

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. 2021-___

A RESOLUTION OF THE CITY COMMISSION AUTHORIZING ENTERING INTO A THIRD AMENDMENT TO LEASE WITH ROBERT MAGUIRE DBA GRANADA SNACK SHOP (BURGER BOB'S), WITH REGARD TO THE CITY-OWNED PREMISES AT 2001 GRANADA BLVD., CORAL GABLES, FLORIDA, 33134 GRANTING AN EXTENSION OF LEASE TERM FROM SEPTEMBER 1, 2021 UNTIL DECEMBER 31, 2021 AND PROVIDING THAT THE LEASE MAY BE FURTHER EXTENDED ON A MONTH-TO-MONTH BASIS THEREAFTER, AT THE DISCRETION OF THE CITY MANAGER.

WHEREAS, Robert Maguire dba Granada Snack Shop (Burger Bob's) (the "Tenant") leased the premises at 2001 Granada Blvd., Coral Gables, FL 33134 from the City of Coral Gables (the "Landlord") by virtue of a Concession Agreement dated October 2, 2003, authorized by Resolution No. 2003-150 on August 26, 2003. This Agreement was extended on a month-to-month basis on July 15, 2008, pursuant to Resolution No. 2008-111; Resolution No. 2008-200 on November 18, 2008; Resolution No. 2009-251 on September 8, 2009; Resolution No. 2010-158 on August 24, 2010; and Resolution No. 2014-162 on August 26, 2014; and

WHEREAS, on October 9, 2018, pursuant to Resolution No. 2018-263, Landlord and Tenant entered a new Lease (the "Lease") for a period of three years (09/01/2018-08/31/2021); and

WHEREAS, on June 22, 2020, pursuant to Resolution 2020-163, Landlord and Tenant entered a First Amendment to Lease for Rent Deferment (the "Amendment"); and

WHEREAS, on January 26, 2021, pursuant to Resolution No. 2021-14, Landlord and Tenant entered a Second Amendment to the Lease granting the Tenant rent deferment (\$20,280.26), which the Tenant was required to pay by the end of the Lease term (08/31/2021); and

WHEREAS, the Second Amendment to Lease also granted the Tenant a reduction in rent (11/01/20-08/31/21), during which the Tenant paid the Landlord \$1,000 per month plus taxes and insurance charges until the end of the Lease term; and

WHEREAS, since January 2021, the Tenant has made, and the Landlord has accepted, payments at the reduced \$1,000 per month plus taxes and insurance charges rate; and

WHEREAS, since January 2021, the Tenant has made, and the Landlord has accepted, payments to the deferred rent balance; and

WHEREAS, the Tenant currently owes the Landlord a deferred rent balance of \$11,280.86 (the "Deferred Rent"); and

WHEREAS, pursuant to Section 2-1091 of the City Code, the City published an advertisement soliciting proposals through August 23, 2021 for the lease of the Premises; and

WHEREAS, given the importance to the community of the Granada Snack Shop which has operated the restaurant at the Premises for twenty-seven years, the City Commission, pursuant to Resolution No. 2021-198, directed the City Manager to negotiate an extension of the Lease during the solicitation process and any permitting process associated with any build-out of the Premises; and

WHEREAS, Tenant and Landlord have agreed to an extension of the Term of the lease through December 31, 2021, with additional extensions, at the City Manager's discretion, on a month-to-month basis, pursuant to the terms set forth below in a Third Amendment to Lease; and

WHEREAS, the Third Amendment to Lease will allow the Tenant to continue making rent payments at the \$1,000 per month (plus taxes and insurance charges) reduced rent rate that was granted pursuant to the Second Amendment; and

WHEREAS, the Third Amendment to Lease will grant the tenant a payment plan to continue to pay the outstanding Deferred Rent at a rate of \$1,000 per month for the months of September-December 2021; and

WHEREAS, the Tenant will also make a final payment of \$7,280.26 to the Deferred Rent Balance on December 31, 2021; and

WHEREAS, Landlord and Tenant have agreed to extend the term of the Lease through December 31, 2021, subject to City Commission approval, and subject to and in accordance with the terms and provisions set forth herein;

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

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 City Commission does hereby authorize the City Manager to execute the Third Amendment to Lease, approved in substantially the form attached as Exhibit A, with such modifications to the form attached hereto as may be approved by the City Manager and City Attorney that are necessary to implement the intent of this Resolution.

SECTION 3. That the City Commission authorizes the City Manager to extend the lease on a month-to-month basis, after December 31, 2021, at the City Manager's discretion.

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

PASSED AND ADOPTED THIS TWENTY-FOURTH DAY OF AUGUST, A.D., 2021.

(Moved: / Seconded:)

(Yeas: / Nays:)

(Vote:)

(Agenda Item:)

APPROVED:

VINCE LAGO
MAYOR

ATTEST:

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BILLY Y. URQUIA
CITY CLERK

MIRIAM SOLER RAMOS
CITY ATTORNEY