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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

Memorandum

MIAMI-DADE COUNTY

Date: November 20, 2008

To: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

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

Resolution No. R-1163-08

Subject: Amendment to Lease Agreement at 11350 S.W. 79 Street, Miami with Community Habilitation Center, Inc., a Florida Not-for-Profit Corporation
Property # 4031-01-30

RECOMMENDATION

It is recommended that the Board of County Commissioners approve the attached Resolution authorizing execution of an Amendment to Lease Agreement at 11350 S.W. 79 Street, Miami, with Community Habilitation Center, Inc., a Florida Not-for-Profit Corporation, for premises to be utilized for administration offices and to provide services to the mentally handicapped. The Amendment to Lease Agreement has been prepared by the General Services Administration at the request of Community Habilitation Center, Inc.

PROPERTY:	11350 S.W. 79 Street, Miami
COMMISSION DISTRICT:	10
COMMISSION DISTRICTS IMPACTED:	Countywide
OWNER:	Miami-Dade County
TENANT:	Community Habilitation Center, Inc., a Florida Not-for-Profit Corporation (CHC)
COMPANY PRINCIPALS:	John Mazzarella, President Lourdes Matamoros, Director Paul Fuller, Director Albert Suerias, Treasurer Brian Brodeur, Secretary
TENANT'S TRACK RECORD:	The County has no record of negative performance issues with CHC. CHC has operated this facility since 1973.
USE:	A training center for the mentally handicapped. The facility will be renovated to comply with the ADA requirements and an additional 2,000 square feet is being constructed to the rear of the center.
PURPOSE OF AMENDMENT:	To extend the expiration date of the lease from July 21, 2027 to December 31, 2047. The program is planning to remodel and make major improvements to the current facility. However, potential donors and the bank that will be financing the improvements have expressed concern with the number of years left on the lease, and have requested that the term be extended.

EFFECTIVE DATES OF AMENDMENT:	Commencing upon approval of the Board of County Commissioners and terminating December 31, 2047.
CURRENT LEASE:	The current lease agreement was approved by the Board on July 22, 1997 by Resolution Number R-853-97. The Lease is for a thirty (30) year term with two (2) additional ten-year renewal option periods. The current rental amount is $1.00 per year. The lease is currently in its 19th year.
FINANCIAL IMPACT:	Revenue to the County will increase by $20.00.
CANCELLATION PROVISION:	The County may terminate immediately should Tenant abandon the premises or file for bankruptcy. The County may also cancel by providing 60 days prior written notice if 1) Tenant fails to comply with any covenants of the Lease Agreement, 2) Tenant conducts any services not permitted under the terms of the Lease Agreement, 3)Tenant fails to maintain proper licensing, and 4) in case of any litigation between the parties.
COMMENTS:	Attached for your information is a copy of the previously approved resolution and memorandum with information concerning the current lease agreement and floor plans for the site.
MONITOR:	Margaret Araujo, Real Estate Officer
DELEGATED AUTHORITY:	Authorizes the County Mayor or the County Mayor's designee to execute this Amendment to Lease Agreement, including the delegation of two extensions and exercise the cancellation provision.

Wendi J. Norris
Director
General Services Administration

M E M O R A N D U M

Agenda Item No. 3(A)(1

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: July 22, 1997

FROM: Armando Vidal, P.E.
County Manager

SUBJECT: Lease Agreement at 11350 S.W. 79 Street with the Community Habilitation Center

The attached Lease Agreement has been prepared by General Services Administration at the request of the Community Habilitation Center (CHC) and is recommended for approval.

PROPERTY:	Kendall Home Complex 11350 S.W. 79 Street, Miami.
OWNER:	Dade County.
TENANT:	Community Habilitation Center.
USE:	A non-profit training center for the mentally handicapped.
JUSTIFICATION:	CHC has operated this facility since 1973. The current lease was approved retroactively by the Board on February 1, 1983 and commenced on December 1, 1982 for a term of 40 years. CHC has requested a new lease with an extended lease term and a more limited right at cancellation by the County. This will enable the agency to secure the private funding needed for facility expansion and construction.
LEASE TERM:	Thirty years with two additional ten year renewal option periods.
RENTAL RATE:	Annual rent is $1.00.

