

MEMORANDUM

Agenda Item No. 8(F)(1)

TO: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners


DATE: May 6, 2025

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution approving a first Amendment to Lease Agreement between Miami-Dade County ("County") and the Village of Palmetto Bay, which extends the timeline for the Village to complete certain improvements on two separate parcels of land, having Folio Numbers 33-5033-000-0040 and 33-5033-000-0050, for the establishment of a passive park; and authorizing the County Mayor (1) to execute the Amendment, (2) to take all actions necessary to exercise all rights conferred in the Amendment, and (3) to take all actions necessary to effectuate same; and directing the County Mayor to provide an executed copy of the Amendment to the Property Appraiser's Office within 30 days of execution of the Amendment

Resolution No. R-423-25

The accompanying resolution was prepared by the Internal Services Department and placed on the agenda at the request of Prime Sponsor Commissioner Danielle Cohen Higgins.



Geri Bonzon-Keenan
County Attorney

GBK/ks

MDC001

Date: May 6, 2025

To: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

From: Daniella Levine Cava *Daniella Levine Cava*
Mayor

Subject: Resolution Approving a First Amendment to Lease Agreement between Miami-Dade County and the Village of Palmetto Bay for the Extension of Certain Timelines Relating to Establishing a Passive Park in the Village of Palmetto Bay

Executive Summary

This item approves a First Amendment to the Lease Agreement (Amendment), between Miami-Dade County (County) and the Village of Palmetto Bay (Village) for the extension of certain timelines in the Lease Agreement (Lease) for the Village to make required improvements relating to establishing a passive park on two separate, but contiguous parcels of County-owned land (Folio Numbers 33-5033-000-0040 and 33-5033-000-0050) (Premises).

According to the Lease, which was approved by the Board of County Commissioners (Board), on September 4, 2019, pursuant to Resolution No. R-968-19, the Village was required, within the first four years from the commencement of the Lease to install and maintain on the Premises a minimum of six park benches, a nature trail (either around or through the Premises), four interpretive signs (explaining the existence and value of any vegetation and wildlife on the Premises), as well as similar passive park improvements throughout the Premises. The Village has proposed that all of the required improvements will be completed by July 31, 2026, instead of the date as originally contemplated.

Recommendation

It is recommended that the Board approve the terms of, and authorize the execution of, the Amendment between the County and the Village, granting the extension of time to allow the Village to make the required improvements to the Premises. More specifically, the resolution does the following:

- Authorizes the Amendment in substantially the form attached to the accompanying resolution;
- Extends the completion date for the requisite improvements to July 31, 2026; and
- Authorizes the County Mayor or Mayor's designee to execute the Amendment, and to undertake any and all delegated rights to the County Mayor or County Mayor's designee, as specifically described in the Amendment.

Scope

The Premises is located in County Commission District 8, which is represented by Commissioner Danielle Cohen Higgins. In accordance with Resolution No. R-380-17, written notice of the Amendment was provided to the District County Commissioner.

Fiscal Impact/Funding Source

There is no known fiscal impact to the County.

Track Record/Monitor

The County has no record of negative performance issues with the Village. Steven Mayers, of the People and Internal Operations Department (PIOD), will be responsible for the administration of the Amendment.

Delegated Authority

This item authorizes the County Mayor or County Mayor's designee to execute the Amendment, and to exercise all other rights conferred therein. A copy of the Amendment will be provided to the Property Appraiser's Office within 30 days of its execution.

Background

On September 4, 2019, the Board approved Resolution No. R-968-19, authorizing the Lease of the Premises to the Village, for the establishment of a passive park. The Lease is for an initial term of 10 years, with four additional 10-year renewal option periods. As part of the terms and conditions of the Lease, the Village is required to make certain improvements to the Premises, within the first four years from the start of the Lease, including, to install and maintain on the Premises a minimum of six park benches, a nature trail (either around or through the Premises), four interpretive signs (explaining the existence and value of any vegetation and wildlife on the Premises), as well as similar passive park improvements throughout the Premises. The Village contacted the County in an effort to secure an extension of time to complete the aforementioned improvements to the Premises, principally because the Village retained the services of a consultant to determine the best approach for the removal of invasive species on the Premises, and the consultant developed a three-year plan that the Village is implementing for improving the Premises.



