

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2009 - ____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF CORAL GABLES APPROVING THE EXCHANGE OF PROPERTY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF GRECO AND GRANELLO AVENUES, CORAL GABLES, FLORIDA, THE LEGAL DESCRIPTION OF WHICH IS SET FORTH AS FOLLOWS: A PORTION OF TRACT "B" AND TRACT "C", REPLAT OF A PORTION OF BLOCK 16 OF THE REVISED PLAT OF CORAL GABLES INDUSTRIAL SECTION, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 43, PAGE 50, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, MORE FULLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID TRACT "C"; THENCE NORTH 50°19'17" EAST, ON THE SOUTHERLY LINE OF SAID TRACT "C" AND NORTH RIGHT-OF-WAY LINE OF SAID GRANELLO AVENUE, A DISTANCE OF 87.91 FEET TO THE POINT OF BEGINNING; THENCE NORTH 39°40'43" WEST, A DISTANCE OF 136.86 FEET; THENCE NORTH 83°21'37" EAST, ON THE NORTHERLY LINE OF SAID TRACT "B" AND TRACT "C" AND SOUTH RIGHT-OF-WAY LINE OF SAID GRECO AVENUE, A DISTANCE OF 183.59 FEET TO A POINT OF CURVATURE OF A TANGENT CURVE CONCAVE TO THE SOUTHEAST; THENCE SOUTHEASTERLY ALONG SAID CURVE, TO THE RIGHT, HAVING A CENTRAL ANGLE OF 146°57'40" AND A RADIUS OF 20.00 FEET FOR AN ARC DISTANCE OF 51.30 FEET TO A POINT OF TANGENCY; THENCE SOUTH 50°19'17" WEST, ON THE EAST LINE OF SAID TRACT "C", A DISTANCE OF 143.00 FEET TO THE POINT OF BEGINNING; SAID LAND CONTAINING APPROXIMATELY 13,564 SQUARE FEET; IN EXCHANGE FOR THE CONVEYANCE OF CITY OF CORAL GABLES PARKING LOT 31 LOCATED AT THE SOUTHEAST CORNER OF LEJEUNE ROAD AND GRECO AVENUE, CORAL GABLES, FLORIDA, THE LEGAL DESCRIPTION AND FOLIO NUMBER OF WHICH ARE SET FORTH AS FOLLOWS: FOLIO NO. 03-4120-017-2240. LOTS 8, 9, 10, 11, AND 12, BLOCK 16 OF REVISED PLAT OF CORAL GABLES INDUSTRIAL SECTION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 28, AT PAGE 22 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; SAID LAND CONTAINING APPROXIMATELY 13,551 SQUARE FEET; FURTHER PROVIDING FOR A WAIVER OF CERTAIN PROVISIONS OF ARTICLE VIII OF THE CORAL GABLES CITY CODE BY A 4/5 VOTE IN ACCORDANCE WITH CITY CODE SECTION 2-2011 INCLUDING THE REQUIREMENT OF AN ADVERTISED PUBLIC BIDDING PROCESS; PROVIDING FOR A REPEALER PROVISION, A SAVINGS CLAUSE, AND A SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on January 8, 2008, the City Commission passed Resolution No 2008-04 authorizing the City Manager to negotiate with DYL Merrick Park Development, LLC for the exchange of the City-owned parking lot located at the southeast corner of Le Jeune Road and Greco Avenue for an equivalent portion of the property located west of the intersection of Greco Avenue and Granello Avenue and to take all actions consistent with the Procurement Code; and

WHEREAS, the City Commission has established set procedures for the purchase, sale or lease of public lands and buildings; and

WHEREAS, the City Commission passed Ordinance No. 2008-27 which established standards of business conduct, evaluations and appraisals for the purchase, sale or lease of such lands or buildings; and

WHEREAS, Ordinance No. 2008-27 requires that whenever the City purchases, sells, or is involved in a lease of real estate, whether as lessor or lessee, and the fee simple value of the property being bought or sold, or the annual value of the property being leased is in excess of Two Hundred Fifty Thousand dollars (\$250,000.00), the City shall, prior to consummating the purchase, sale or lease, have the property appraised by two (2) real estate appraisers holding the M.A.I. designation; and

WHEREAS, both Lot 31 and the portion of Block 16 of the Revised Plat of Coral Gables Industrial Section, Plat Book 43, Page 50 that is offered for exchange have been appraised by two (2) real estate appraisers holding the MAI designation; and

WHEREAS, Ordinance No. 2008-27 requires that in order for the City Commission and the public to be fully apprised of all conditions relating to the proposed purchase, sale and/or lease of City property, the City Manager through a report by the Finance, Economic Development, Parking, Public Works, Planning and Historic Preservation Departments, with an analysis from the Parking Advisory Board and Historic Preservation Board, when applicable, shall prepare an analysis with recommendations of the proposed purchase, sale and/or lease of City property, including answers to the appropriate questions below. The Budget and Audit Advisory Board, the Property Advisory Board and the Economic Development Board, by whatever name as the boards shall ever be know shall prepare an analysis using the following criteria:

(1) Budget and Audit Advisory Board.

