



**City of Coral Gables
CITY COMMISSION MEETING
March 14, 2023**

ITEM TITLE:

Resolution. A Resolution of the City Commission authorizing a Fifth Amendment to the Amended and Restated Agreement with Actor’s Playhouse Productions, Inc. regarding the City-owned property at 280 Miracle Mile, Coral Gables, FL, commonly known as the Miracle Theater, permitting the portion of the Miracle Theater designated as apartment on the approved Phase III Miracle Theater Renovation Architectural Plans to be used by one Actor’s Playhouse Productions, Inc. service employee to reside as required in connection with the maintenance, operations and/or service of the Miracle Theater.

STAFF RECOMMENDATION:

Approval.

BRIEF HISTORY:

Pursuant to Resolution No. 28739, the City of Coral Gables (the “Landlord”) entered into a Management Agreement, dated April 13, 1995, with Actors’ Playhouse Productions, Inc. (the “Tenant”) for the city-owned premises at 280 Miracle Mile, Coral Gables, Florida (the “Miracle Theater”).

On September 13, 2011, pursuant to Resolution No. 2011-215, Landlord and Tenant entered into an Amended and Restated Agreement (the “Agreement”), which was further amended on February 5, 2013, pursuant to Resolution No. 2013-18; on January 28, 2015, pursuant to Resolution No. 2015-06; on March 11, 2016, pursuant to Resolution 2015-258; and on March 29, 2021, pursuant to Resolution 2021-41.

On December 12, 2022, the Tenant requested that the Landlord amend the Agreement to reflect that in the Phase III Architectural Plans for the Miracle Theater Renovations prepared by Fullerton Diaz Architects Inc., dated September 15, 1997, last revised September 26, 2000, bearing Job No. 9415 (the “Final Architectural Plans”), a portion of the Miracle Theater was designated as an apartment (the “Sleeping Quarters”) for the limited purpose of allowing one (1) Tenant employee responsible for maintenance, operations and/or service of the Miracle Theater (“Service Employee”) to reside in such Sleeping Quarters.

The Fifth Amendment to Amended and Restated Agreement approves the following:

1. Tenant shall be permitted to use the Miracle Theater Sleeping Quarters solely for the limited purpose of allowing one (1) Service Employee to reside in the Sleeping Quarters.
2. Tenant represents that the Service Employee residing in the Sleeping Quarters is required in connection with the business operations of the Miracle Theater.
3. The Service Employee residing in the Sleeping Quarters will be responsible for maintenance, operations and/or service of the Miracle Theater.

4. The Sleeping Quarters shall be for non-profit purposes only, and in no event shall Tenant be permitted to charge rent or impose any payment obligations for the use of the Sleeping Quarters.
5. In the event that any person, other than one (1) Service Employee, resides or sleeps in the Sleeping Quarters, or in the event that Tenant charges rent or receives profit from the use of the Sleeping Quarters, Tenant shall be in default of the Lease.

LEGISLATIVE ACTION:

Date.	Resolution/Ordinance No.	Comments
November 22, 1994	Resolution No. 28660	Authorization to purchase property and lease cinema space
March 14, 1995	Resolution No. 28739	Authorization of Agreement with Actors' Playhouse Productions, Inc.
August 23, 2011	Resolution No. 2011-215	Authorization of Amended and Restated Agreement
February 5, 2013	Resolution No. 2013-18	Amendment to Amended and Restated Agreement
January 28, 2015	Resolution No. 2015-06	Second Amendment to Amended and Restated Agreement
October 27, 2015	Resolution No. 2015-258	Third Amendment to Amended and Restated Agreement
March 29, 2021	Resolution 2021-41	Fourth Amendment to Amended and Restated Agreement

ATTACHMENT(S):

1. Draft Resolution
2. Draft Fifth Amendment to Amended and Restated Agreement