

Memorandum



Date: October 6, 2020

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

From: Carlos A. Gimenez
Mayor

Subject: Resolution Approving the First Amendment to the Lease Agreement Between
Miami-Dade County and City of Sunny Isles Beach for a Passive Park

Agenda Item No. 8(O)(2)

Resolution No. R-1009-20

RECOMMENDATION:

It is recommended that the Board of County Commissioners (Board) approve the attached resolution authorizing approval of the First Amendment to the Lease Agreement between Miami-Dade County (the "County") and the City of Sunny Isles Beach (the "City") for a Passive Park located at 350 Sunny Isles Boulevard, Sunny Isles Beach, Florida (the "Leased Premises"). The First Amendment is attached to the Resolution as Exhibit 1.

SCOPE

The Leased Premises is located in District 4, which is represented by Commissioner Sally A. Heyman. It is located on the western portion of the Miami-Dade Water and Sewer Department's ("WASD's") Pump Station No. 301 site located at 350 Sunny Isles Boulevard, Sunny Isles Beach, Florida 33160, bearing Folio No. 31-2214-007-0410.

FISCAL IMPACT / FUNDING SOURCE:

There is no fiscal impact to the County.

TRACK RECORD/MONITOR:

WASD's Senior Advisor, Lynnette Ramirez, will oversee the implementation of the First Amendment.

BACKGROUND:

On October 2, 2018, via Resolution No. R-1021-18, the Board approved a Lease Agreement with the City to allow the City of Sunny Isles Beach to utilize 17,561¹ square feet of County-owned property as a Passive Park. The property, which is not being used by the County, is part of a larger parcel where WASD Pump Station No. 301 is located.

Consistent with the terms of the current Consent Decree between the County, the United States Environmental Protection Agency, the Florida Department of Environmental Protection and the State of Florida (the "Consent Decree"), WASD established a Pump Station Improvement Program to perform upgrades to the County's wastewater collection and transmission system, including pump

¹ Resolution No. R-1021-18 contained a scrivener's error throughout the item. It mistakenly indicated that the total square footage of the Leased Premises was 17,651 when it should have indicated a total square footage of 17,561.

stations and force mains, pursuant to section 24-42.3 of the Code of Miami-Dade County. In order to comply with the requirements and regulations set forth in the Consent Decree, the County must complete improvements to Pump Station No. 301.

When the Lease Agreement between the County and the City was approved by the Board in 2018, WASD was in the design phase of upgrading Pump Station No. 301. During the permitting process, WASD discovered that a minor modification to the boundaries of the existing Leased Premises was needed in order to provide WASD with sufficient access for its emergency maintenance vehicles to carry out the pump station repairs.

In exchange for this minor modification, the County has agreed to provide the City with an additional 299 square feet of land, which will increase the total Leased Premises from 17,561 square feet to 17,860 square feet. The change to the Leased Premises is reflected on the Revised Exhibit B to the First Amendment.

The term of the Agreement is for 20 years with two 10-year renewal options, and the First Amendment will not change or affect the term of the Agreement.

In accordance with Resolution No. R-380-17, written notification was provided to Commissioner Sally A. Heyman in District 4 four weeks prior to the placement of this New Lease Agreement on any committee or Board agenda.

Because the County needs to modify the boundaries of the Leased Premises in order to carry out the upgrades needed to Pump Station No. 301, it is in the County's best interest to approve the First Amendment to the Lease Agreement.



Jack Osterholt
Deputy Mayor



MEMORANDUM (Revised)

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

DATE: October 6, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 8(O)(2)

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(O)(2)
10-6-20

RESOLUTION NO. R-1009-20

RESOLUTION APPROVING THE FIRST AMENDMENT TO THE LEASE AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE CITY OF SUNNY ISLES BEACH FOR A PASSIVE PARK AT 350 SUNNY ISLES BOULEVARD, SUNNY ISLES BEACH, FLORIDA, WHICH REVISES THE BOUNDARIES OF THE PASSIVE PARK AND ADDS 299 SQUARE FEET TO THE PASSIVE PARK; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME AND EXERCISE THE PROVISIONS CONTAINED THEREIN; AND DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO PROVIDE A COPY OF THE FIRST AMENDMENT TO THE LEASE AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE CITY OF SUNNY ISLES BEACH TO THE PROPERTY APPRAISER'S OFFICE

WHEREAS, on October 2, 2018, via Resolution R-1021-18, the Board of County Commissioners approved a Lease Agreement with the City of Sunny Isles Beach (the "City") for a Passive Park with a total square footage of 17,561 square feet on the western portion of the Miami-Dade Water and Sewer Department's ("WASD") Pump Station No. 301 site located at 350 Sunny Isles Boulevard, Sunny Isles Beach, Florida (the "Leased Premises"); and