- a. Is the purchase, sale and/or lease consistent with the property appraisal as required under section 2-2014?
- b. What is the immediate impact on the current fiscal budget and the long term effect on future budgets, i.e. the long-term overall effect on the City?
- c. Considering the City's mission statement, are there other alternatives to entering into the proposed transaction?

(2) Property Advisory Board.

- a. Does the proposed use conform to the City's comprehensive plan and is it compatible with the surrounding neighborhood?
- b. Analyze the positive or negative impacts on adjacent property including, but not limited to, open space, traffic access considerations, noise level, property values, improved development patterns and provision for necessary services including municipal utilities and other infrastructure systems and the needs and costs associated with the needed improvements. To the extent needed, traffic studies and other professional studies required shall be the responsibility of the proposed purchaser, developer, or lessee.

- c. Are the terms and conditions of the proposed purchase, sale, or lease of City property; or the proposed purchase or lease by the City of non-City property based on market terms and value?

(3) Economic Development Board.

- a. Is the proposed use in keeping with City goals and objectives?
- b. What is the economic impact to the City including, i.e. is the proposed use in keeping with a public purpose and community needs, such as expanding the City's revenue base, reducing City costs, creating jobs, creating a significant revenue stream, and improving the community's overall quality of life?
- c. Are there alternatives available for the proposed disposition, including assembly of adjacent properties and can the project be accomplished under a private ownership assembly?

The Finance, Economic Development, Parking, Public Works, Planning and Historic Preservation Departments, with an analysis from the Parking Advisory Board and Historic Preservation Board, when applicable, along with the Budget and Audit Advisory Board, the Property Advisory Board and the Economic Development Board's analysis may address such other issues as these boards may deem appropriate in analysis of the proposed disposition.

WHEREAS, the City Manager has requested that the Finance, Economic Development, Parking, Public Works, Planning and Historic Preservation Departments, as well as the Budget and Audit Advisory Board, the Property Advisory Board and the Economic Development Board analyze the proposal and has prepared a report pursuant to Ordinance No. 2008-27; and

WHEREAS, Ordinance 2008-27 requires that prior to the City's entering into any contract, agreement or lease relating to the purchase, sale or leasing of real property by, to or from the City, all individuals, corporations, partnerships, joint ventures or other legal entities having any interest of any kind in the property to be purchased, sold or leased, shall file with the City a document identifying the extent of its ownership interest in the subject real property; and

WHEREAS, pursuant to Ordinance 2008-27, the City has requested and DYL Merrick Park, LLC has delivered a document to the City identifying the ownership interest in property offered for exchange; and

WHEREAS, a public hearing of the Coral Gables City Commission was advertised, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard; and

WHEREAS, Ordinance 2008-27 states that no purchase of property with an estimated market value in excess of FIVE HUNDRED THOUSAND DOLLARS AND 00/100 (\$500,000.00) shall be approved except by authority or an ordinance passed by a

recorded affirmative vote of four-fifth (4/5) of all the members of the City Commission;
and

WHEREAS, the Coral Gables City Commission finds that the City has complied with all applicable provisions of Part 2, Article VIII, Division 12 *et seq* of the Code of the City of Coral Gables or waived provisions as inapplicable by a required 4/5 vote.

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

SECTION 1. That the recitals provided herein above are incorporated in their entirety as if fully restated herein.

SECTION 2. That the Coral Gables City Commission has determined that it is in the best interest of the citizens of Coral Gables to exchange Parking Lot 31 and the portion of Block 16 of the Revised Plat of Coral Gables Industrial Section, Plat Book 43, Page 50 that is offered.

SECTION 3. That the Coral Gables City Commission has determined that Section 2-2013 of the Code of the City of Coral Gables that requiring a certain advertised public bidding process be waived as not applicable and further that the public interest would be served by waiving such conditions of bidding for the disposition of the property.

SECTION 4. That the exchange of the City Parking Lot 31 for the portion of Block 16 of the Revised Plat of Coral Gables Industrial Section, Plat Book 43, Page 50 pursuant to Ordinance 2008-27 is hereby approved.

SECTION 5. That thirty (30) days from the adoption of this ordinance by the City Commission this ordinance shall become effective.

PASSED AND ADOPTED THIS _____ DAY OF _____, A.D., 2009.

APPROVED:

DONALD D. SLESNICK II
MAYOR

ATTEST:

WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

ELIZABETH M. HERNANDEZ
CITY ATTORNEY