

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2011-04

AN ORDINANCE OF THE CITY OF CORAL GABLES COMMISSION AUTHORIZING ENTERING INTO AN AMENDED AND RESTATED AGREEMENT FOR OPERATION OF THE CORAL GABLES MUSEUM WITH CORAL GABLES MUSEUM, CORP., WITH REGARD TO CITY OWNED PROPERTY AT 285 ARAGON AVENUE, CORAL GABLES, FLORIDA; AND PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, as authorized by Resolution No. 2006-184 (as Amended), the City entered into an Agreement for Operation of the Coral Gables Museum with Coral Gables Museum, Corp. (“CGM”), for City-owned property located at 285 Aragon Avenue, Coral Gables, Florida, for the development, construction and operation of City museum (the “Original Agreement”), which Resolution and actions are ratified by this Ordinance; and

WHEREAS, CGM and City are desirous of entering into an Amended and Restated Agreement for Operation of the Coral Gables Museum to clarify the rights and obligations of the parties as described in the proposed draft Amended and Restated Agreement for Operation of the Coral Gables Museum; and

WHEREAS, the Property Advisory Board reviewed the terms of the proposed draft Amended and Restated Agreement for Operation of the Coral Gables Museum on November 2, 2010, and recommended approval; and

WHEREAS, CGM’s board has agreed to the proposed Amended and Restated Agreement for Operation of the Coral Gables Museum (A copy of the proposed Amended and Restated Agreement is attached hereto and incorporated herein as Exhibit “A”);

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 Ordinance upon the adoption hereof.

SECTION 2. That the City Commission does hereby authorize the City Manager to negotiate and sign an Amended and Restated Agreement for Operation of the Coral Gables Museum with CGM with such modifications from the terms set forth in the Proposed Amended and Restated Agreement for Operation of the Coral Gables Museum as may be approved by the City Manager and the City Attorney.

SECTION 3. That any further amendments to this Amended and Restated Agreement for Operation of the Coral Gables Museum, other than to the term, shall be accomplished by resolution.

SECTION 4. That all ordinances or parts of ordinances that is inconsistent or in conflict with the provisions of this Ordinance are repealed.

SECTION 5. That 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. That it is the intention of the City Commission 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. This ordinance shall become effective within ten (10) days following the date of its passage and adoption herein.

PASSED AND ADOPTED THIS EIGHTH DAY OF FEBRUARY, A.D., 2011.

(Moved: Withers / Seconded: Kerdyk)

(Yea: Withers, Anderson, Kerdyk, Slesnick)

(Majority: (4-0) Vote)

(Absent: Cabrera)

(Agenda Item: E-1)

APPROVED:



DONALD D. SLESNICK II
MAYOR

ATTEST:



WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



LOURDES ALFONSIN RUIZ
INTERIM CITY ATTORNEY