OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

Memorandum

MIAMI-DADE COUNTY

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

Resolution No. R-1168-10

Date: December 7, 2010

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

From: George M. Burgess
County Manager

Subject: Amendment to Lease Agreement with Creative Children Therapy, Inc., a Florida Not-for-Profit Corporation, for property located at 8000 S.W. 123 Avenue, Miami, for Miami-Dade County Water and Sewer Department
Property # 4936-00-00

RECOMMENDATION

It is recommended that the Board approve the attached resolution authorizing execution of an Amendment to Lease Agreement with Creative Children Therapy, Inc., a Florida Not-for-Profit Corporation, for property located at 8000 S.W. 123 Avenue, Miami. The attached Amendment to Lease Agreement has been prepared by General Services Administration at the request of the Miami-Dade County Water and Sewer Department.

PROPERTY:	8000 S.W. 123 Avenue, Miami
COMMISSION DISTRICT:	10
OWNER:	Miami-Dade County
TENANT:	Creative Children Therapy, Inc., a Florida Not-for-Profit Corporation
COMPANY PRINCIPALS:	Executive Board of Directors Lissette Menendez, President/Director Maria R. Orfila, Vice President/Director/Secretary Maria C. Arrazola, Treasurer Roberto Villasante, Director
TENANT'S TRACK RECORD:	The County has no record of negative performance issues with Creative Children Therapy, Inc.
USE:	Five acres of vacant land to be used to construct and operate a facility which will provide a continuum of health, behavioral health therapy and prevention services inclusive of quality pediatric therapy services for special-needs children, adolescents and their families.
PURPOSE OF AMENDMENT:	To modify Article XV, "Cancellation" of the lease agreement to extend the allotted time to issue a building permit from two years to five years and the construction of the facility from five years to eight years from the commencement date of the lease agreement dated January 12, 2009.

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FINANCIAL IMPACT:	No funds will be spent by the County. The vacant land is leased to Creative Children Therapy, Inc. for one dollar ($1.00) per year. The County will not be impacted financially by the proposed amendment to the lease agreement.
EFFECTIVE DATES OF AMENDMENT:	This Amendment to Lease Agreement shall become effective upon the passage of the resolution of the Miami-Dade County Board of County Commissioners (the Board") approving this Amendment to Lease Agreement and shall terminate on January 11, 2039.
CURRENT LEASE:	The current lease agreement was approved by the Board on December 2, 2008 by Resolution No. R-1319-08. The lease is for a thirty-year term with one additional ten-year renewal option period. The initial lease term commenced on January 12, 2009 and expires January 11, 2039.
COMMENTS:	Attached for your information is a copy of the previously approved resolution and memorandum with data concerning the lease. Creative Children Therapy has requested an extension to the construction deadline in order to secure total project funding.
MONITOR:	Margaret Araujo, Real Estate Officer
DELEGATED AUTHORITY:	Authorizes the County Mayor or County Mayor's designee to execute the Amendment to Lease Agreement and exercise the cancellation provision.

Wendi S. Norris, Director
General Services Administration

MEMORANDUM

(Revised)

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

DATE: December 7, 2010

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

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

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)(C)
12-7-10

RESOLUTION NO. R-1168-10

RESOLUTION APPROVING AN AMENDMENT TO LEASE AGREEMENT AT 8000 S.W. 123 AVENUE, MIAMI, WITH CREATIVE CHILDREN THERAPY, INC., A FLORIDA NOT-FOR-PROFIT CORPORATION, FOR PREMISES TO BE UTILIZED AS A FACILITY FOR SPECIAL-NEEDS CHILDREN AND THEIR FAMILIES IN THE COMMUNITY; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE SAID AMENDMENT AND 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 MIAMI-DADE COUNTY, FLORIDA, that this Board hereby approves the Amendment to Lease Agreement between Miami-Dade County and Creative Children Therapy, Inc., a Florida Not-for-Profit corporation, for premises located at 8000 S.W. 123 Avenue, Miami, for premises to be utilized as a facility for special-needs children, 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 **Sally A. Heyman**, who moved its adoption. The motion was seconded by Commissioner **Rebeca Sosa** and upon being put to a vote, the vote was as follows:

Dennis C. Moss, Chairman **aye**
Jose "Pepe" Diaz, Vice-Chairman **aye**

Bruno A. Barreiro	**aye**	Lynda Bell	**aye**
Audrey M. Edmonson	**aye**	Carlos A. Gimenez	**aye**
Sally A. Heyman	**aye**	Barbara J. Jordan	**aye**
Joe A. Martinez	**aye**	Jean Monestime	**aye**
Natacha Seijas	**aye**	Rebeca Sosa	**aye**
Sen. Javier D. Souto	**absent**		

