

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. 2022-303

A RESOLUTION OF THE CITY COMMISSION AMENDING RESOLUTION NO. 2019-338 WHICH APPROVED A MIXED-USE SITE PLAN FOR THE PROJECT KNOWN AS "**ZOM CORAL GABLES**" LOCATED AT 363 GRANELLO AVENUE, PROVIDING FOR AMENDED CONDITIONS OF APPROVAL TO ALLOW FOR CERTAIN UTILITY WORK TO BE COMPLETED AFTER THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY AS PROVIDED IN AN ESCROW AGREEMENT.

WHEREAS, pursuant to Resolution No. 2019-338, the City Commission approved a mixed use project, including required conditions of approval, for the "**ZOM Coral Gables**" project located at 363 Granello Avenue (the "Project"), including the undergrounding of certain public utilities; and

WHEREAS, Developer has obtained a building permit from the City, under permit number PWKS-22-09-1006 for, among other things, the undergrounding of the requisite public utilities; and

WHEREAS, as part of the permitting process and in accordance with Resolution No. 2019-338, the Developer completed the undergrounding of the requisite public utilities except for two (2) FPL poles located within the alley adjacent to the Project (the "Remaining Utility Work"); and

WHEREAS, Florida Power Light (FPL), the utility responsible for the Remaining Utility Work, has calculated the costs for said work to be Thirty-three Thousand Seven Hundred Seventy-Three Dollars (\$33,773.00); and

WHEREAS, the Developer has made a payment to FPL in the amount of \$33,773.00 to commence the Remaining Utility Work; and

WHEREAS, FPL has been delayed in completing the Remaining Utility Work due to conflicts arising with respect to its response efforts associated with the recent effects of Hurricane Ian; and

WHEREAS, Developer seeks to apply to the City for a certificate of occupancy for the Project; 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

WHEREAS, the City Commission has reviewed and considered the request and finds that the request to approve the Escrow Agreement and amend Resolution No. 2019-338 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. 2019-338 is amended to allow for the Remaining Utility Work to be completed following the issuance of the Certificate of Occupancy, subject to the terms set forth in the Escrow Agreement.

SECTION 4. That Resolution No. 2019-338 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 5. That this Resolution shall become effective immediately upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS THIRTEENTH DAY OF DECEMBER, A.D., 2022.

(Moved: Mena / Seconded: Anderson)
(Yeas: Anderson, Mena, Menendez, Lago)
(Unanimous: 4-0 Vote)
(Agenda Item: F-8)

APPROVED

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VINCE LAGO
MAYOR

ATTEST:

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BILLY Y. URQUIA
CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

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MIRIAM SOLER RAMOS
CITY ATTORNEY