WHEREAS, to comply with the terms of the current Consent Decree between the County, the United States Environmental Protection Agency, the Florida Department of Environmental Protection and the State of Florida (the "Consent Decree"), WASD established a Pump Station Improvement Program in order to perform upgrades to the County's wastewater collection and transmission system, including pump stations and force mains, pursuant to section 24-42.3 of the Code of Miami-Dade County; and

WHEREAS, in order to bring Pump Station No. 301 into compliance with the requirements and regulations set forth in the Consent Decree, the County must complete improvements to Pump Station No. 301; and

WHEREAS, during the permitting process, WASD discovered that a minor modification to the existing Leased Premises was required in order to provide WASD with sufficient access for maintenance vehicles for emergency repairs to Pump Station No. 301; and

WHEREAS, in exchange for this modification, WASD will provide the City with an additional 299 square feet of land, which will increase the total Leased Premises from 17,561 square feet to 17,860 square feet; and

WHEREAS, the City has agreed to the modification to the Leased Premises as shown on “Revised Exhibit B,” which is attached to the First Amendment to the Lease Agreement between Miami-Dade County and the City of Sunny Isles Beach for a Passive Park, attached hereto as Exhibit 1; and

WHEREAS, the 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:

Section 1. The foregoing recitals are incorporated in this resolution and are approved.

Section 2. The Board hereby approves the First Amendment to the Lease Agreement between Miami-Dade County and City of Sunny Isles Beach for a Passive Park, in substantially the form attached hereto as Exhibit 1 and made a part hereof.

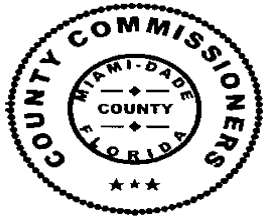
Section 3. The Board authorizes the County Mayor or County Mayor’s designee to execute the First Amendment on behalf of Miami-Dade County, to take all actions necessary to effectuate the same, and to exercise any and all rights conferred therein.

Section 4. The Board directs the County Mayor or County Mayor’s designee to provide the Property Appraiser’s Office with a copy of the First Amendment to the Lease Agreement between Miami-Dade County and the City of Sunny Isles Beach within 30 days of its execution.

The foregoing resolution was offered by Commissioner **Rebeca Sosa** , who moved its adoption. The motion was seconded by Commissioner **José "Pepe" Diaz** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 6th day of October, 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: **Melissa Adames**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency

SED

Sarah E. Davis

Exhibit 1

**FIRST AMENDMENT
TO
LEASE AGREEMENT
BETWEEN
MIAMI-DADE COUNTY
AND
CITY OF SUNNY ISLES BEACH FOR A PASSIVE PARK**

THE FIRST AMENDMENT (“First Amendment”) to Lease Agreement (the “Lease”) made on the ____ day of _____, 2020 (“Effective Date”), by and between MIAMI-DADE COUNTY, a political subdivision of the State of Florida, hereinafter referred to as the “LANDLORD”, and the CITY OF SUNNY ISLES BEACH, a Florida municipal organization hereinafter referred to as the “TENANT”, and collectively with the LANDLORD, the “Parties”.

WITNESSETH:

WHEREAS, the Landlord is the owner and operator of a public facility known as the Miami-Dade Water and Sewer Pump Station No. 301, which is located at 350 Sunny Isles Boulevard, Sunny Isles Beach, Florida, bearing Folio Number 31-2214-007-0410; and

WHEREAS, on October 2, 2018, via Resolution No. R-1021-18, the Miami-Dade County Board of County Commissioners approved a Lease Agreement with the Tenant for a Passive Park with a total square footage of 17,561 square feet on the western portion of the Miami-Dade Water and Sewer Department’s Pump Station No. 301 site (the “Leased Premises”); and

WHEREAS, in 2014, Miami-Dade County, the United States Environmental Protection Agency, the Florida Department of Environmental Protection, and the State of Florida entered into a Consent Decree (the “Consent Decree”), which, among other things, required the Miami-Dade Water and Sewer Department to establish a Pump Station Improvement Program in order to perform upgrades to the County’s wastewater collection and transmission system, including pump stations and force mains, pursuant to section 24-42.3 of the Code of Miami-Dade County; and

WHEREAS, in order to bring Pump Station No. 301 into compliance with the requirements and regulations set forth in the Consent Decree, the County must complete improvements to Pump Station No. 301; and

WHEREAS, during the permitting process, the LANDLORD discovered that a minor modification to the boundaries of the existing Leased Premises in “Exhibit B” to the original Lease Agreement needed to be modified to provide the LANDLORD with sufficient access for maintenance vehicles for emergency repairs to the Pump Station No. 301; and

