

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. 2008-109

A RESOLUTION AUTHORIZING THE DEFFERAL OF FEES FOR THE PROPOSED BILTMORE HOTEL PROJECT CONSISTING OF A PUBLIC UNDERGROUND PARKING GARAGE AND LOW SCALE RESIDENTIAL DEVELOPMENT ON THE SITE OF THE HOTEL'S WEST PARKING LOT UNTIL THE PROJECT RECEIVES FINAL CITY COMMISSION APPROVAL.

WHEREAS, in 1973 the United States government conveyed the Biltmore Hotel property to the City for public historic preservation purposes for the benefit of the public; and

WHEREAS, the Department of the Interior approved the use of the property as a hotel authorizing revenue producing activities in conjunction with the restoration of the historic monument; and

WHEREAS, the City entered into a lease agreement dated July 29, 1999 with The Biltmore Hotel Limited Partnership, a Florida limited partnership, the sole general partner of which is Seaway Biltmore, Inc., for the operation and management of the hotel; and

WHEREAS, the lease agreement allows The Biltmore Hotel Limited Partnership to construct on the premises only such buildings, improvements, structures, and appurtenances that are approved by the City and all relevant State and Federal Agencies in advance of undertaking such work; and

WHEREAS, the lease agreement further requires that if The Biltmore Hotel Limited Partnership renovates or constructs a building, structure or improvement on the premises it shall be constructed without cost or expense to the City; and

WHEREAS, Gene Prescott, President of Seaway Biltmore, Inc., appeared before the City Commission to request authorization to move forward the public evaluation process of a project on the hotel property consisting of a public underground parking garage and low scale residential development on the site of the hotel's west parking lot and the deferral of City mandated fees required in connection with submittals to review boards or departments;

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

SECTION 1. 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 fees for the proposed Biltmore Hotel project consisting of a public underground parking garage and low scale residential development on the site of the hotel's west parking lot are hereby deferred until the project receives final City Commission approval

SECTION 3. That direct costs incurred by the City such as attorney's fees and advertising costs are not part of this deferral and must be paid for by the Biltmore Hotel.

SECTION 4. That this resolution shall become effective upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS FIFTEENTH DAY OF JULY, A.D., 2008.

(Moved: Anderson / Seconded: Withers)

(Yea: Withers, Anderson, Cabrera, Kerdyk, Slesnick)

(Unanimous: 5-0 Vote)

(Non-Agenda Item: D-3.1)

APPROVED:

DONALD D. SLESNICK II
MAYOR

ATTEST:

WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

ELIZABETH M. HERNANDEZ
CITY ATTORNEY