

**CITY OF CORAL GABLES, FLORIDA**

**RESOLUTION NO. 2022-**

A RESOLUTION OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA AUTHORIZING A THIRD AMENDMENT TO AMENDED AND RESTATED LEASE BETWEEN THE CITY OF CORAL GABLES AND THE CORAL GABLES CINEMATEQUE, INC. ALLOWING CORAL GABLES CINEMATEQUE, INC. TO EXERCISE ITS SECOND FIVE (5) YEAR RENEWAL OPTION OF THE LEASE AGREEMENT FOR THE CITY-OWNED PROPERTY LOCATED AT 260 ARAGON AVENUE, CORAL GABLES, FLORIDA, AND COMMONLY REFERRED TO AS THE CORAL GABLES ART CINEMA EXTENDING THE LEASE TERM THROUGH SEPTEMBER 30, 2030, CONSISTENT WITH THE TERMS AND CONDITIONS IN THE LEASE.

**WHEREAS**, on September 28, 2010, pursuant to Ordinance No. 2010-24, the City of Coral Gables (the “Landlord”) and the Coral Gables Cinematheque, Inc. (the “Tenant”) entered in to an Amended and Restated Agreement as amended by an Amendment dated November 4, 2015 (collectively the “Lease”), regarding the real property at 260 Aragon Avenue, Coral Gables, Florida, 33134 (the “Premises”); and

**WHEREAS**, the initial term of the Lease was October 1, 2010, through September 30, 2020; and

**WHEREAS**, pursuant to the Lease, Tenant had the option to renew for two (2) successive periods of five (5) years each, upon the same terms and conditions set forth in the Lease; and

**WHEREAS**, pursuant to Resolution 2016-60, the City Commission approved for the Tenant to exercise its first option for a five (5) year renewal early, thus extending the Lease term until September 30, 2025; and

**WHEREAS**, Tenant has submitted a request to the Landlord, as required by the Lease, to exercise its second option for a five (5) year renewal early, in order to apply for continued grant funding which requires Tenant to have a Lease in place for more than five (5) years; and

**WHEREAS**, City staff, in accordance with the terms of the Lease, determined the Tenant has observed and performed all of the covenants, agreements and other obligations, as required by the Lease; and

**WHEREAS**, the City Commission wishes to allow the Tenant to exercise its second five (5) year renewal option provide for in the Lease early; and

**WHEREAS**, the early exercise of this option will not affect any other provisions of the Lease; and

**WHEREAS**, section XLIV of the Agreement allows modification to its terms where in writing and executed by the Parties.

**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 Resolution upon the adoption hereof.

**SECTION 2.** That the Third Amendment to the Lease (the “Amendment”) is hereby approved in substantially the form attached hereto as Exhibit “A.”

**SECTION 3.** That the City Commission does hereby authorize the City Manager to execute the Amendment with such modifications to the form attached hereto as Exhibit “A” as may be approved by the City Manager and City Attorney that are necessary to implement the intent of this resolution.

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

PASSED AND ADOPTED THIS TWENTY-EIGHTH OF JUNE, A.D., 2022.

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

APPROVED:

VINCE LAGO  
MAYOR

ATTEST:

BILLY Y. URQUIA  
CITY CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

MIRIAM SOLER-RAMOS  
CITY ATTORNEY