

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2020-

AN ORDINANCE OF THE CITY COMMISSION AUTHORIZING “AS-IS” RESIDENTIAL CONTRACT FOR SALE AND PURCHASE WITH BREA-STEVENSON LAND TRUST FOR THE SALE OF THE CITY-OWNED PROPERTY LOCATED AT 3501 GRANADA BOULEVARD, CORAL GABLES, FL 33134; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, On September 28, 1999, Resolution 29839, authorized the City of Coral Gables (the “City”) to purchase the property located at 3501 Granada Boulevard, Coral Gables, FL 33134 (the “Property”) for a \$900,000.00 purchase price.; and

WHEREAS, the property was purchased on October 1, 1999; and

WHEREAS, Resolution 29839 also authorized the City, in its capacity as Landlord for the Property to enter into a Lease with the US Army Corps of Engineers (the “Tenant”) for the rental of the Property as the residence of the Commander in Chief of the US Southern Command Headquarters; and

WHEREAS, Landlord and Tenant executed and renewed the Lease several times between 1999 and 2018; and

WHEREAS, on December of 2018, the Tenant exercised an existing Lease option to terminate the Lease; and

WHEREAS, on December 11, 2018, the City Commission, found that it was in the best interest of the City to sell the property, and pursuant to Resolution 2018-305, directed the City Manager to take the necessary steps to market the property for sale; and

WHEREAS, on March 8, 2019, GRE Group, Inc. appraised the property and provided an opinion of value at \$1,925,000; and

WHEREAS, on October 7, 2019, the City entered into an exclusive right of sale listing agreement with EWM International Realty/Berkshire Hathaway; and

WHEREAS, on May 24, 2020, the City entered into a “As-Is” Residential Contract for Sale and Purchase with Brea-Stevens Land Trust with the following key terms: a purchase price of \$1,800,000 with no financing contingency, a total deposit of \$80,000; an 15-day inspection period; closing to take place 45 days from Commission approval; a 5.5% broker commission (\$95,700); and

WHEREAS, on June 4, 2020, the City and the Buyer executed Amendment 1, reducing the purchase price to \$1,740,000 (a \$60,000 reduction for property repairs) and agreed to end both the inspection period and the Buyer's right to cancel; and

WHEREAS, the real estate commission will be adjusted to \$95,700 in order to reflect 5.5% of the \$1,740,000 purchase price; and

WHEREAS, all other terms not addressed in Amendment 1 remain in full force in effect; and

WHEREAS, the Property is currently tax exempt because it is City-owned property, the sale of the Property will generate additional tax revenue to the City; and

WHEREAS, consistent with Miami-Dade County's declared State of Emergency, City of Coral Gables Mayor Raúl Valdés-Fauli has declared a City State of Emergency effective March 12, 2020 due to the public health threat of COVID-19; and

WHEREAS, as a precautionary measure, all City advisory board meetings have been suspended until further notice due to the COVID-19 State of Emergency, preventing required input from the Property Advisory Board, the Economic Development Board, and the Budget Advisory Board pursuant to Division-12 -Purchase, Sale, and Lease of Public Property of the City Code; and

WHEREAS, the Commission has been presented with the proposed "As-Is" Residential Contract for Sale and Purchase and Addendum 1 for its consideration and approval; and

WHEREAS, pursuant to Section 2-1097 of the City Code, this Ordinance requires a four-fifths vote because the sale exceeds \$1,000,000.00; and

WHEREAS, pursuant to Section 2-1089 of the City Code, the City Commission, upon a four-fifths vote, has the authority to waive any provision of Chapter 2, Article VIII where it finds such a waiver to be necessary in order to proceed with a purchase, sale, or lease which is in the best interest of the City, and where such waiver would serve the public interest to the extent that any provision of this section was not complied with, the City Commission waives said provision in the best interest of the City; and

WHEREAS, the City Commission finds that the Sale of the Property serves the public interest and that it is in the best interest of the City to authorize the City Manager to execute the "As-Is" Residential Contract for Sale and Purchase.

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

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 Ordinance upon the adoption hereof.

SECTION 2. That the “As-Is” Residential Contract for Sale and Purchase and Addendum 1 are hereby approved in substantially the form attached as Exhibit A, with any such modifications as may be approved by the City Manager and the City Attorney to carry out the City Commission’s intention.

SECTION 3. If any section, part of section, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

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

PASSED AND ADOPTED THIS NINTH DAY OF JUNE, 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