

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. 2023-

A RESOLUTION OF THE CITY COMMISSION AUTHORIZING A FIFTH AMENDMENT TO THE AMENDED AND RESTATED AGREEMENT WITH ACTOR'S PLAYHOUSE PRODUCTIONS, INC., REGARDING THE CITY-OWNED PROPERTY AT 280 MIRACLE MILE, CORAL GABLES, FL, PERMITTING THE PORTION OF THE MIRACLE THEATER DESIGNATED AS APARTMENT ON THE APPROVED PHASE III MIRACLE THEATER RENOVATIONS ARCHITECTURAL PLANS BE USED AS SLEEPING QUARTERS BY ONE ACTOR'S PLAYHOUSE PRODUCTIONS, INC. SERVICE EMPLOYEE TO RESIDE AS REQUIRED IN CONNECTION WITH THE MAINTENANCE, OPERATIONS AND/OR SERVICE OF THE MIRACLE THEATER.

WHEREAS, the City of Coral Gables (the "Landlord") and Actor's Playhouse Productions, Inc. (the "Tenant") are parties to that certain Amended and Restated Agreement dated as of September 13, 2011, as amended by that certain Amendment to Amended and Restated Agreement dated as of February 5, 2013, that certain Second Amendment to Amended and Restated Agreement dated January 28, 2015, that certain Third Amendment to Amended and Restated Agreement dated as of March 11, 2016 and that certain Fourth Amendment to Amended and Restated Agreement dated as of March 29, 2021 (collectively, the "Original Lease"), concerning the real property located at 280 Miracle Mile, Coral Gables, Florida (the "Miracle Theater"); and

WHEREAS, in the Phase III Architectural Plans for Actors Playhouse Miracle Theater Renovations prepared by Fullerton Diaz Architects Inc., dated September 15, 1997, last revised September 26, 2000, bearing Job No. 9415 (the "Final Architectural Plans"), a portion of the Theater was designated as an apartment (the "Sleeping Quarters") solely for the limited purpose of allowing one (1) Tenant employee responsible for maintenance, operations and/or service of the Theater ("Service Employee") to reside in such Sleeping Quarters; and

WHEREAS, Tenant represents that the Service Employee residing in the Sleeping Quarters is required in connection with the business operations of the Miracle Theater; and

WHEREAS, the Service Employee residing in the Sleeping Quarters will be responsible for maintenance, operations and/or service of the Miracle Theater; and

WHEREAS, use of the Sleeping Quarters shall be for non-profit purposes only, and in no event shall Tenant be permitted to charge rent or impose any payment obligations for the use of the Sleeping Quarters; and

WHEREAS, in the event that any person, other than one (1) Service Employee, resides or sleeps in the Sleeping Quarters or in the event that Tenant charges rent or receives profit from the use of the Sleeping Quarters, Tenant shall be in default of the Lease; and

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 Fifth Amendment to Amended and Restated Agreement, approved in substantially the form attached as Exhibit A, with the City Manager and City Attorney having the authority to make such modifications as may be 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 FOURTEENTH DAY OF MARCH, A.D., 2023.

(Moved: / Seconded:)

(Yeas: / Nays:)

(Vote:)

(Agenda Item:)

APPROVED:

VINCE LAGO
MAYOR

ATTEST:

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BILLY Y. URQUIA
CITY CLERK

CRISTINA SUAREZ
CITY ATTORNEY