

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA APPROVING A SECOND AMENDED DEVELOPMENT AGREEMENT FOR THE PLAZA CORAL GABLES PLANNED AREA DEVELOPMENT FOR THE PROPERTY LOCATED AT 2801, 2901, AND 3001 PONCE DE LEON BOULEVARD, CORAL GABLES, FLORIDA 33134; PROVIDING FOR A REPEALER PROVISION, SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE. (LEGAL DESCRIPTION OF PROPERTY ON FILE AT THE CITY)

WHEREAS, Agave Plaza Trustee, LLC (“Owner”) holds the fee simple title to the land at 2801, 2901, and 3001 Ponce de Leon Boulevard in the City of Coral Gables, Florida (the “Property”); and

WHEREAS, pursuant to Ordinance No. 2015-13 (As Amended), the City Commission on June 10, 2015 approved a Planned Area Development (“PAD”) on the Property known as The Plaza Coral Gables (f/k/a Mediterranean Village) (the “Project”), along with several other land use, zoning, and development approvals for the Project (the “Approvals”); and

WHEREAS, as part of the Approvals and pursuant to Ordinance No. 2015-15 (As Amended), the Owner and City entered into that certain Development Agreement dated August 14, 2015, recorded at Book 30093, Page 1483 in the Public Records of Miami-Dade County (the “Development Agreement”), which was amended by the Amended Development Agreement executed March 28, 2017 and recorded at Book 30537, Page 2536 in the Public Records of Miami-Dade County, Florida (the “Amended DA”) which was approved by the City Commission on March 28, 2017 pursuant to Resolution No. 2017-69; and

WHEREAS, the Project is a mixed use project with office, retail, hotel, and residential components and construction of the Project has commenced; and

WHEREAS, Owner has requested that the City enter into a Second Amended Development Agreement (“Second Amended DA”), attached as Exhibit A in “redline” format, to reflect minor amendments to the Project programs which have been administratively approved by the Planning & Zoning Division, as well as opportunities to increase funding for offsite improvements and to align these offsite improvements with current City goals and priorities; and

WHEREAS, the key modifications to the proposed Second Amended DA include:

- the possibility of a Joint Participation Agreement between Miami-Dade County, the City, and the Developer to increase the amount of County roadway impact fee monies which could be dedicated to improvements in this area of the City

including, in part, for some of the Project's required offsite improvements (Section 2.13);

- designation of the use of the \$2.592 million Mobility Contribution for "capacity improvements" to the City's mobility and transit system (Section 2.15(i)). The existing language leaves open the possibility of the Mobility Contribution being utilized to finance existing operations;
- Agave's payment for costs of electricity for decorative street lights on the Project's side of the roadway and the City's payment of costs of electricity for decorative street lights which do not abut the project site (Section 8.5); and
- inclusion of a conceptual plan for particular structures and uses in the plaza's publicly accessible open space (Section 7.6 and Exhibit L-1).

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

SECTION 1. 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. The City Commission hereby approves the Second Amended DA in substantially the form attached as Exhibit A, and authorizes the City Manager to execute the Second Amended DA.

SECTION 3. All ordinances or parts of ordinances that are inconsistent or in conflict with the provisions of this Ordinance are repealed.

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

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

(Moved: / Seconded:)

(Yeas:)

(; Vote)

APPROVED:

RAÚL VALDÉS-FAULI
MAYOR

ATTEST:

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

WALTER J. FOEMAN
CITY CLERK

MIRIAM SOLER RAMOS
CITY ATTORNEY