

**CITY OF CORAL GABLES, FLORIDA**

**RESOLUTION NO. 2022-**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA AMENDING RESOLUTION NO. 2021-56 WHICH AMENDED RESOLUTION NO. 2016-172 (AMENDED) WHICH APPROVED A MIXED-USE SITE PLAN FOR THE PROJECT KNOWN AS “GABLES STATION” LOCATED AT 211-237 SOUTH DIXIE HIGHWAY, PROVIDING FOR AMENDED CONDITIONS OF APPROVAL TO ALLOW FOR CERTAIN OFF-SITE IMPROVEMENTS TO BE COMPLETED AND TO ALLOW FOR PAYMENT OF THE REMAINING ART IN PUBLIC PLACES FEE AFTER THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY AS PROVIDED IN AN ESCROW AGREEMENT AND AMENDING RESOLUTION NO. 2021-57 WHICH AUTHORIZED AN AMENDMENT TO THE DECLARATION OF RESTRICTIONS ENTERED INTO FOR THE PROJECT.

**WHEREAS**, pursuant to Ordinance No. 2016-43 and Resolution No. 2016-72 (Amended), as subsequently modified by Resolution No. 2021-56, the City Commission approved a mixed use project, including required conditions of approval, for the “Gables Station” project located at 211-237 South Dixie Highway, including the provision of a pedestrian crosswalk across Ponce De Leon Boulevard and fulfillment of the Art in Public Places requirement; and

**WHEREAS**, as part of the permitting process and in accordance with Resolution No. 2020-193, Developer made an initial contribution to the City’s Art in Public Places via the commissioning of two (2) art works that were approved by the City Commission pursuant to Resolution Nos. 18-177 and 2020-193 (the “**Original AIPP Approvals**”). Developer has expended \$857,938.00 toward the artwork and installation; and

**WHEREAS**, since the Original AIPP Approvals, it has been determined that the total construction cost of the Project is One Hundred Fifty Million and 00/100 Dollars (\$150,000,000.00); as such, Developer has agreed to make the remaining required contribution to the City’s Art in Public Places fund in the amount of Six Hundred Forty-Two Thousand Sixty-Two and 00/100 Dollars (\$642,062.00) (the “**AIPP Remaining Payment**”), as provided in the Escrow Agreement attached as **Exhibit A**, in satisfaction of Article 9 of the City’s Zoning Code; and

**WHEREAS**, developer has submitted for a building permit from the City, under permit number PW19-10-4933 (the “**Cross Walk Permit**”), for the construction of a proposed pedestrian cross-walk along Ponce De Leon Boulevard and signalization along Ponce De Leon Boulevard, as more particularly reflected in the plans submitted for the Cross Walk Permit (the “**Cross Walk Improvements**”); and

**WHEREAS**, Developer has calculated the costs for completing the Cross Walk Improvements to be approximately Three Hundred Fifty Thousand and 00/100 Dollars (\$350,000.00) (the “**Cross Walk Sum**”); and

**WHEREAS**, Developer has obtained a building permit from the City, under permit number RV-20-05-6619 (the "Ceiling Panel Permit"), for the installation of ceiling panels within the Project's paseo, as more particularly reflected in the plans approved for the Ceiling Panel Permit (the "Ceiling Panel Improvements"); and

**WHEREAS**, Developer's contractor has calculated the costs remaining to complete installation of the Ceiling Panel Improvements to be approximately Ninety-Five Thousand Six Hundred Thirty-Four and 00/100 Dollars (\$95,634.00) (the "Ceiling Panel Sum", and together with the Cross Walk Sum, hereinafter referred to collectively as the "Escrow Funds"); and

**WHEREAS**, Developer has applied to the City for a certificate of occupancy for the Project ("CO"); and

**WHEREAS**, as set forth more fully in the Escrow Agreement attached as Exhibit A, Developer has agreed to deposit the Escrow Funds with Escrow Agent, who shall hold them in escrow and release them as set forth therein and Developer has agreed to pay the City the AIPP Remaining Payment no later than ten (10) days following the issuance of the CO for the project; and

**WHEREAS**, the City Commission has reviewed and considered the request and finds that the request to approve the Escrow Agreement and amend Resolution Nos. 2021-56 and 2021-57 is reasonable.

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

**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 Escrow Agreement is approved in substantially the form attached as Exhibit A with such modifications as may be approved by the City Manager and the City Attorney consistent with the Commission's intent, to allow for the issuance of the Certificate of Occupancy.

**SECTION 3.** That Resolution No. 2021-56 is amended to allow for the Crosswalk Improvements to be completed following the issuance of the Certificate of Occupancy, subject to the terms set forth in the Escrow Agreement.

**SECTION 3.** That Resolution No. 2021-57 is amended so that the City Manager and the City Attorney may approve an amended restrictive covenant consistent with the amended conditions approved in this resolution.

**SECTION 4.** That this Resolution shall become effective immediately upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS TENTH DAY OF MAY 2022.

APPROVED:

VINCE LAGO  
MAYOR

ATTEST:

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

BILLY Y. URQUIA  
CITY CLERK

MIRIAM SOLER RAMOS  
CITY ATTORNEY