The Chairperson thereupon declared the resolution duly passed and adopted this 7th day of December, 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: **DIANE COLLINS**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Martin W. Sybblis

AMENDMENT TO LEASE AGREEMENT

THIS FIRST AMENDMENT to Lease Agreement made this day of , 2010, by and between MIAMI-DADE COUNTY, a political subdivision of the State of Florida, herein sometimes designated or referred to as the "LANDLORD," and CREATIVE CHILDREN THERAPY, INC., a Florida Not-for-Profit Corporation, hereinafter referred to as the "TENANT,"

WITNESSETH:

WHEREAS, by Resolution No. R-1319-08, adopted by the Board of County Commissioners on December 2, 2008, the Board authorized the Lease Agreement between the above named parties for five (5) acres of vacant land for property located at 8000 S.W. 123 Avenue, Miami, Florida; and

WHEREAS, the Effective Date of the Lease Agreement was January 12, 2009 and the Lease Agreement will expire on January 11, 2039, which amounts to a thirty (30) year term; and

WHEREAS, the TENANT is to construct and operate a facility which will provide a continuum of health and behavioral health and prevention services inclusive of quality pediatric therapy services for special-needs children, adolescents and their families; and

WHEREAS, the Lease Agreement requires a building permit to be issued within the first two (2) years of the Effective Date of the Lease Agreement; and

WHEREAS, the Lease Agreement also requires that the aforementioned facility be completed within five (5) years of the Effective Date of the Lease Agreement; and

WHEREAS, both LANDLORD and TENANT are desirous of amending Lease Agreement to require that (1) the building permit be issued within five (5) years of the Effective Date of the Lease Agreement and (2) that the facility be completed within eight (8) years of the Effective Date of the Lease Agreement, as set forth below; and

WHEREAS, by Resolution No. , adopted , 2010, the Board of County Commissioners has authorized this First Amendment to the Lease Agreement;

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

ARTICLE XV
CANCELLATION

The LANDLORD, through its County Mayor or the County Mayor's designee, shall have the right to cancel this Lease Agreement for cause at any time by giving the TENANT at least ninety (90) days' written notice prior to its effective date should any of the following occur:

1. A building permit is not issued within the first five (5) years of the Effective Date of the Lease Agreement.
2. Construction of the facility has not been completed within eight (8) years of the Effective Date of the Lease Agreement.
3. A certificate of occupancy or temporary certificate of occupancy has not been obtained within six months of the building being completed.
4. Assignment by TENANT of this Lease Agreement for the benefit of creditors.
5. Non-performance of any material covenant of this Lease Agreement and failure of the TENANT to remedy such breach. TENANT shall have one hundred and eighty (180) days to cure any default after receiving written notice of same from LANDLORD.
6. In the event the TENANT shall willfully abandon or vacate the leased premises or any improvements made thereto before the end of the term of this Lease Agreement, or any extension or renewal thereof, or willfully discontinue operations hereunder for a period of thirty (30) days or more.
7. If the leased premises shall be used by TENANT for any other purpose than as described in Article I, or if TENANT shall fail to maintain any required State of Florida licensing.
8. The conducting of any business or merchandising of any product or service not specifically authorized herein.
9. A final judgment in favor of LANDLORD as a result of any litigation between the parties.

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 Lease Agreement to be executed by their respective and duly authorized officers the day and year first above written.

(CORPORATE SEAL)

_____

WITNESS

CREATIVE CHILDREN THERAPY, INC.
A Florida Not-for-Profit Corporation

_____

WITNESS

By: _____
Maria Regina Orfila
Executive Director

(TENANT)

(OFFICIAL SEAL)

ATTEST:

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

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

By: _____
Carlos Alvarez
County Mayor

(LANDLORD)

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

OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

Memorandum

MIAMI-DADE COUNTY

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

Date: December 2, 2008

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

From: George M. Burgess
County Manager

Resolution No. R-1319-08

Subject: Lease Agreement at 8000 S.W. 123 Avenue, Miami, with the Creative Children Therapy, Inc., a Florida Not-for-Profit Corporation
Property # 4936-00-00

RECOMMENDATION

It is recommended that the Board of County Commissioners approve the attached resolution authorizing the execution of a Lease Agreement, for $1.00 per year, on County-owned property located at 8000 S.W. 123 Avenue, Miami, with the Creative Children Therapy, Inc., a Florida Not-for-Profit Corporation for premises to be utilized as a facility which will provide a continuum of health and behavioral health and prevention services inclusive of quality pediatric therapy services for special-needs children, adolescents and their families. The attached Lease Agreement has been prepared by the General Services Administration at the request of the Miami-Dade Water and Sewer Department.

