

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2018-

AN ORDINANCE APPROVING THE PURCHASE AND SALE AGREEMENT WITH CAL ROSENBAUM FOR THE PURCHASE OF THE RESIDENTIAL PROPERTY LOCATED AT 7000 OLD CUTLER ROAD, CORAL GABLES, FL FOR PURPOSE OF PRESERVING LANDSCAPED OPEN SPACE AND RENOVATING THE EXISTING HOUSE FOR USE AS A FIRE STATION TO ENHANCE FIRE RESCUE RESPONSE TIME TO THE SURROUNDING NEIGHBORHOOD; PROVIDING FOR A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

WHEREAS, the City has three stations, located at 2801 Salzedo St (FSI), 525 South Dixie Highway (FSII), and 11911 Old Cutler Road (FSIII) and is desirous in enhancing the fire rescue response time for its communities between FSII and FSIII; and

WHEREAS, fire response to the City's central areas can be improved due to travel distances, access limitation caused by traffic congestion, and lack of alternate travel routes for its existing fire stations; a fire station somewhere near Sunset would narrow the gap between the existing fire stations and enhanced response times; and

WHEREAS, adding a fire station ("FSIV") between FSII and FSIII would align resources without creating duplication of efforts, would narrow the 5-mile gap between the 2 stations; due to the dense residential surrounding it would require minimal impact to the surrounding neighborhoods; and

WHEREAS, under Resolution 2018-213, the City identified 7000 Old Cutler Road (the "Property") as part of its criteria which includes a 3,381 SF non-historic house on a 32,716 SF lot that is contiguous to 16,000 SF of vegetated City right-of-way (ROW); has entrances/exits on Cartagena Plaza, Sunset Dr, and Old Cutler Road; and 136 trees creating visual barrier from all three streets and neighboring properties; and

WHEREAS, the Property's contiguous ROW also provides for potential use as public green space and synergy to Ingraham Park, Cartagena Park, and the Old Cutler Trail; the City submitted and was awarded a state grant on the selected site for use of a fire station and public open area in the amount of \$1.5 million; and

WHEREAS, the City reviewed several possible sites including city-owned sites, commercial, residential, and green spaces and was unable to locate an alternate site that could include a fire station, an option for public space, three entrance/exits, or elevations substantially greater than sea-level; and

WHEREAS, the City will retrofit the existing house as a fire house, to be called FSIV, and incorporate the ROW with the property to allow open green space; and

WHEREAS, Resolution 2018-213 provided the appraised values ranging from \$1.3 Million to \$3.9 Million; and

WHEREAS, the City has negotiated with the Seller and is proposing a purchase and sales agreement and a post-closing agreement for the City Commissions consideration; and

WHEREAS, the Purchase and Sale Agreement includes an “as is” purchase of \$4,000,000.00; security deposit of \$200,000.00; closing on January 15, 2019; 90 days’ due diligence period; reimbursement of Seller’s attorneys’ fees up to \$10,000.00; City penalty of \$20,000.00 per month for City’s delay in closing; leasehold interest to Seller for 2 years; and contingent on City Commission and neighborhood approval; and

WHEREAS, the Post-Closing Agreement provides that Seller shall be allowed to live in the Property for 2 years without payment of rent; that the City shall have limited access to the Property during Seller’s tenancy; that Seller be responsible for repairs & maintenance; that the City be responsible for replacement of capital items greater than \$500.00; that the lease terminates if damages greater than \$50,000.00 make the house inhabitable; and that Seller’s heirs/caretakers can live in property after his death if before expiration of the lease term; and

WHEREAS, the City Commission finds that FSIV serves the public interest and that it is in the best interests of the City to allow the City Manager to execute the Purchase and Sales Agreement and Post-Closing Agreement; and

WHEREAS, pursuant to Section 2-1097 of the City Code, this Ordinance requires a four-fifths vote; and

WHEREAS, while the City has substantially complied with the applicable requirements in Chapter 2, Article VIII, Division 12 of the City Code, to the extent any of those requirements have not been met, the City Commission finds that the public interest would be served by waiving any such requirements of the Procurement Code pursuant to section 2-1089, which also requires a four-fifths vote, and that it is in the best interests of the City to authorize the City Manager to execute the Purchase and Sale agreement.

NOW THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA:

SECTION 1. That the foregoing “Whereas” clauses are here hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution upon the adoption hereof.

SECTION 2. That the Purchase & Sale Agreement and the Post-Closing Agreement is hereby approved in substantially the form attached hereto as Exhibit A.

SECTION 3. That the City Commission approves the Purchase and Sale Agreement with Cal Rosenbaum for the purchase of the residential property located at 7000 Old Cutler Road, Coral Gables, FL for purpose of preserving landscaped open space and renovating the existing house for use as a fire station to enhance fire rescue response time to the surrounding neighborhood and authorizes the City Manager and City Attorney to execute the Purchase and Sale Agreement in substantially the form attached by four-fifths vote in accordance with Sections 2-1089 and 2-1097 of the City Code.

SECTION 4. If any section, part of section, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

SECTION 5. That this Ordinance shall become effective upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS TWENTY-THIRD DAY OF OCTOBER, A.D.,
2018.

(Moved: / Seconded:)
(Yeas: / Nays:)
(Vote:)
(Agenda Item:)

APPROVED:

RAUL VALDES-FAULI
MAYOR

ATTEST:

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

WALTER J. FOEMAN
CITY CLERK

MIRIAM SOLER RAMOS
CITY ATTORNEY