WHEREAS, in exchange for this modification, the LANDLORD has agreed to provide the TENANT with an additional 299 square feet of land, which will increase the total Leased Premises from 17,561 square feet to 17,860 square feet, as shown on the attached “Revised Exhibit B;” and

WHEREAS, the TENANT agrees to the modification to the Leased Premises as shown in “Revised Exhibit B,”

NOW, THEREFORE, in consideration of the mutual covenants and obligations set forth herein, the LANDLORD and TENANT agree to the following:

1. Remove "Exhibit B" and replace it with "Revised Exhibit B." .

All of the terms, conditions and warranties contained in the Lease Agreement are hereby reaffirmed and shall continue in full force and effect except as specifically modified by this First Amendment.

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

ATTEST:

HARVEY RUVIN, CLERK

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

BY: _____
DEPUTY CLERK

BY: _____
CARLOS A. GIMENEZ
MAYOR

THE TENANT

(OFFICIAL SEAL)

CITY OF SUNNY ISLES BEACH,
a Florida Municipal Organization

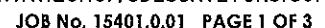
WITNESS

By: _____
GEORGE "BUD" SCHOLL
MAYOR

WITNESS

Approved as to form and legal sufficiency:

Assistant County Attorney



**SKETCH TO ACCOMPANY LEGAL DESCRIPTION
LANDSCAPE FOR SEWAGE PUMP STATION No. 301
REVISED EXHIBIT "B"**

LEGAL DESCRIPTION

A PORTION OF TRACT ALAMANDA PARK (PUBLIC PARKING), OF "SECOND REVISED PLAT OF BELLA VISTA SUBDIVISION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 50, AT PAGE 76 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at the intersection of the west line of Lot 26 of said Second Revised Plat of Bella Vista Subdivision with the existing southerly Right of Way Line of Sunny Isles Boulevard (State Road 826) as per the Florida Department of Transportation Right of Way Map for Section 87170-2517; thence run S81°53'43"W along the said Southerly Right of Way Line for a distance of 220.58 feet to the beginning of a tangent curve concave to the northwest, having a radius of 1,409.50 feet; thence southwesterly 55.56 feet along said curve through a central angle of 02°15'31" to a point; thence leaving said right-of-way line run S02°42'20"E for a distance of 10.01 feet to the beginning of a non-tangent curve concave to the northwest, a radial line to said point bears S 05°49'27" E from the center of said curve; having a radius of 1,419.50 feet; thence northeasterly 56.50 feet along said curve through a central angle of 02°16'50" to a point of tangency; thence run N81°53'43"E for a distance of 214.61 feet; thence run S02°42'20"E for a distance of 7.03 feet; thence run S81°53'43"W for a distance of 3.01 feet; thence run S02°42'20"E for a distance of 99.31 feet; thence run N86°14'15"W for a distance of 159.57 feet; thence run N08°07'32"W for a distance of 10.39 feet; thence run N78°46'00"W for a distance of 26.11 feet; thence run S87°32'55"W for a distance of 82.13 feet; thence run S02°42'20"E for a distance of 8.81 feet; thence run S87°17'40"W for a distance of 25.00 feet; thence run S02°42'20"E for a distance of 34.23 feet; thence run N73°08'07"E for a distance of 30.82 feet; thence run S83°06'39"E for a distance of 20.29 feet; thence run N73°24'27"E for a distance of 41.53 feet; thence run S74°51'23"E for a distance of 21.94 feet; thence run N81°54'27"E for a distance of 23.76 feet; thence run S88°53'28"E for a distance of 10.58 feet; thence run S82°10'18"E for a distance of 36.38 feet; thence run S86°09'00"E for a distance of 38.34 feet; thence run N88°16'22"E for a distance of 57.98 feet; thence run S73°50'43"E for a distance of 24.17 feet said point lying on the westerly line of the aforementioned Lot 26; thence run N02°42'20"W along the westerly line of said Lot 26 for a distance of 136.11 feet to the **POINT OF BEGINNING**.

Said lands containing 10,754 square feet or 0.247 acres more or less, by calculations.

NOTICE: This document is not valid, full and complete without all pages.

