

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2018-

AN ORDINANCE APPROVING THE PURCHASE AND SALE AGREEMENT WITH CAL B. ROSENBAUM FOR THE PURCHASE OF THE PROPERTY LOCATED AT 7000 OLD CUTLER ROAD, CORAL GABLES, FLORIDA FOR THE PURPOSE OF PRESERVING LANDSCAPED OPEN SPACE AND RENOVATING THE EXISTING HOUSE ON THE PROPERTY FOR USE AS A FIRE STATION TO ENHANCE FIRE RESCUE RESPONSE TIME TO THE SURROUNDING NEIGHBORHOOD; WAIVING CERTAIN REQUIREMENTS OF THE PROCUREMENT CODE PURSUANT TO SECTION 2-1089 THEREOF; AND PROVIDING FOR A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

WHEREAS, the City has three fire stations, located at 2801 Salzedo Street (FS1), 525 South Dixie Highway (FS2), and 11911 Old Cutler Road (FS3), and is desirous of enhancing the fire rescue response time for its communities between FS2 and FS3; and

WHEREAS, fire rescue response time in the City's central areas has been challenging due to long travel distances, access limitation caused by traffic congestion, and lack of alternate travel routes for its existing fire stations; a fire station near Sunset Drive would narrow the distance gap between the existing fire stations and enhance response times; and

WHEREAS, adding a fire station (FS4) between FS2 and FS3 would align resources without creating duplication of efforts, would narrow the five-mile gap between the two stations; and

WHEREAS, 7000 Old Cutler Road (the "Property") includes a 3,381 SF non-historic house on a 32,716 SF lot that is contiguous to 16,000 SF of vegetated City right-of-way (ROW), has entrances/exits on Cartagena Plaza, Sunset Drive, and Old Cutler Road, and has 136 trees that create a barrier from all three streets and neighboring properties; and

WHEREAS, the Property's contiguous ROW also provides for potential use as public green space and synergy with Ingraham Park, Cartagena Park, and the Old Cutler Trail; and

WHEREAS, the City reviewed several possible sites including city-owned sites, commercial sites, residential sites, and green spaces and was unable to locate an alternate site that could include a fire station, an option for public space, three entrance/exits, and an elevation substantially higher than sea-level; and

WHEREAS, the City will retrofit the existing house on the Property as a firehouse, to be called FS4, and will incorporate the ROW with the Property to allow for open green space; and

WHEREAS, Resolution 2018-231 authorized the City Manager to negotiate a Purchase and Sale Agreement for the Property and bring forth a final agreement for the Commission's consideration; and

WHEREAS, in accordance with Section 2-1092 of the City Code, appraisals were obtained that provided values of the Property between \$1.3 Million and \$3.9 Million; and

WHEREAS, in accordance with Section 2-1094 of the City Code, the proposed terms for the purchase of the Property were presented to the Budget and Audit Advisory Board on June 28, 2018, to the Property Advisory Board on May 9, 2018, and to the Economic Development Board on May 2, 2018; and

WHEREAS, City staff has negotiated with the Seller and is proposing the attached Purchase and Sale Agreement and a post-closing agreement for the City Commission's consideration; and

WHEREAS, the City was awarded a state grant in the amount of \$1.5 million to be applied toward a fire station and public open area; and

WHEREAS, the Purchase and Sale Agreement contemplates an "as is" purchase of the Property for the sum of \$4,000,000.00; with an earnest money deposit of \$200,000.00; a closing on January 15, 2019; a sixty (60) day due diligence period; the reimbursement of Seller's attorneys' fees in an amount not to exceed \$10,000.00; a penalty in the amount of \$20,000.00 per month to be paid by the City, for each additional month the closing is delayed (unless such delay is caused by the Seller); and a post-closing occupancy period to Seller for two (2) years; and

WHEREAS, in accordance with the Purchase and Sale Agreement, the sale is contingent on City Commission approval and neighborhood review; and

WHEREAS, the Post-Closing Agreement shall allow the Seller, his family, any caretakers, his heirs, and his personal representative to live in the Property rent-free for a period not to exceed two (2) years; the City shall have access to the Property, at reasonable times and upon reasonable prior notice, during the post-closing occupancy period; Seller shall be responsible for routine repairs & maintenance, while the City shall be responsible for replacement of capital items with a cost greater than \$500.00; and the post-closing occupancy period shall terminate if the Property is damaged, the damage is substantial (in excess of \$50,000.00), and the Property is uninhabitable; and

WHEREAS, the City Commission finds that FS4 serves the public interest and that it is in the best interests of the City to direct the City Manager to execute the Purchase and Sale Agreement and Post-Closing Agreement; and

WHEREAS, pursuant to Section 2-1097 of the City Code, this Ordinance requires a four-fifths vote; and

WHEREAS, while the City has substantially complied with the applicable requirements in Chapter 2, Article VIII, Division 12 of the City Code, to the extent any of those requirements have not been met, the City Commission finds that the public interest would be served by waiving any such requirements of the Procurement Code pursuant to section 2-1089, which also requires a four-fifths vote, and that it is in the best interests of the City to authorize the City Manager to execute the Purchase and Sale Agreement.

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 Resolution upon the adoption hereof.

SECTION 2. That the Purchase and Sale Agreement and the Post-Closing Agreement (attached hereto as Exhibit A) are hereby approved for the purchase of the Property located at 7000 Old Cutler Road, Coral Gables, Florida for the purpose of preserving landscaped open space and renovating the existing house on the Property for use as a fire station to enhance fire rescue response time to the surrounding neighborhood.

SECTION 3. That in accordance with Sections 2-1089 and 1097(a)(3) of the City Code, the City Commission approves the purchase by four-fifths vote.

SECTION 4. 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 5. That this Ordinance shall become effective upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS _____ DAY OF NOVEMBER, A.D., 2018.

(Moved: / Seconded:)

(Yeas: / Nays:)

(Vote:)

(Agenda Item:)

APPROVED:

RAUL VALDES-FAULI
MAYOR

ATTEST:

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

WALTER J. FOEMAN
CITY CLERK

MIRIAM SOLER RAMOS
CITY ATTORNEY