

**CITY OF CORAL GABLES, FLORIDA**

**RESOLUTION NO. 2015-**

A RESOLUTION AUTHORIZING ENTERING INTO A SECOND AMENDMENT TO AMENDED AND RESTATED AGREEMENT WITH ACTORS' PLAYHOUSE PRODUCTIONS, INC., WITH REGARD TO CITY OWNED PROPERTY LOCATED AT 280 MIRACLE MILE, CORAL GABLES, FLORIDA.

**WHEREAS**, per Ordinance No. 2011-215, the City and Actors' Playhouse Productions, Inc. (the "Tenant") entered into an Amended and Restated Agreement dated September 13, 2011, with regard to City property located at 280 Miracle Mile, Coral Gables, FL, which was amended on February 5, 2013 per Resolution 2013-18 (Collectively the "Agreement"); and pursuant to Section 6.2 of the Agreement, Tenant is solely responsible for the installation, operation and maintenance expenses of the Theater, including, without limitation, the cost of providing repairs for standard electric, plumbing and HVAC systems, chiller and air handler units; and

**WHEREAS**, the 67 year old theater is a City-owned asset that is designated a National Historic Landmark. Due to the age of the property it requires significant maintenance and repairs; and

**WHEREAS**, per Ordinance No. 2014-29, the City Commission approved the Fiscal Year 2014-2015 City Budget which included Fifty Thousand and 00/100 (\$50,000) per annum to be used towards maintenance and repairs expenses for standard electric, plumbing, HVAC systems, chiller and air handler units; and

**WHEREAS**, during the budget workshop on July 23, 2014, it was stated that an amendment to the Agreement would be presented to Commission for the City to take over responsibility for standard electric, plumbing, and the HVAC as an ongoing obligation of the City.

**NOW, THEREFORE, BE IT RESOLVED BY THE 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 the adoption hereof.

**SECTION 2.** That the Second Amendment to the Amended and Restated Agreement (the "Amendment") is hereby approved in substantially the form attached hereto as Exhibit "A."

**SECTION 3.** That the City Commission does hereby authorize the City Manager to execute the Amendment with such modifications to the form attached hereto as Exhibit "A" as may be approved by the City Manager and City Attorney that are necessary to implement the intent of this resolution.

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

PASSED AND ADOPTED THIS TWENTY-EIGHTH DAY OF JANUARY, A.D., 2015.

(Moved:            / Seconded:        )

(Yeas:            / Nays:            )

(Vote:            )

(Agenda Item:        )

APPROVED:

JAMES C. CASON  
MAYOR

ATTEST:

WALTER J. FOEMAN  
CITY CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

CRAIG E. LEEN  
CITY ATTORNEY