

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. 2010-288

RESOLUTION GRANTING AUTHORITY TO THE CITY ATTORNEY'S OFFICE AND THE CITY MANAGER' OFFICE TO TAKE ANY AND ALL APPROPRIATE ACTION (I.E. INCLUDING TAKING ACTION AGAINST THE INSURANCE POLICY AND DOING WHATEVER IS APPROPRIATE IN FURTHERANCE OF PROTECTING THE CITY AND THE CITIZENS THAT CONVEYED THE PROPERTY, ETC.), IN CONNECTION WITH THE WARRANTY DEED AND REVERTER PROVISION FOR PROPERTY LOCATED AT 45 ALMERIA AVENUE.

WHEREAS, in accordance with Resolution No. 8056, the City authorized execution of certain instruments on behalf of the City to Renuart Post No. 5718 Veterans of Foreign Wars, including a special warranty deed conveying to it Lots 35, 36 and 37, Block 12, "Crafts Section," Plat Book 10, page 40, and such other instruments in writing as are deemed necessary by the City Attorney in connection with this particular transaction and approved by said City Attorney in writing; and

WHEREAS, in 1959 said property, which was conveyed by the citizens of Coral Gables to the Veterans of Foreign Wars contained a warranty deed and reverter provision which reads as follows:

"This conveyance is made to the grantee herein upon the specific covenant and agreement by and between the parties that the property herein conveyed is to be used by the grantee for a Post Home and Community Building, and if at any other time said property is to be used for any other purposes, the title thereto shall revert to the grantor automatically and absolutely and without the payment of any competition;" and

WHEREAS, in April of 2010 the aforementioned property, which was being developed for commercial purposes was sold; and

WHEREAS, the City Attorney does herewith request that the City Commission grant the necessary authority to the City Attorney's office and the City Manager's office to take appropriate action in furtherance of exercising the reverter provision automatically and absolutely, without the payment of any compensation; further providing that both offices take appropriate action exercising the reverter provision to include going against the title insurance policy as well as whatever measures are deemed appropriate in order to protect the City of Coral Gables and the citizens that conveyed the property at 45 Almeria Avenue;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY 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 adoption hereof.

SECTION 2. That the City Commission also does hereby grant authority to the City Attorneys' office and the City Manager's office to proceed with taking all appropriate legal action to protect the interest of the City of Coral Gables and the citizens that conveyed the 45 Almeria Avenue property.

SECTION 3. That the City Commission also authorizes the City Attorney to investigate the obligations of the former owners of the 45 Almeria Avenue property, to ascertain what recourse the City has to ensure that its rights are protected.

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

PASSED AND ADOPTED THIS FOURTEENTH DAY OF DECEMBER, A.D., 2010.

(Moved: Kerdyk / Seconded: Withers)

(Yeas: Withers, Anderson, Cabrera, Kerdyk, Slesnick)

(Unanimous: 5-0 Vote)

(Non-Agenda Item)

APPROVED:

DONALD D. SLESNICK II
MAYOR

ATTEST:

WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

ELIZABETH M. HERNANDEZ
CITY ATTORNEY