a public transportation purpose; and

WHEREAS, Section 1.03 of the Lease Agreement also states that upon three hundred and sixty (360) days written notice to Tenant, the Tenant shall vacate and return the Premises to the County; and

WHEREAS, the Lease Agreement includes parcels that are intended to be incorporated into The Underline, 10-mile a multimodal mobility corridor; 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 approves the termination of lease agreement with the University of Miami, for the vacant County property located under the Metrorail guideway between Stanford Drive and Granada Boulevard and the vacant parcel at Sagua Avenue, due to the County's need of the leased area for transportation purposes; and authorizes the County Mayor or County Mayor's designee to execute the termination of lease for and on behalf of the County, to exercise all provisions and all rights contained therein, and to perform all acts necessary to effectuate 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	

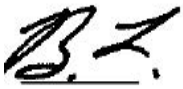
The Chairperson thereupon declared this resolution duly passed and adopted this 31st day of August, 2020. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override 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.



Bruce Libhaber