

**CITY OF CORAL GABLES, FLORIDA**

**RESOLUTION NO. 2018-160**

A RESOLUTION AUTHORIZING THE CITY ATTORNEY AND CITY MANAGER TO NEGOTIATE AND DRAFT AN AGREEMENT WITH THE BILTMORE HOTEL LIMITED PARTNERSHIP (THE "HOTEL") IN REGARDS TO THE CITY-OWNED PROPERTY LOCATED AT 1200 ANASTASIA AVENUE, CORAL GABLES, FLORIDA, 33134, TO REDIRECT UP TO FIFTY PERCENT (50%) OF THE HOTEL'S RENTAL PAYMENTS TOWARDS CAPITAL IMPROVEMENT NECESSARY TO PRESERVE THE HOTEL'S NATIONAL HISTORIC LANDMARK DESIGNATION.

**WHEREAS**, on February 10, 1986, the City executed a lease agreement with the Biltmore Hotel Limited Partnership (the "Hotel"), as amended by the Amended and Restated Lease Agreement dated July 29, 1999, then amended with the First Amendment dated January 2, 2001, subject that Deferred Rent and Restoration Agreement dated January 16, 2002, and that Settlement and Release Agreement dated December 19, 2011, for the City owned property located at 1200 Anastasia Avenue, Coral Gables, Florida, 33134, (collectively, the "Lease") to operate as a luxury hotel that expires on August 5, 2042 subject to two- 20 year renewal options; and

**WHEREAS**, the United States Department of the Interior designated the Hotel as a National Historic Landmark allowing a luxury hotel to be used and maintained as a National Historic Monument; and

**WHEREAS**, the City requires the Hotel to operate as a luxury first-class destination resort hotel and conference center with at least a four-star rating by Forbes Travel Guide; and

**WHEREAS**, the City requested the Hotel to perform an independent study to verify they meet the luxury requirements established in the Lease; and

**WHEREAS**, the independent study verified the quality of its service was considered luxury and the quality of the product (e.g. the tangible items) was considered luxury; yet, noted the Hotel is in need of capital improvements. The overall capital improvements are greater than the Hotel's capital reserve for the next five years; hence, recommending additional funding; and

**WHEREAS**, City's Staff and the Historical Resources and Cultural Arts Department reviewed the list of capital improvements and determined approximately \$10.5 Million pertained to the National Historic Monument; and

**WHEREAS**, the Hotel is requesting fifty percent (50%) of the Hotel's rent payment be redirected to pay up to fifty percent (50%) of the National Historic Monument's capital cost; and

**WHEREAS**, the City Commission finds that it serves the public interest and is in the best interests of the City to authorize the City Manager and City Attorney to further negotiate and draft the terms of an agreement to redirect a portion of the Hotel's rent payments towards capital improvements to the National Historic Monument;

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

**SECTION 1.** That the foregoing "Whereas" clauses are 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 City Commission does hereby authorize the City Manager and City Attorney to negotiate and draft an agreement with the Hotel regarding City-owned property located at 1200 Anastasia Avenue, Coral Gables, Florida, 33134, to redirect up to fifty percent (50%) of the Hotel's rental payments towards capital improvement necessary to preserve the Hotel's National Historic Landmark designation.

**SECTION 3.** That this resolution shall become effective upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS TWELFTH DAY OF JUNE, A.D., 2018.

(Moved: Quesada / Seconded: Keon)

(Yeas: Quesada, Keon, Lago, Mena, Valdes-Fauli)

(Unanimous: 5-0 Vote)

(Agenda Item: J-8)

APPROVED:

A handwritten signature in blue ink, consisting of a large, stylized 'R' followed by a smaller 'V' and 'F', all enclosed within a large, loopy oval shape.

RAUL VALDES-FAULI  
MAYOR

ATTEST:

A handwritten signature in blue ink, written in a cursive style that reads 'Walter J. Foeman'.

WALTER J. FOEMAN  
CITY CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

A handwritten signature in blue ink, written in a cursive style that reads 'Miriam Soler Ramos'.

MIRIAM SOLER RAMOS  
CITY ATTORNEY