



City of Coral Gables
CITY COMMISSION MEETING
April 27, 2010

ITEM TITLE:

Resolution directing the City Attorney to proceed with filing an action for past and future rent due, costs, expenses, and all other remedies authorized by the Lease Agreement against Bijan's Coral Gables, LLC, d/b/a Bijan's Key West Grill and Bijan Nakhjavan, individually, for breach of the Lease Agreement by failing to pay rent and for vacating, abandoning, or deserting the premises; and further authorizing the City Attorney to take all action necessary to represent the interests of the City.

RECOMMENDATION OF THE CITY MANAGER:

Approval.

BRIEF HISTORY:

Bijan's Coral Gables, LLC d/b/a Bijan's Key West Grill ("BIJAN'S") has a Lease Agreement with the City of Coral Gables for the property located at 2325 Galiano Street, Coral Gables, Florida, 33134. The contract was executed by all parties on July 9, 2009, with the term ending on September 30, 2016. The premises were to be used as an exceptional quality, full service restaurant open for business six (6) days a week.

Bijan's has breached the lease agreement by failing to make rental payments as required under the terms of the agreement and has abandoned the premises. On March 25, 2010, the City forwarded Bijan's and its owner, Bijan Nakhjavan, a ten (10) day default letter for their failure to pay rent and other sums due under the lease and for failure to maintain the premises open for business at least six (6) days a week for eight (8) hours a day. On April 9, 2010, the city further provided Bijan's and its owner a 2nd notice of default letter. Thereafter, Bijan's vacated the premises and failed to make any payments.

Based upon Bijan's and Mr. Nakhjavan's material breach, we request authority to allow the City Attorney's office to file suit requesting payment in full for all payments due the City pursuant to the Agreement dated July 9, 2009.

APPROVED BY:

City Attorney	City Manager

ATTACHMENT(S):

1. Resolution
2. Complaint for Breach of Contract.