This is not a survey

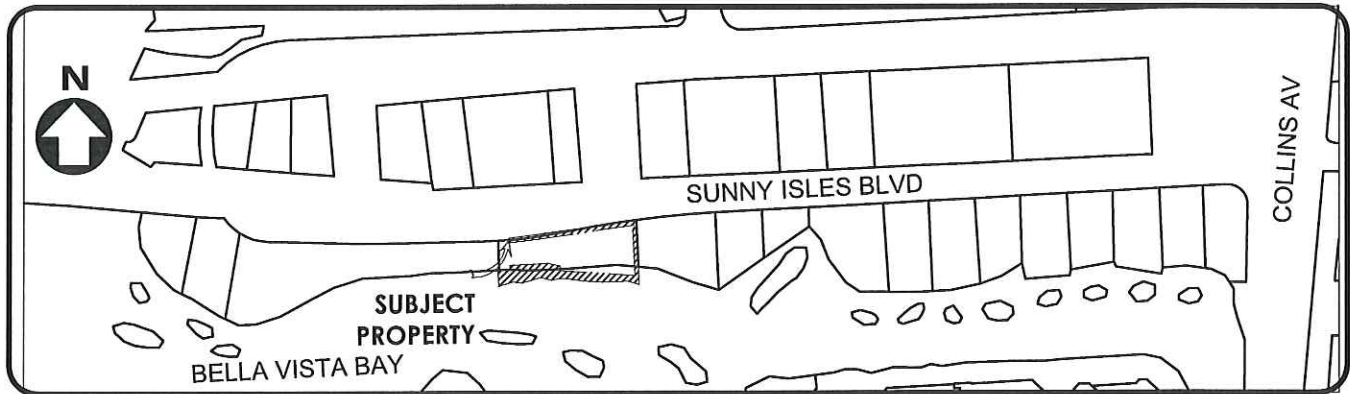


SURVEYORS

7769 NW 48TH STREET, SUITE 375, DORAL, FLORIDA 33166 * PHONE: (305) 463-0912 * FAX: (305) 513-5680 * WWW.LONGITUDESURVEYORS.COM

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**SKETCH TO ACCOMPANY LEGAL DESCRIPTION
LANDSCAPE AT SEWAGE PUMP STATION No. 301
REVISED EXHIBIT "B"**



LOCATION MAP
(NOT TO SCALE)

SOURCES OF DATA:

The Legal Description of the Subject Parcel was generated from the following record plat:

Plat of SECOND REVISED PLAT OF BELLA VISTA SUBDIVISION" recorded in Plat Book 50, at Page 76 of the Public Records of Miami-Dade County, Florida.

In addition, the following documents were reviewed for the preparation of this Sketch and Legal Description:

- a) Topographic Survey prepared by Longitude Surveyors, LLC. for CD 5.9 Proposed new sanitary sewer pump station for the Miami Dade Department (WASD), located at 350 Sunny Isles Boulevard, Sunny Isles Beach, Florida 33160, with a date of August 27, 2015.
- b) F.D.O.T. Right Of Way Map Section 87170 - 2517, Sheet 2 Of 8

Bearings as shown hereon are based upon the centerline of Sunny Isles boulevard (S.R 826 / Eastbound), with an assumed bearing of N01°48'30"W, said line to be considered a well established and monumented line.

LIMITATIONS:

No information was provided as to the existence of any easements other than what appears on the underlying Plat of record. Please refer to the Limitations item with respect to possible restrictions of record and utility services.

This document does not represent a field boundary survey of the described property, or any part or parcel thereof.

RESTRICTIONS:

Since no other information was furnished other than what is cited in the Sources of Data, the Client is hereby advised that there may be legal restrictions on the subject property that are not shown on this Sketch or contained within this report that may be found in the Public Records of Miami-Dade County, Florida or any other public and private entities as their jurisdictions may appear.

SURVEYOR'S CERTIFICATE:

I hereby certify: That this "Sketch to Accompany Legal Description" and the Survey Map resulting there from was performed under my direction and is true and correct to the best of my knowledge and belief and further, that said "Sketch to Accompany Legal Description" meets the intent of the applicable provisions of the "Standards Practice for Land Surveying in the State of Florida", pursuant to Rule 5J-17.053 of the Florida Administrative Code and its implementing law, Chapter 472.027 of the Florida Statutes.

LONGITUDE SURVEYORS LLC., a Florida Limited Liability Company
Florida Certificate of Authorization Number LB7335

By: Eduardo M. Suárez, PSM
Registered Surveyor and Mapper LS6313
State of Florida

Date Signature: 6/12/20

NOTICE:

Not valid without the signature and original raised seal of a Florida Licensed Surveyor and Mapper. Additions or deletions to Survey Maps by other than the signing party are prohibited without the written consent of the signing party.

NOTICE: This document is not valid, full and complete without all pages.

This is not a survey

LONGITUDE SURVEYORS

7769 NW 48TH STREET, SUITE 375, DORAL, FLORIDA 33166 * PHONE: (305) 463-0912 * FAX: (305) 513-5680 * WWW.LONGITUDESURVEYORS.COM

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