PROPERTY:	8000 S.W. 123 Avenue, Miami
COMMISSION DISTRICT:	10
COMMISSION DISTRICTS IMPACTED:	Countywide
OWNER:	Miami-Dade County
PROPOSED TENANT:	Creative Children Therapy, Inc., a Florida Not-for-Profit Corporation
COMPANY PRINCIPALS:	Executive Board of Directors Lissette Menendez Roberto Villasante Maria Regina Orfilia President: Lissette Menendez Vice-President: Maria Regina Orfila Secretary: Maria Regina Orfila Treasurer: Maria Cristina Arrazola
TENANT'S TRACK RECORD:	The County has no record of negative performance issues with Creative Children Therapy, Inc.
USE:	Approximately five acres of land to be used to construct and operate a facility which will provide a continuum of health and behavioral health and prevention services inclusive of quality pediatric therapy services for special-needs children, adolescents and their families.

JUSTIFICATION:	This vacant parcel of land is under the jurisdiction of the Miami-Dade Water and Sewer Department. The mission and goal of Creative Children Therapy is to treat children with neuromotor, strength and muscoskeletal problems through traditional as well as non-traditional techniques. Presently, Creative Children Therapy is leasing space located at 12608 S.W. 88 Street, Miami; however, their current needs require the construction of a larger facility within a two mile radius of their current location to properly serve the needs of the community. The Miami-Dade County Water and Sewer Department has agreed to lease the land to Creative Children Therapy to construct the facility.
LEASE TERM:	Thirty years with one additional ten-year renewal option period.
EFFECTIVE DATES:	The Lease Agreement shall become effective upon approval by the Board of County Commissioners and terminate thirty years thereafter.
LEASE CONDITIONS:	The Tenant is responsible for all of the construction and operational costs of the facility, installation and maintenance of all utilities, communication services and equipment, roof, custodial care of property, HVAC system, trash disposal, janitorial and custodial services. In Article XXI, "Restrictions and Covenants of the Leased Premises", the County prohibits Hippotherapy (horses), pet therapy, and gardening due to the fact that the property is located within the ten (10) day travel line of the County's Southwest Wellfield Protection Area.
RENTAL RATE:	$1.00 per year.
CANCELLATION PROVISION:	The County may cancel at any time by providing a 90 day written notice prior to its effective date should the Tenant violate any conditions stipulated in Article XV, "Cancellation" of the Lease Agreement, including failure to obtain a building permit within two years of commencement of this Lease and failure to complete construction within five years of the execution of the Lease Agreement.
COMMENTS:	On October 2, 2007, pursuant to Resolution R-1134-07, the Board of County Commissioners directed the County Manager to prepare a report regarding the feasibility of leasing land to Creative Children Therapy, Inc. Creative Children Therapy, Inc., is a Florida Not-for-Profit Corporation that provides pediatric therapy services for special-needs children.

MONITOR:	Jane Marie Hundertmark, Real Estate Officer
DELEGATED AUTHORITY:	Authorizes the County Mayor or County Mayor's designee to execute the attached lease agreement, exercise the cancellation provision and the additional ten-year renewal option period.

Wendi J. Norris
Director
General Services Administration

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 8(F)(1)(C)
12-2-08

RESOLUTION NO. R-1319-08

RESOLUTION AUTHORIZING EXECUTION OF A LEASE AGREEMENT AT 8000 S.W. 123 AVENUE, MIAMI, WITH THE CREATIVE CHILDREN THERAPY, INC., A FLORIDA NOT-FOR-PROFIT CORPORATION, FOR PREMISES TO BE UTILIZED AS A FACILITY FOR SPECIAL-NEEDS CHILDREN AND THEIR FAMILIES IN THE COMMUNITY; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN

WHEREAS, the Creative Children Therapy, Inc., is a registered Florida Not-for-Profit for the purposes of providing assistance to special needs children in the community; and

WHEREAS, the Creative Children Therapy, Inc., desires to lease certain county-owned property located at the 8000 S.W. 123 Avenue, Miami to construct and operate a facility which will provide quality pediatric therapy services for special-needs children and their families in the community; and

WHEREAS, the County is satisfied that the Creative Children Therapy, Inc., a Florida Not-for-Profit Corporation does require the 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 hereby approves the Lease Agreement between Miami-Dade County and the Creative Children Therapy, Inc., a Florida Not-for-Profit Corporation, for premises to be utilized as a facility for special–needs children and their families in the community for a thirty (30) year term with one (1) additional ten (10) year renewal option period, at an annual rental rate of $1.00; 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 **Sally A. Heyman**, who moved its adoption. The motion was seconded by Commissioner **Carlos A. Gimenez** 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	**absent**	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	**absent**		

The Chairperson thereupon declared the resolution duly passed and adopted this 2nd day of December, 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.

Henry N. Gillman