

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. 2010-138

RESOLUTION AUTHORIZING THE PARTIES (NAMELY, BILTMORE HOTEL LIMITED PARTNERSHIP "BILTMORE," THE LESSEE, OPERATOR OF THE BILTMORE HOTEL AND THE CITY), TO NEGOTIATE AN INTERIM AGREEMENT, AS PRESENTED BY THE CITY AND SPECIAL COUNSEL, AND AS AMENDED BY THE CITY COMMISSION DURING THE PUBLIC HEARING REGARDING SAID MATTER ON THIS SAME DATE.

WHEREAS, on July 13, 2010, the Biltmore Hotel Limited Partnership ("Biltmore"), the Lessee/operator of the Biltmore Hotel, pursuant to a lease with the City/Lessor (the "lease")), presented to the City Commission a request to modify the terms of the Lease and the Management Agreement for the Biltmore and Granada Public Golf Courses ("Management Agreement") dated January 20, 2004, between the City and The Biltmore Hotel golf Management, LLC ("Manager"); said request was presented by the Biltmore and its representatives and after extensive discussion of the issues, the City Commission directed City Administration, along with City's special counsel, to seek to reach agreement on the issues presented and to bring back, for approval, final amendments of the Lease and Management Agreement; and

WHEREAS, on July 19, 2010, this matter was again presented to the City Commission for clarification of their earlier directive and to resolve several additional issues; after an extensive discussion of the open matters, the City Commission gave guidance to the City Administration and City's special counsel to seek to resolve the open items and present, for approval, final amendments of the Lease and Management Agreement;

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 adoption hereof.

SECTION 2. That the City Commission does hereby authorize City Administration and Special Counsel to negotiate an interim agreement with the Biltmore Hotel Limited Partnership ("Biltmore"), the Lessee/operator of the Biltmore Hotel, as presented by the City and Special Counsel and amended by the City Commission at the public meeting hereof.

SECTION 3. That this resolution shall become effective upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS NINETEENTH DAY OF JULY, A.D., 2010.

(Moved: Cabrera / Seconded: Withers)

(Yea: Cabrera, Withers, Anderson, Slesnick)

(Majority: (4-0) Vote)

(Absent: Kerdyk)

(Agenda Item: B-1)

APPROVED:



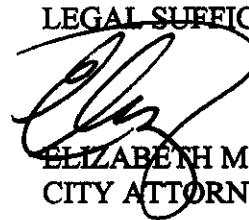
DONALD D. SLESNICK II
MAYOR

ATTEST:



WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



ELIZABETH M. HERNANDEZ
CITY ATTORNEY