



City of Coral Gables
CITY COMMISSION MEETING
June 2, 2009

ITEM TITLE:

Resolution authorizing the execution of a Declaration of Restrictive Covenant required by Miami-Dade County, pursuant to the requirements as part of establishing a Community Development District (CDD) for the public portion of the Parking Garage, associated with The Palace Development at 50 Andalusia Avenue, Coral Gables, Florida.

RECOMMENDATION OF THE CITY MANAGER:

Approval.

BRIEF HISTORY:

Mr. Mario J. Garcia-Serra of Greenberg Traurig, P.A. on behalf of the Palace Management Group, LLC (The “Palace Group”) has requested that the City execute the Declaration of a Restrictive Covenant (along with the Palace Group), as requested by Miami-Dade County, pursuant to the requirements as part of establishing a Community Development District (CDD).

On July 15, 2008 the City Commission adopted a Resolution in support of creating the “Palace at Coral Gables Community Development District” (CDD). The County has requested both the City and the Palace Group enter into the Declaration of Restrictive Covenant running with the land. The purpose of the Declaration of Restrictive Covenant is to require disclosure of the existence of a CDD to any third party purchases. In this case, however, the relevant lease agreements between the Palace and the City do not permit the conversion of any units into the condominium form of ownership nor their sale to third parties. Therefore, the execution of this Declaration of Restrictive Covenant is only being requested so as to comply with the necessary County requirements.

LEGISLATIVE ACTION:

Date	Resolution/Ordinance	Comments
February 28, 2006	Resolution No. 2006-38	Authorization to issue Senior Housing RFP
July 11, 2006	Resolution No. 2006-144	Authorization to negotiate with Palace
July 17, 2007	--	Update of negotiations including proposed CDD
November 13, 2007	Resolution No. 2007-36	Authorization to execute long term lease agreement between City and Palace Group.
July 15, 2008	Resolution No. 2008-107	Supporting the creation of CDD

APPROVED BY:

Assistant City Manager	City Attorney (If Applicable)	City Manager

ATTACHMENT(s):

1. Resolution
2. Letter dated May 4, 2009 from Mario Garcia –Serra on behalf of the Palace Management Group, LLC
3. CDD Summary
4. Copy of Restrictive Covenant
5. Resolution No. 2008-107 supporting creation of the CDD