

**CITY OF CORAL GABLES, FLORIDA**

**ORDINANCE NO. 2010-**

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES AUTHORIZING THE NEGOTIATION AND EXECUTION OF A LEASE AGREEMENT WITH TOSCANA DIVINO LLC AT 220 ARAGON AVENUE; AND PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION AND AN EFFECTIVE DATE.

**WHEREAS**, pursuant to Ordinance No. 2010-04, the City authorized the negotiation and execution of a lease agreement with Wine & Fashion Florence Café Corp. at 220 Aragon Avenue, Coral Gables, FL to operate a Wine and Fashion Café sponsored by a consortium of artisans and governments in Tuscany, Italy (the “Consortium”); and

**WHEREAS**, since that time, the Consortium changed the principal operator for the concept and the tenant entity to Toscana Divino LLC (“Proposed Tenant”), and the new principal has requested certain changes to the previously approved draft lease including increasing the allowable outdoor tables to eight, adding a full service Italian restaurant, adjusting the rent schedule to allow for rent to commence nine months after execution of the Lease, adding percentage rent of four percent (4%) of gross sales over a breakpoint of \$2,420,000, adding assignment language, and adding new form default language; and

**WHEREAS**, the Property Advisory Board recommended acceptance of the aforementioned changes in its Board meeting on September 8, 2010.

**NOW, THEREFORE, BE IT ORDAINED BY THE 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 Ordinance upon the adoption hereof.

**SECTION 2.** That the City Manager is hereby authorized to negotiate and, subject to staff’s review of the Proposed Tenant’s funding, sign a Lease agreement on the terms proposed herein, and such other changes as may be approved by the City Manager and City Attorney.

**SECTION 3.** Any further amendments to these lease agreement, other than to the term, shall be accomplished by resolution.

**SECTION 4.** All ordinances or parts of ordinances that are inconsistent or in conflict with the provision of this Ordinance are repealed.

**SECTION 5.** If any section, clause, sentence or phrase of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, then said holding shall not affect the validity of the remaining portions of this Ordinance.

**SECTION 6.** It is the intention of the Commission of the City of Coral Gables, Florida, that the provisions of this Ordinance shall become and be made a part of the City of Coral Gables Code of Ordinances; and that the sections of this Ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article" or such other appropriate word or phrase in order to accomplish such intentions.

**SECTION 7.** That this Ordinance shall become effective immediately upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS FOURTEENTH DAY OF SEPTEMBER, A.D.,  
2010.

(Moved:            / Seconded:            )  
(Yea:            / Nay:            )  
(Vote:            )  
(Agenda Item:            )

APPROVED:

DONALD D. SLESNICK II  
MAYOR

ATTEST:

WALTER J. FOEMAN  
CITY CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

ELIZABETH M. HERNANDEZ  
CITY ATTORNEY