

**CITY OF CORAL GABLES, FLORIDA**

**ORDINANCE NO. 2022-71**

AN ORDINANCE OF THE CITY COMMISSION AUTHORIZING THE CITY TO ENTER INTO A SECOND AMENDMENT TO THE SECOND AMENDED AND RESTATED MASTER LEASE AGREEMENT FOR THE PROPERTY COMMONLY KNOWN AS THE VILLAGE OF MERRICK PARK, WITH MERRICK PARK, LLC, F/K/A ROUSE CORAL GABLES, LLC, AMENDING SECTION 3.1 RELATING TO PARKING AND APPROVING THE GENERAL TERMS OF A CORRESPONDING LICENSE AGREEMENT FOR CERTAIN PARKING USES; PROVIDING FOR A REPEALER PROVISION, SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the Second Amended and Restated Master Lease Agreement (the “Lease”) between the City of Coral Gables (the “Landlord”) and Merrick Park LLC, f/k/a Rouse Coral Gables, LLC (the “Tenant”) for the property commonly known as the Village of Merrick Park (the “Village”) provides for 400 parking spaces in the Village’s parking garages to be made available to the Landlord, charged at City rates, and utilized pursuant to a parking plan; and

**WHEREAS**, the Lease further provides that 200 spaces will be located in one or both of the North Garages and 180 spaces will be located in the East Garage; and

**WHEREAS**, the Lease further provides that the spaces are to be made available from 7 a.m. to 7 p.m., Monday through Friday and that the revenues received from the use of such spaces will become part of the Project Revenue (as defined in the Lease) for purposes of calculating percentage rent; and

**WHEREAS**, Landlord and Tenant now wish to amend the Lease to provide more flexible use of the 400 parking spaces which will continue to include the permit parking spaces and may also include long-term parking spaces, governed by a license agreement, with neighboring developments; and

**WHEREAS**, the lease amendment includes the form of the license agreement to be used for said long-term parking spaces used by neighboring developments; and

**WHEREAS**, this lease amendment further removes the day/time restriction and sets the maximum parking rate that may be charged per space; and

**WHEREAS**, the lease amendment also provides that Tenant will, in good faith, seek the approval of the anchor tenants under the COREA, should exclusivity of certain parking spaces be requested; and

**WHEREAS**, the City Commission believes that this amendment and corresponding license agreement adequately address the changed conditions surrounding the Village that its terms are in the best interest of the City;

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

**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 Ordinance upon adoption hereof.

**SECTION 2.** That the Second Amendment to the Lease is hereby approved in substantially the form attached hereto as Exhibit “A.”

**SECTION 3.** That the corresponding license agreement is approved in substantially the form attached as Exhibit “G” to the Lease.

**SECTION 4.** That the City Commission does hereby authorize the City Manager to execute the Second Amendment to the Lease with the Tenant with such modifications as may be approved by the City Manager and City Attorney that are necessary to implement the intent of this Ordinance.

**SECTION 5.** This Ordinance shall become effective upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS THIRTEENTH DAY OF DECEMBER, A.D., 2022.  
(Moved: Anderson / Seconded: Mena)  
(Yeas: Menendez, Anderson, Mena, Lago)  
(Unanimous: 4-0 Vote)  
(Agenda Item: F-3)

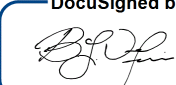
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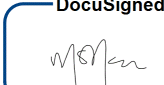
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VINCE LAGO  
MAYOR

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

ATTEST:

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BILLY Y. URQUIA  
CITY CLERK

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MIRIAM SOLER RAMOS  
CITY ATTORNEY