

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2010-24

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES AUTHORIZING ENTERING INTO A LEASE AMENDMENT WITH CORAL GABLES CINEMATEQUE, INC., WITH REGARD TO CITY OWNED PROPERTY AT 260 ARAGON AVENUE, CORAL GABLES, FLORIDA; AND PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, as authorized by Ordinance No. 2008-16, the City authorized the execution of an agreement with the Coral Gables Cinemateque, Inc. (“Tenant”), for 260 Aragon Avenue, Coral Gables, Florida, and the parties entered into a Lease Agreement on September 10, 2008 for the operation of a non-profit art cinema; and

WHEREAS, the Tenant is desirous of entering into an amended lease to: provide an abatement of rent; clarify terms regarding construction responsibilities, timing and payments; add a provision that Tenant may seek Board of Architect and other required governmental approvals to place not more than four tables with not more than four chairs each in Perrin Plaza; and clean up defined terms and add concepts from our form such as insurance, hazardous materials, audit, various standard miscellaneous contract provisions; and

WHEREAS, on May 19, 2010 and on September 8, 2010, the Property Advisory Board reviewed the renewal terms and recommended that the City enter into an Amended and Restated Lease on the terms set forth in the above whereas clause;

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 Lease Agreement with the Tenant with such modifications from the terms set forth in the Draft Amended and Restated Lease Agreement as may be approved by the City Manager and City Attorney.

SECTION 3. Any further amendments to this lease agreement, other than to the term, shall be accomplished by resolution.

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 All ordinances or parts of ordinances that are inconsistent or in conflict with the provisions of this Ordinance are repealed.

SECTION 5. 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. It is the intention of the Commission of the City of Coral Gables, Florida, 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. That this Ordinance shall become effective ten (10) days after final reading and adoption thereof.

PASSED AND ADOPTED THIS TWENTY-EIGHTH DAY OF SEPTEMBER, A.D., 2010.

(Moved: Anderson / Seconded: Withers)
(Yea: Kerdyk, Withers, Anderson, Cabrera, Slesnick)
(Unanimous: 5-0 Vote)
(Agenda Item: E-2)

APPROVED:

DONALD D. SLESNICK II
MAYOR

ATTEST:

WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

ELIZABETH M. HERNANDEZ
CITY ATTORNEY