

**CITY OF CORAL GABLES, FLORIDA**

**RESOLUTION NO. 2020-**

A RESOLUTION OF THE CITY COMMISSION AUTHORIZING ENTERING INTO A RENT DEFERRAL AGREEMENT WITH THE BILTMORE HOTEL LIMITED PARTNERSHIP WITH REGARD TO THE CITY-OWNED PREMISES AT 1200 ANASTASIA AVENUE, CORAL GABLES, FLORIDA 33134 GRANTING RENT DEFERMENT FOR RENT DUE ON JULY 1, 2020 (\$177,547.35), WAIVING ANY LATE CHARGES, FEES, AND PENALTIES PROVIDED FOR IN THE LEASE DURING THE DEFERMENT PERIOD, AND PROVIDING FOR DEFERRED RENT REPAYMENT ON JANUARY 1, 2021 AND APRIL 1, 2021.

**WHEREAS**, on February 10, 1986, pursuant to Resolution No. 24101, adopted February 23, 1983, the City of Coral Gables (the “Landlord”) executed a lease agreement with Sovereign Group 1986-1 for the City owned property located at 1200 Anastasia Ave, Coral Gables, FL 33134, consisting of the Biltmore Hotel, the Country Club Building, and the Conference Center (collectively, the “Premises”); and

**WHEREAS**, on July 29, 1999, pursuant to Resolution No. 29721, adopted April 27, 1999, the Biltmore Hotel Limited Partnership (the “Tenant”) became a successor in interest to the Sovereign Group 1986-1 and entered into an Amended and Restated Lease with the Landlord; and

**WHEREAS**, on January 2, 2001, pursuant to Resolution No. 30008 adopted November 14, 2000, Landlord and Tenant entered into a First Amendment to the Amended and Restated Lease.

**WHEREAS**, other amendments ensued pursuant to Resolution No. 30223, adopted December 11, 2001, a Deferred Rent and Restoration Agreement dated January 16, 2002, and a Settlement and Release Agreement on December 19, 2011, and an Agreement to redirect 50% of rent to Property Improvements on June 12, 2018 (collectively, the “Lease”); 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 hotels 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 the acceptance of new reservations, except to specific classes of individuals; and

**WHEREAS**, the Biltmore Hotel, in complying with such orders, temporarily ceased all operations and further vacated the Premises, in a responsible and appropriate manner; and

**WHEREAS**, the Biltmore Hotel has now re-opened to guests, as permitted under current state and county regulations, and is accepting future reservations for group meetings and events; and

**WHEREAS**, on July 1, 2020, the Tenant notified the Landlord that due to the aforementioned, unforeseen circumstances of the Corona Virus pandemic, it was in default under the Lease for failure to pay the full amount of rent due on July 1, 2020 and requested rent relief assistance; and

**WHEREAS**, due to the uncertainty created by the crisis, the Landlord was unable to assess the economic impacts of the COVID-19 public health emergency and the County Mayor's emergency orders on the Tenant's operations and revenue; and

**WHEREAS**, Landlord and Tenant wish to enter into a Rent Deferment Agreement granting the Tenant rent deferment for rent due on July 1, 2020, in the total amount of \$177,547.35 (the "Deferred Rent"), waiving any late charges, fees, and penalties provided for in the Lease during the deferment period; and

**WHEREAS**, the Rent Deferment Agreement also states that the Tenant, in addition to paying rent quarterly pursuant to the Lease (\$177,547.35), will also repay the Deferred Rent to the Landlord in two equal installments on January 1, 2021 (\$88,773.67) and April 1, 2021 (\$88,773.67);

**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 First Amendment to Lease, 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 EIGHTH DAY OF SEPTEMBER, A.D., 2020.**

(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