

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2023-___

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA APPROVING THE PURCHASE AND SALE AGREEMENT BETWEEN THE CITY OF CORAL GABLES, A MUNICIPAL CORPORATION EXISTING UNDER THE LAWS OF FLORIDA, AND C/LEJEUNE, LLC, A FLORIDA LIMITED LIABILITY COMPANY, FOR THE TRANSFER OF DEVELOPMENT RIGHTS, AS DEFINED IN ARTICLE 16 AND SECTIONS 8-114 AND 14-204 OF THE ZONING CODE FROM THE CORAL GABLES MUSEUM PROPERTY LOCATED AT 285 ARAGON AVENUE, CORAL GABLES, FLORIDA 33134, AND DIRECTING THAT ALL PROCEEDS FROM THE TRANSFER OF THE DEVELOPMENT RIGHTS BE PLACED IN THE CITY'S HISTORIC BUILDING FUND, AND PROVIDING FOR A REPEALER PROVISION, SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Coral Gables (the "City") owns the property located at 285 Aragon Avenue, Coral Gables, FL, 33134 (the "Property"). The Property was designated as a Local Historic Landmark on February 26, 1985, and was listed in the National Register of Historic Places on January 6, 1994. On January 19, 2006, the Historic Preservation Board (the "Board") reviewed an application for a Special Certificate of Appropriateness [COA (SP) 2005-21] for the "Old Police and Fire Station." The Board approved the application requesting design approval for the construction of an addition, restoration, and alterations to the historic building. By 2011, \$6,326,792 had been spent on restoring and adding to the structure for the creation of the Coral Gables Museum (the "Museum"); and

WHEREAS, in 2011, the City entered into an Agreement with the Coral Gables Museum Corporation (CGM), for the operation of the Museum. With respect to maintenance of the Property, CGM is responsible for painting, cleaning, and minor restroom plumbing repairs. The City is responsible for roof, exterior walls, doors, windows, structural elements, plumbing, electrical, alarm, and HVAC systems, floors courtyards, plazas, and fountains. Recently, the City re-roofed the Property at a cost of \$488,000; and

WHEREAS, on August 17, 2022, the Board approved the issuance of Certificates of Transfer of 71,136 square feet from the Property and approved a Maintenance/Preservation Plan, see Memorandum Confirming Approval of Transfer of Development Rights from the Property, attached as Exhibit A;

WHEREAS, on August 24, 2022, per Resolution 2022-205, the City Commission found that it is in the best interest of the City to sell the transfer development rights (“TDRs”) available from the Property so that the proceeds from the sale(s) may be used to fund restoration of City-owned historic buildings and authorized the City Manager and the City Attorney to negotiate a Purchase and Sale Agreement(s) for the sale of TDRs available from the Property and directed that the proceeds from the TDRs be placed in the City’s Historic Building Fund; and

WHEREAS, on June 28, 2022, pursuant to Resolution 2022-171, the City Commission approved an Application requesting receipt of Transfer of Development Rights (TDRs), for receipt and use for the mixed-use project referred to as “Regency Tower” on property legally described lots 1-12 and lots 35-46 including the public alleyway lying in between, Block 10, and lots 1-4, Block 15, Coral Gables Crafts Section (290, 272, 250, 244 Valencia Avenue, 247, 297 Almeria Avenue, and 2701 Salzedo Street) Coral Gables, Florida; and

WHEREAS, the City (the “Seller”) was approached by the C/LeJeune, LLC, a Florida limited liability company (the “Purchaser”), who expressed an interest in purchasing Transfer of Development Rights from the City, as defined in Article 16 and sections 8-114 and 14-204 of the Zoning Code; and

WHEREAS, the City and Purchaser have negotiated terms for a Transfer of Development Rights Purchase and Sale Agreement (“Agreement”), substantially in the form attached as Exhibit A; and

WHEREAS, the Agreement includes the following key terms:

- (a) City agrees to sell and Purchaser agrees to purchase 40,000 square feet of Transferable Development Rights;
- (b) Purchase Price shall be \$40.00 per square foot (total amount equal to \$1,600,000.00);
- (c) Deposit in amount equal to 10% of the Purchase Price (\$160,000.00); and
- (d) Closing within 30 days of the effective date, subject to other provisions in the Agreement.

WHEREAS, Purchaser has requested, and City has agreed, to allow Purchaser to purchase additional square feet of Transferable Development Rights up to a total of up to 61,789 square feet (inclusive of the minimum 40,000 square feet) upon the same terms and conditions, provided that Purchaser provides notice in writing to the City Manager within ten days after approval of this Ordinance of the total number of TDRs it intends to purchase; and

WHEREAS, pursuant to Section 2-1097 of the City Code, approval of this Ordinance requires a four-fifths vote because the sale exceeds \$1,000,000; and

WHEREAS, pursuant to Section 2-1089 of the City Code, the City Commission finds that it is in the best interests of the City to waive the requirements of the Procurement Code (upon a four-fifths vote) in order to proceed with the purchase and sale pursuant to the Agreement.

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

SECTION 2. That the City Commission does hereby waive the requirements of the Procurement Code and authorizes the City Manager to approve and execute the Agreement, in substantially the form attached as Exhibit A, with such modifications (including any necessary amendment to the total amount of TDRs to be purchased) as approved by the City Manager and the City Attorney consistent with the Commission’s intent.

SECTION 3. All ordinances or parts of ordinances that are inconsistent or in conflict with the provisions of this Ordinance are repealed.

SECTION 4. 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 5. That this Ordinance shall become effective immediately upon its passage and adoption herein.

PASSED AND ADOPTED THIS _____ DAY OF _____, A.D., 2023.

APPROVED:

VINCE LAGO
MAYOR

ATTEST:

BILLY URQUIA
CITY CLERK

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY:

CRISTINA M. SUÁREZ
CITY ATTORNEY