LEASE CONDITIONS:	CHC will pay all costs for utilities, maintenance and operation of the entire site.
EFFECTIVE DATE:	Commencing upon approval by the Board, unless vetoed by the Mayor, and terminating thirty years thereafter.
CANCELLATION PROVISION:	The County may automatically terminate the lease if CHC either proceeds with voluntary or involuntary bankruptcy, vacates the premises or discontinues operation of the site. The County may also terminate the lease, with sixty days notice, if CHC either fails to maintain all applicable state licensing requirements, or does not perform or comply with any lease provision.
CURRENT LEASE:	The current lease was retroactively approved by the Board on February 1, 1983 by Resolution No. R-96-83. The lease commenced on December 1, 1982 for forty years with no renewal option periods, and a County right to cancel the lease without cause with 30 days notice.

This item is scheduled for review by the Policy Formulation and Internal Support Committee at its meeting of June 26, 1997.

Approved_____ Mayor

Veto _____

Override_____

Agenda Item No. 3(A)(11)
7-22-97

RESOLUTION NO. R-853-97

RESOLUTION AUTHORIZING EXECUTION OF LEASE AGREEMENT AT 11350 S.W. 79 STREET, MIAMI, WITH THE COMMUNITY HABILITATION CENTER FOR PREMISES UTILIZED AS A NON-PROFIT TRAINING CENTER FOR THE MENTALLY HANDICAPPED; AND AUTHORIZING THE COUNTY MANAGER TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED 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 hereby approves the Lease Agreement between Dade County and the Community Habilitation Center, for premises utilized as a non-profit training center for the mentally handicapped, in substantially the form attached hereto and made a part hereof; authorizes the County Manager to execute same for and on behalf of Dade County; and authorizes the County Manager to exercise any and all other rights conferred therein.

The foregoing resolution was offered by Commissioner **James Burke**, who moved its adoption. The motion was seconded by Commissioner **Gwen Margolis** and upon being put to a vote, the vote was as follows:

Dr. Miriam Alonso	aye	James Burke	aye
Dr. Barbara M. Carey	aye	Miguel Diaz de la Portilla	aye
Betty T. Ferguson	aye	Bruce C. Kaplan	aye
Gwen Margolis	aye	Natacha Seijas Millan	absent
Jimmy L. Morales	aye	Dennis C. Moss	aye
Pedro Reboredo	aye	Katy Sorenson	aye
Javier D. Souto	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 22nd day of July, 1997. 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.

DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

HARVEY RUVIN, CLERK

Approved by the County Attorney as
to form and legal sufficiency.

By: KAY SULLIVAN
Deputy Clerk

MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners

DATE: November 20, 2008

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

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

Please note any items checked.

_____ **"4-Day Rule" ("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**

_____ **Bid waiver requiring County Manager's written recommendation**

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

_____ **Housekeeping item (no policy decision required)**

_____ **No committee review**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 8(F)(1)(I)
11-20-08

RESOLUTION NO. **R-1163-08**

RESOLUTION AUTHORIZING EXECUTION OF AN AMENDMENT TO LEASE AGREEMENT AT 11350 S.W. 79 STREET, MIAMI, WITH COMMUNITY HABILITATION CENTER, INC., A FLORIDA NOT-FOR-PROFIT CORPORATION, FOR PREMISES TO BE UTILIZED FOR ADMINISTRATION OFFICES AND TO PROVIDE SERVICES TO THE MENTALLY HANDICAPPED; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN

WHEREAS, Community Habilitation Center, Inc., is a registered Florida Not-for-Profit Corporation, organized for the purpose of promoting the community interest and welfare by providing training, education and assistance to the mentally handicapped; and

WHEREAS, by Resolution Number R-853-97 dated July 22, 1997, the Board of County Commissioners approved a lease agreement with Community Habilitation Center, Inc. that commenced on July 22, 1997 and will terminate on July 21, 2027; and

WHEREAS, Community Habilitation Center, Inc., desires to extend the current lease for certain county-owned property located at 11350 S.W. 79 Street, Miami for an additional twenty-year period commencing July 21, 2027 and terminating December 31, 2047; and

