

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2023-__

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA, AUTHORIZING THE CITY TO ENTER INTO A THIRD AMENDMENT TO THE SECOND AMENDED AND RESTATED MASTER LEASE AGREEMENT FOR THE PROPERTY COMMONLY KNOWN AS THE VILLAGE OF MERRICK PARK, WITH MERRICK PARK, LLC, F/K/A ROUSE CORAL GABLES, LLC, AMENDING SECTION 3.1 RELATING TO PARKING TO CLARIFY THAT THE LICENSE AGREEMENT MAY REQUIRE CONSENT OF ADDITIONAL PARTIES; PROVIDING FOR A REPEALER PROVISION, SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, City and Developer/Tenant are parties to that certain Second Amended and Restated Master Lease Agreement dated July 10, 1997, as amended by that certain First Amendment to Second Amended and Restated Master Lease Agreement dated June 4, 2003, and that certain Second Amendment to Second Amended and Restated Master Lease Agreement dated January 19, 2023 (collectively, the “Lease”), whereby Developer agreed to lease from City certain premises (the “Leased Property”) located in the City of Coral Gables, Florida, as more particularly described in the Lease; and

WHEREAS, the Landlord and Tenant desire to modify the Lease upon and subject to the terms of this Third Amendment; and

WHEREAS, the January 19, 2023- Second Amendment to Second Amended and Restated Master Lease Agreement provided that Developer/Tenant will, in good faith, seek the approval of the anchor tenants under the COREA, should exclusivity of certain parking spaces be requested; and

WHEREAS, the Developer/Tenant wishes to further Amend the Lease to reflect that pursuant to the COREA, the Developer/Tenant will also make good-faith requests and seek the approval of each Subtenant whose consent may be required under its Sublease for their consents to such exclusive use and, if such consents are obtained, the License Agreement will include such provisions

WHEREAS, the City Commission believes that this amendment and corresponding license agreement adequately address the changed conditions surrounding the Village that its terms are in the best interest of the City;

NOW THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA:

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 adoption hereof.

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

SECTION 3. That the corresponding license agreement is approved in substantially the form attached as Exhibit “G” to the Lease.

SECTION 4. That the City Commission does hereby authorize the City Manager to execute the Third Amendment to the Lease with the Tenant with such modifications as may be approved by the City Manager and City Attorney that are necessary to implement the intent of this Ordinance.

SECTION 5. This Ordinance shall become effective upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS _____ DAY OF _____, A.D. 2022.

APPROVED:

VINCE LAGO
MAYOR

ATTEST:

BILLY Y. URQUIA
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

CRISTINA SUAREZ
CITY ATTORNEY