Carladenise Edwards
Chief Administrative Officer



MEMORANDUM
(Revised)

TO: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

DATE: May 6, 2025

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 8(F)(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 ____, majority plus one ____, 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) ____, 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(F)(1)
5-6-25

RESOLUTION NO. R-423-25

RESOLUTION APPROVING A FIRST AMENDMENT TO LEASE AGREEMENT BETWEEN MIAMI-DADE COUNTY (“COUNTY”) AND THE VILLAGE OF PALMETTO BAY, WHICH EXTENDS THE TIMELINE FOR THE VILLAGE TO COMPLETE CERTAIN IMPROVEMENTS ON TWO SEPARATE PARCELS OF LAND, HAVING FOLIO NUMBERS 33-5033-000-0040 AND 33-5033-000-0050, FOR THE ESTABLISHMENT OF A PASSIVE PARK; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR’S DESIGNEE (1) TO EXECUTE THE AMENDMENT, (2) TO TAKE ALL ACTIONS NECESSARY TO EXERCISE ALL RIGHTS CONFERRED IN THE AMENDMENT, AND (3) TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE SAME; AND DIRECTING THE COUNTY MAYOR OR THE COUNTY MAYOR’S DESIGNEE TO PROVIDE AN EXECUTED COPY OF THE AMENDMENT TO THE PROPERTY APPRAISER’S OFFICE WITHIN 30 DAYS OF EXECUTION OF THE AMENDMENT

WHEREAS, this Board desires to accomplish the purpose outlined in the accompanying memorandum, a copy of which is incorporated herein by reference; and

WHEREAS, Miami-Dade County (“County”), owns two separate, but contiguous, parcels of vacant land, consisting of approximately 8.69 acres, identified by Folio Numbers: 33-5033-000-0040, and 33-5033-000-0050 (“Premises”); and

WHEREAS, on September 4, 2019, this Board adopted Resolution No. R-968-19, which approved a Lease Agreement (“Lease”) for the Premises, to the Village of Palmetto Bay (“Village”), for the purpose of establishing a passive park; and

WHEREAS, as part of the terms and conditions of the Lease, the Village was required, within four years from the commencement of the Lease, to make certain improvements to Premises, including to install and maintain on the Premises a minimum of six park benches, a

nature trail (either around or through the Premises), four interpretive signs (explaining the existence and value of any vegetation and wildlife on the Premises), as well as similar passive park improvements throughout the Premises; and

WHEREAS, the Village has requested to extend the timeline to July 31, 2026, to complete the required improvements to the Premises; and

WHEREAS, the County continues to encourage the establishment of a passive park on the Premises for the benefit of area residents, in an around the Village; and

WHEREAS, although the County agrees to extend the timeline until July 31, 2026, to allow the Village to complete the required improvements to the Premises, the County will not grant any further extensions beyond that date; and

WHEREAS, this Board finds that it would be in the best interest of the County to amend the Lease, and have the County enter into the Amendment, to allow for the required improvements to the Premises,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. The foregoing recitals and accompanying County Mayor memorandum are incorporated into this resolution and are approved.

Section 2. This Board finds that the Premises was previously declared as surplus and leased to the Village.

Section 3. This Board approves of the Amendment, in substantially the form attached hereto as “Attachment 1,” requiring the Village to complete all of the required improvements to the Premises on or before July 31, 2026, to allow for the Premises to be utilized as a passive park.

Section 4. Although this Board, through the Amendment, agrees to extend the Village’s deadline until July 31, 2026 to make certain improvements to the Premises, no further extensions beyond that date will be granted.

Section 5. This Board authorizes the County Mayor or County Mayor’s designee to execute the Amendment for and on behalf of the County, to exercise any and all rights conferred therein, and to take all actions necessary to effectuate same.

Section 6. This Board further directs the County Mayor or County Mayor’s designee to provide the Property Appraiser’s Office with an executed copy of the Amendment within 30 days of execution.

Section 7. This Board directs the County Mayor or County Mayor’s designee, pursuant to Resolution No. R-974-09, to provide a copy of such recorded Amendment to the Clerk of the Board within 30 days of execution and final acceptance. This Board directs the Clerk of the Board, pursuant to Resolution No. R-974-09, to attach and permanently store a recorded copy of any instrument provided in accordance herewith together with this resolution.

The foregoing resolution was offered by Commissioner **Eileen Higgins** , who moved its adoption. The motion was seconded by Commissioner **Kionne L. McGhee** and upon being put to a vote, the vote was as follows:

Anthony Rodriguez, Chairman	aye		
Kionne L. McGhee, Vice Chairman	aye		
Marleine Bastien	aye	Juan Carlos Bermudez	aye
Sen. René García	aye	Oliver G. Gilbert, III	aye
Roberto J. Gonzalez	aye	Keon Hardemon	aye
Danielle Cohen Higgins	aye	Eileen Higgins	aye
Raquel A. Regalado	aye	Micky Steinberg	aye
District 6 - Vacant			

The Chairperson thereupon declared this resolution duly passed and adopted this 6th day of May, 2025. 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

JUAN FERNANDEZ-BARQUIN, CLERK

By: Basia Pruna
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

SMG

Sophia Guzzo

Attachment 1

FIRST AMENDMENT TO LEASE AGREEMENT

This First Amendment to Lease Agreement ("Amendment") is entered into and made effective on this ____ day of _____, 2024 by and between Miami-Dade County, a political subdivision of the State of Florida (the "**Landlord**"), and Village of Palmetto Bay, a municipal corporation (the "**Tenant**"). The Landlord and the Tenant are collectively referred to as the "**Parties**."