WHEREAS, the County is satisfied that Community Habilitation Center, Inc., requires this county-owned property for such use and the property is not otherwise needed for County purposes; and

WHEREAS, this Board further 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 ratifies and adopts those matters set forth in the foregoing recitals and hereby approves the Amendment to Lease

Agreement between Miami-Dade County and Community Habilitation Center, Inc., a Florida Not-for-Profit Corporation, in substantially the form attached hereto and made a part hereof; authorizes the County Mayor or the County Mayor's designee to execute same for and on behalf of Miami-Dade County; and authorizes the County Mayor or the County Mayor's designee to exercise any and all other rights conferred therein.

The foregoing resolution was offered by Commissioner Barbara J. Jordan, who moved its adoption. The motion was seconded by Commissioner Jose "Pepe" Diaz and upon being put to a vote, the vote was as follows:

Bruno A. Barreiro, Chairman aye
Barbara J. Jordan, Vice-Chairwoman aye

Jose "Pepe" Diaz	aye	Audrey M. Edmonson	aye
Carlos A. Gimenez	aye	Sally A. Heyman	aye
Joe A. Martinez	aye	Dennis C. Moss	aye
Dorrin D. Rolle	aye	Natacha Seijas	aye
Katy Sorenson	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 20th day of November, 2008. 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: Kay Sullivan
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Jorge Martinez-Esteve

AMENDMENT TO LEASE AGREEMENT

THIS AGREEMENT made this day of , 2008, by and between MIAMI-DADE COUNTY, a political subdivision of the State of Florida, herein called the "LANDLORD," and COMMUNITY HABILITATION CENTER, INC., a Florida Not-for-Profit Corporation, hereinafter called the "TENANT,"

WITNESSETH:

WHEREAS, by Resolution No. R-853-97, adopted by the Board of County Commissioners on July 22, 1997, authorized a Lease between the above named parties for that certain property located at 11350 S.W. 79 Street, Miami, Florida; and

WHEREAS, both LANDLORD and TENANT are desirous of amending said Lease as set forth below; and

WHEREAS, by Resolution No. , adopted , 2008, the Board of County Commissioners has authorized the amending of said Lease;

NOW, THEREFORE, in consideration of the restrictions and covenants herein contained, it is agreed that the said Lease is hereby amended as follows:

1) Lease Term – The current Lease was approved by the Board July 22, 1997 by Resolution # R-853-97 the Lease term is for a period of thirty years with two (2) additional ten-year renewal option periods. The Lease commenced July 22, 1997 and will terminate July 21, 2027. The term of the Lease Agreement shall be extended for an additional twenty-year period commencing July 21, 2027 and terminating December 31, 2047. The two (2) additional renewal option periods will remain in full force and effect pursuant to Article XVII, "Option to Renew," of the Lease Agreement.

2) Rental Rate – The rental rate for the extended period of twenty (20) years shall be Twenty and 00/100 Dollars ($20.00), payable in twenty (20) equal installments of One and 00/100 Dollars ($1.00), payable in advance on the yearly anniversary date of the commencement of this Amendment to Lease Agreement.

3) Notices – Written notices as per Article XXII, "Notices," to be sent to the TENANT shall be addressed as follows:

Community Habilitation Center
11450 S.W. 79 Street
Miami, Florida 33173

4) Amendment of Article XVII, "Option to Renew" – Reference to County Manager in Article XVII of the Lease shall be amended to read County Mayor or County Mayor's designee.

In all other respects said Lease shall remain in full force and effect in accordance with the terms and conditions specified therein.

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

(CORPORATE SEAL)

WITNESS

WITNESS

COMMUNITY HABILITATION CENTER, INC.
A Florida Not-for-Profit Corporation

By: _____
John R. Mazzarella
President

(TENANT)

(OFFICIAL SEAL)

ATTEST:

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

MIAMI-DADE COUNTY FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

By: _____
Carlos Alvarez
Mayor (LANDLORD)

Approved by County Attorney as to
form and legal sufficiency: _____

Prepared by: Margaret Araujo
Real Estate Officer
General Services Administration

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