

**CITY OF CORAL GABLES, FLORIDA**

**RESOLUTION NO. 2021-**

A RESOLUTION OF THE CITY COMMISSION AMENDING RESOLUTION NO. 2020-247 REMOVING THE CONDITION STATED IN SECTION 2 AND PROCEEDING WITH ALL OTHER PROVISIONS OF THE FOURTH AMENDMENT TO THE LEASE BETWEEN THE CITY OF CORAL GABLES AND CORAL GRAND, LLC APPROVED PURSUANT TO THE RESOLUTION.

**WHEREAS**, pursuant to Ordinance No. 2009-29, the City and Coral Grand, LLC (“Tenant”) entered into a Lease (the “Lease”) dated August 6, 2009, as amended by a First Amendment dated March 30, 2010, a Second Amendment dated September 13, 2011, and a Third Amendment dated May 28, 2013 with regard to City property located at 997 North Greenway Drive, Coral Gables, FL (the “Premises”); and

**WHEREAS**, on March 9, 2020, the State of Florida Governor Ron DeSantis issued a State of Emergency related to the COVID-19 public health emergency directing the temporary closure or reduced operation of certain businesses; and

**WHEREAS**, also as a result of the COVID-19 public health emergency, Miami-Dade County Mayor Carlos Gimenez mandated that all event/banquet hall venues in Miami-Dade County cease or modify their business operations, including but not limited to, the adoption of certain social distancing guidelines and temporary limitations on their operations; and

**WHEREAS**, in August of 2020, Tenant notified the Landlord of its inability to pay rent and requested rent deferment assistance; and

**WHEREAS**, the Tenant submitted to the Landlord State of Florida Department of Revenue Sales Tax Reports (the “Sales Tax Reports”) for January-July 2019 and January-July 2020; and

**WHEREAS**, by reviewing the Sales Tax Reports, the Landlord was able to assess that the Tenant’s operations have been affected more significantly by the COVID-19 health emergency and designated Miami-Dade County business closures than other City tenants given that most of the Tenant’s revenues derive from operating as an events/conference venue; and

**WHEREAS**, Landlord and Tenant wished to enter into a Fourth Amendment to the Lease that granted the Tenant rent deferment for 100% of rent due for August 1 and September 1 and 50% of rent due October 1, November 1, and December 1, 2020 (\$95,650.31) (the “Deferred Rent”) and waived any late charges, fees, and penalties provided for in the Lease during the deferment period; and

**WHEREAS**, the Fourth Amendment to Lease also provided the Tenant with an eight (8)-month Deferred Rent Repayment Plan (January-August 2021) during which the Tenant will pay the Landlord monthly rent pursuant to the Lease and will also make monthly installments toward the Deferred Rent; and

**WHEREAS**, on October 13, 2020, the Fourth Amendment to the Lease was presented to the City Commission and the City Commission deferred consideration of the matter and requested that specific information was provided; and

**WHEREAS**, between the October 13<sup>th</sup> and October 27<sup>th</sup> City Commission meetings, the tenant provided most of the information requested and, as a result of what was provided, the City Commission was in favor of approving the Fourth amendment to the Lease provided that tenant reimburse deposits to Coral Gables-based non-profit organizations (believed to be a total of two) within thirty (30) days; and

**WHEREAS**, tenant did not agree to the additional requirement imposed by the City Commission; and

**WHEREAS**, Resolution 2020-247, adopted October 27, 2020 included a provision in Section 2 of the Resolution that the Tenant reimburse the deposits provided by the Coral Gables-based non-profit organizations, GENES Foundation and the Friends of Gables High, within thirty (30) of executing the Fourth Amendment to the Lease; and

**WHEREAS**, the City Commission wishes to amend the Resolution 2020-247 to remove the condition stated in Section 2 and authorize the City Manager to proceed with all other provisions of the Fourth Amendment to the Lease between the City of Coral Gables and Coral Grand, LLC approved pursuant to the Resolution.

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

**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 authorize the City Manager to execute the Fourth Amendment to Lease, without the condition imposed in Section 2 of Resolution 2020-247, approved in substantially the form attached as Exhibit A, with such modifications to the form attached hereto as may be approved by the City Manager and City Attorney that are necessary to implement the intent of this Resolution.

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

PASSED AND ADOPTED THIS TWELFTH DAY OF JANUARY, A.D., 2021.

(Moved:            / Seconded:            )

(Yeas:            / Nays:            )  
(Vote:            )  
(Agenda Item:    )

APPROVED:

RAUL VALDES-FAULI  
MAYOR

ATTEST:

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

BILLY Y. URQUIA  
CITY CLERK

MIRIAM SOLER RAMOS  
CITY ATTORNEY