

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. 2022-_____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF CORAL GABLES, AUTHORIZING ENTERING INTO A LEASE WITH DOCTORS HOSPITAL, INC., A FLORIDA NON-PROFIT CORPORATION, FOR THE PLATTED RIGHT-OF-WAY ON UNIVERSITY DRIVE BOUNDED BY THE SURFACE PARKING LOT AT 5151 UNIVERSITY DRIVE, CORAL GABLES, FL FOR A PERIOD OF FIVE (5) YEARS WITH ONE (1) ADDITIONAL THREE-YEAR RENEWAL OPTION, UNLESS TERMINATED OR EXTENDED, AT THE CITY'S DISCRETION, AS PROVIDED FOR IN THE LEASE.

WHEREAS, dated November 10, 1987, the City Commission authorized for the City of Coral Gables (the "Landlord") to enter into a lease agreement for municipal surface parking Lot 24 located at 5151 University Drive, Coral Gables, FL 33146, Folio No. 03-4119-006-0200 (the "Valet Lot"), that was assigned to Doctors Hospital, Inc. (the "Tenant") on July 1, 2006 (the various agreements in place are collectively referred to as the "Existing Lease"); and

WHEREAS, the Valet Lot is on the northwest corner of University Drive and Pisano Ave, across from the Doctors Hospital, which is currently owned by the Tenant and is also an affiliated hospital of Baptist Health South Florida, Inc. ("Baptist"); and

WHEREAS, the Valet Lot is used by the Doctors Hospital to provide free valet service for patients and visitors; and

WHEREAS, the initial 30-year Lease term expired on December 30, 2017; and

WHEREAS, on May 9, 2017, Baptist executed their automatic additional 30-year renewal right, effectively renewing the Existing Lease for the Valet Lot until December 30, 2047; and

WHEREAS, in 2019, pursuant to Resolution 2019-13, the City Commission directed the City Manager and City Attorney to enter into a Purchase and Sale Agreement (the "PSA") for the sale of the Valet Lot to the Purchaser for \$3,000,000 as proposed under Resolution 2017-212; and

WHEREAS, on February 12 and February 26, 2019, pursuant to Ordinance 2019-11 (As Amended), the City Commission approved the PSA at \$3,000,000 authorizing the City Manager and City Attorney to make necessary changes to the legal description; and

WHEREAS, between September 10, 2019, and January 14, 2020, the City Manager provided the City Commission with several updates and was granted additional time without a set deadline to continue the negotiations with Doctors Hospital regarding the sale of the Valet Lot and the leasing of the abutting right-of-way; and

WHEREAS, Landlord and Tenant have agreed on terms for the PSA that includes a \$3,500,000 purchase price and are terminating the Existing Lease; and

WHEREAS, Landlord and Tenant are seeking authorization to enter into a New Lease (the "Lease"); and

WHEREAS, Lease terms include a certain "As-is" portion of parking asphalt, comprising approximately 2,898 square feet, within the platted right-of-way of University Drive at the Valet Lot (the "Premises"); and

WHEREAS, Tenant will conduct improvements to the Valet Lot (the "Tenant Improvements"), and has, through City of Coral Gables' conditional use and site plan approval process, obtained approval in conformity with the plans entitled "Proposed Valet Parking Lot Plan" and "Landscape Overall Planting Plan" which are also attached as exhibits to the PSA; and

WHEREAS, Landlord shall have the right to terminate this Lease, for any necessary reason upon at least sixty (60) days written notice to Tenant, or sooner if the termination is deemed urgent by Landlord; and

WHEREAS, Tenant's intention is to terminate the Lease as soon as the Tenant Improvements are completed; and

WHEREAS, upon the City of Coral Gables' issuance of a certificate of occupancy for the Tenant Improvements, Tenant shall have the right to issue a written termination notice of the Lease that will be effective thirty (30) days from the delivery of the notice; and

WHEREAS, the Lease term will be for five (5) years, unless terminated or extended, at the City's discretion, as provided for in the Lease; and

WHEREAS, monthly base rent at \$6.00 per sq. ft., increasing at the rate of three percent (3%) per annum thereafter; and

WHEREAS, provided that Tenant has been working diligently toward the completion of the Tenant Improvements, Tenant shall have the option to renew the Lease for three additional (3) years, but the renewal term may also end two (2) months following the completion of the Tenant Improvements; and

WHEREAS, the renewal period shall be subject to an adjustment of no more than three percent (3%) over the Base Rent plus annual adjustments of three percent (3%); and

WHEREAS, Tenant will provide a security deposit of \$1,449.00; and

WHEREAS, Tenant acknowledges that Tenant's use and occupancy of the Premises for a public purpose are a material inducement for Landlord to lease the Premises to Tenant; and

WHEREAS, Tenant will use and occupy the Premises for the no other use or purpose that the public use as a surface parking lot for Tenant's to provide free valet service for patients and visitors; and

WHEREAS, pursuant to Section 2-1089 of the City Code, the City Commission may waive any provision of Chapter 2, Article VIII that may not have been technically followed and finds such a waiver to be necessary in order to proceed with a purchase, sale, or lease

which is in the best interest of the City, and that such waiver serves the public interest to the extent that any provision of this section was not complied with; and

WHEREAS, the City Commission finds that Lease of the platted right-of-way serves the public interest and that it is in the best interest of the City to authorize the City Manager and the City Attorney to execute the Lease.

NOW, THEREFORE, BE IT RESOLVED 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 Resolution upon the adoption hereof.

SECTION 2. That the Lease is hereby approved in substantially the form attached hereto as Exhibit “A.”

SECTION 3. The City Commission does hereby authorize the City Manager to execute the Lease with such modifications to the forms attached hereto as Exhibit “A” as may be approved by the City Manager and City Attorney that are necessary to implement the intent of this Resolution.

SECTION 4. The City Commission waives any provision of Chapter 2, Article VIII that may not have been technically followed and finds such a waiver to be necessary in order to proceed with a purchase, sale, or lease which is in the best interest of the City, and that such waiver serves the public interest to the extent that any provision of this section was not complied with.

SECTION 5. That this Resolution shall become effective immediately upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS TENTH DAY OF MAY A.D., 2022.

(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