

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. 2010-183

RESOLUTION WAIVING THE PROVISIONS OF ARTICLE VIII, DIVISION 12 (PURCHASE, SALE OR LEASE OF PUBLIC PROPERTY) OF THE CITY CODE, WITH REGARD TO THE CONVEYANCE OF A FIRE STATION PROPERTY PREVIOUSLY CONVEYED TO THE CITY BY THE UNIVERSITY AND CERTAIN WATERWAYS INTERNAL TO THE UNIVERSITY CAMPUS TO THE UNIVERSITY OF MIAMI IN CONJUNCTION WITH A PROPOSED AGREEMENT BETWEEN THE CITY OF CORAL GABLES AND UNIVERSITY OF MIAMI.

WHEREAS, the City of Coral Gables (“City”) and the University of Miami (“University”) are considering a proposed agreement entitled “City of Coral Gables and University of Miami Agreement” (the “Agreement”) pursuant to the Florida Local Government Development Agreement Act, section 163.3220-163.3243, Fl. Stat. (2009); and

WHEREAS, pursuant to the proposed Agreement, the City is obligated to re-convey to the University a property known as the “Fire Station Property”, which the University previously conveyed to the City on January 19, 1995, for the sole purpose of constructing a fire station on such property, with such conveyance being subject to a right of reverter in the event the City failed to construct a fire station on the Fire Station Property; and

WHEREAS, pursuant to the proposed Agreement, the City is obligated to convey to the University certain waterways that are located internally to the University campus; and

WHEREAS, Article VIII, Division 12 of the City’s Code of Ordinances provides for a public bidding process for the public land unless “the city commission upon a four-fifths vote finds that the public interest would be served by waiving any or all provisions of [the] Article”; and

WHEREAS, it would serve no useful purpose to subject the conveyance of such properties to the public bidding and other processes set forth in Article VIII, Division 12 of the City’s Code of Ordinances;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA:

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 City Commission does hereby find that it would serve no useful purpose and would involve needless expense to the City and other parties to subject the re-conveyance of the Fire Station Property or the waterways internal to the University Campus to a public bidding process given the limitations on use and the right of reverter in favor of the University with regard to the Fire Station Property and the fact that the waterways are surrounded by University land.

SECTION 3. That the City Commission does hereby waive the requirements of Article VIII, Division 12 of the City's Code of Ordinances with regard to the re-conveyance of the Fire Station Property and conveyance of the waterways internal to the University Campus to the University of Miami, such that such conveyances may occur any time after the full execution of the Agreement making the imposition of such obligations on the City effective.

SECTION 4. In the event that the Agreement is not executed and does not become effective, this Resolution shall have no force or effect.

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

PASSED AND ADOPTED THIS TWENTY-FOURTH DAY OF AUGUST, A.D., 2010.

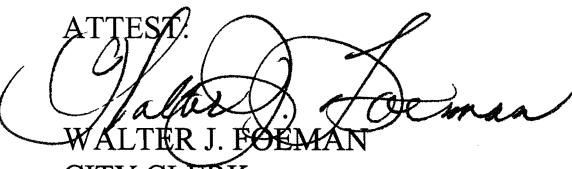
(Moved: Withers / Seconded: Anderson)
(Yea: Cabrera, Withers, Anderson, Slesnick)
(Majority: 4-0 Vote)
(Absent: Kerdyk)
(Agenda Item: H-1)

APPROVED:


DONALD D. SLESNICK II
MAYOR

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:


ELIZABETH M. HERNANDEZ
CITY ATTORNEY

ATTEST:

WALTER J. FOEMAN
CITY CLERK