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

MEMORANDUM

Agenda Item No. 11(A)(19)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: September 4, 2013

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

SUBJECT: Resolution relating to Kendall-Tamiami Executive Airport and the Wings Over Miami, Inc. Aviation Museum located thereon; finding and determining the value of the tangible and intangible benefits to the Airport and the civil aviation community of Miami-Dade County
Resolution No. R-712-13

This item was amended at the Finance Committee on July 9, 2013. This amendment provides for the Miami-Dade Aviation Department to revoke the 25% rental discount provided to Wings Museum, if Wings Museum fails to make any rental payment on time and when due pursuant to the lease agreement.

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Juan C. Zapata.

R. A. Cuevas, Jr.
County Attorney

RAC/smm

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MEMORANDUM
(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: September 4, 2013

FROM: R. A. Cuevas, Jr.
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SUBJECT: Agenda Item No. 11(A)(19)

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 Mayor'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**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(19)
9-4-13

RESOLUTION NO. R-712-13

RESOLUTION RELATING TO KENDALL-TAMIAMI EXECUTIVE AIRPORT AND THE WINGS OVER MIAMI, INC. AVIATION MUSEUM ("WINGS MUSEUM") LOCATED THEREON; FINDING AND DETERMINING THAT THE VALUE OF THE TANGIBLE AND INTANGIBLE BENEFITS TO THE AIRPORT AND THE CIVIL AVIATION COMMUNITY OF MIAMI-DADE COUNTY FROM THE PRESENCE AND OPERATIONS OF WINGS MUSEUM ON SUCH AIRPORT IS TWENTY-FIVE PERCENT (25%) OF WINGS MUSEUM'S ANNUAL NET OPERATING COSTS; APPROVES THE APPLICATION OF SUCH TWENTY-FIVE PERCENT TO RENT PAYMENTS DUE FROM WINGS MUSEUM UNDER ITS CURRENT LEASE AGREEMENT ON THE AIRPORT; AUTHORIZING THE MAYOR OR DESIGNEE TO EXECUTE A STANDARD FIVE-YEAR AVIATION DEPARTMENT LEASE AGREEMENT WITH WINGS MUSEUM EFFECTIVE AS OF JULY 1, 2013 WITH SUCH TWENTY-FIVE PERCENT BENEFITS VALUE APPLYING THERETO

WHEREAS, this Board has determined that the Wings Over Miami Inc. Aviation Museum ("Wings Museum") located at Kendall-Tamiami Executive Airport ("Airport") provides a positive and measurable impact on the Airport and the civil aviation community of Miami-Dade County, both of which receive tangible and intangible benefits from the presence and operation of the Wings Museum on the Airport; and

WHEREAS, the Federal Aviation Administration permits a reduction in the rents payable by such not-for-profit museums to the extent of such tangible and intangible benefits; and

WHEREAS, the Aviation Department has determined from an economic analysis that the amount of tangible and intangible benefits from the Wings Museum is twenty-five percent (25%) of the Wings Museum's total costs of operations less the costs of rent payable to Miami-Dade County for the Wings Museum's facilities on the Airport (the "net operating costs"); and

WHEREAS, the Federal Aviation Administration has reviewed the Aviation Department's proposed application of the 25% benefit factor to the rents otherwise due (the "25% benefit factor") and has approved such application, provided it is done so on a consistent basis for all similarly-situated facilities; and

WHEREAS, this Resolution approves the application of the 25% benefit factor for all current rent calculations for Wings Museum facilities at the Airport, and its retroactive application to the rents payable under Wings Museum's current lease agreement, but without any obligation on the part of the County to reimburse the Wings Museum for any rents actually paid by Wings Museum to the present time; and

WHEREAS, this Resolution also authorizes the Mayor or designee to execute a new standard five-year lease agreement with the Wings Museum effective as of July 1, 2013,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board finds and determines that the value of the tangible and intangible benefits to the Airport and to the civil aviation community of Miami-Dade County resulting from the activities and presence of the Wings Museum on the Airport has been and is equal to twenty-five percent (25%) of the Wings Museum's annual net operating costs as defined above, and that such annual value may be applied to the rents due from the Wings Museum effective as of the commencement date of the Wings Museum's current lease at the Airport, providing, however, that Miami-Dade County shall not be obligated to reimburse the Wings Museum for any rents actually paid by the Wings Museum from such commencement date to the present time; and authorizes the Mayor or designee to execute a standard five-year Aviation Department lease agreement with the Wings Museum commencing on July 1, 2013 and expiring on June 30, 2018, with such 25% benefit

factor applying to such five-year lease agreement>>, provided however, that if the Wings Museum fails to make any rental payment on time and when due pursuant to the lease agreement, then the 25% benefit factor will be forfeited, and the total rent due absent any reduction shall be due and payable from that point forward to the end of the lease term<<[1].

The Prime Sponsor of the foregoing resolution is Commissioner Juan C. Zapata. It was offered by Commissioner **Juan C. Zapata**, who moved its adoption. The motion was seconded by Commissioner **Rebeca Sosa** and upon being put to a vote, the vote was as follows:

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

[1] Committee amendments are indicated as follows: Words stricken through and/or [[double bracketed]] are deleted, words underscored and/or >>double arrowed<< are added.

The Chairwoman thereupon declared the resolution duly passed and adopted this 4th day of September, 2013. 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: Christopher Agrippa
Deputy Clerk

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

Thomas P. Abbott