RECITALS

WHEREAS, the Landlord is the owner of two (2) parcels of land, having Folio Numbers: 33-5033-000-0040, consisting of approximately 183,387.6 square feet, and 33-5033-000-0050, consisting of approximately 195,148.8 square feet of land (together the "**Premises**"); and

WHEREAS, on September 4, 2019, the Landlord, through its Board of County Commissioners, by Resolution, R-968-19, approved a Lease Agreement that leased the Premises to the Tenant, for a passive park ("**Lease Agreement**"); and

WHEREAS, the Lease Agreement commenced on or about October 1, 2019, and within the first twelve (12) months the Tenant was required to install and maintain a permanent sign stating that the Premises is a passive park, and that such park was created out of a partnership between the Landlord and the Tenant, for the residents of Miami-Dade County; and

WHEREAS, within four (4) years from the start of the Lease Agreement, the Tenant was required to perform other improvements to the Premises, including, but not limited to installing a minimum of six (6) park benches, a nature trail (either around or through the Premises, four (4) interpretative signs (explaining the existence and value of any vegetation and wildlife on the Premises, as well as similar passive park improvements throughout the Premises, for the benefit of the residents of Miami-Dade County; and

WHEREAS, generally the Tenant is required to install any and all desired or necessary pathways, sidewalks, walkways and/or trails, in adjacent to, or leading to or from the Premises; and

WHEREAS, the Tenant states that it needs more time to complete the improvements to the Premises; and

WHEREAS, the Landlord and Tenant are desirous of amending the Lease Agreement to extend the previously scheduled dates for the required improvements to the Premises.

NOW THEREFORE, in consideration of the mutual covenants hereinafter set forth, the sufficiency of which is acknowledged and agreed by both the Tenant and the Landlord, the Parties agree to the following:

AGREEMENT

ARTICLE 1
INCORPORATION OF RECITALS

The Landlord and Tenant hereby acknowledge and agree that the foregoing recitals are true and correct and are incorporated into this Amendment by this reference.

ARTICLE 2
EFFECTIVE DATE OF THIS AMENDMENT

This Amendment shall become effective on the first (1st) day of the month after its approval by the Board of County Commissioners, and the expiration of the ten (10) day veto period by the Mayor of Miami-Dade County; if vetoed by the Mayor, this Amendment shall only become effective upon a two-thirds (2/3) vote of the Board of County Commissioners overriding the Mayor's veto ("**Effective Date**").

ARTICLE 3
MODIFICATION OF DATES IN THE LEASE AGREEMENT

The Parties hereby agree to change the completion date for the requisite improvements, as found in Section 10.02 of the Lease Agreement, and to replace such timeline requirements with the following:

The Tenant, at its sole cost and expense, shall ensure that all of the required improvements to the Premises, as described in Section 10.02 of this Lease Agreement, shall be completed by the Tenant no later than July 31, 2026.

ARTICLE 4
MODIFICATION OF OTHER OBLIGATIONS IN THE LEASE AGREEMENT

All other provisions of the Lease Agreement are and shall remain the same.

[THE REMAINDER OF THIS PAGE WAS INTENTIONALLY LEFT BLANK]
[ONLY THE SIGNATURE PAGE REMAINS]

IN WITNESS WHEREOF, Landlord has caused this Amendment to be executed in its name by the Mayor of Miami-Dade County, or the County Mayor's designee, as authorized by the Board of County Commissioners, and the Tenant has caused this Amendment to be executed by its duly authorized representative.

Approved as to form and legal sufficiency

By: _____
Assistant County Attorney

LANDLORD:

**Miami-Dade County,
a political Subdivision of the State of Florida
BY ITS BOARD OF COUNTY COMMISSIONERS**

ATTEST:

**JUAN FERNANDEZ-BARQUIN,
CLERK OF COURT AND
COMPTROLLER**


By: _____
Deputy Clerk

By: _____
Name: _____
Title: _____

Date: _____

TENANT:

**Village of Palmetto Bay
a municipal corporation**

By:  _____
Name: NICK MARANO
Title: Village Manager

Date: 1/10/25