

**CITY OF CORAL GABLES, FLORIDA**

**ORDINANCE NO. 2019-11 (As Amended)**

AN ORDINANCE APPROVING THE PURCHASE AND SALE AGREEMENT FOR THE SALE OF MUNICIPAL PARKING LOT 24 LOCATED ON THE NORTHWEST CORNER OF UNIVERSITY DRIVE AND PISANO AVE, CORAL GABLES, FL 33146 HAVING A MIAMI-DADE COUNTY PARCEL IDENTIFICATION NUMBER OF 03-4119-006-0200 TO DOCTORS HOSPITAL INC., A FLORIDA NOT-FOR-PROFIT CORPORATION; WAIVING CERTAIN REQUIREMENTS OF THE PROCUREMENT CODE PURSUANT TO SECTION 2-1089 THEREOF; AND PROVIDING A REPEALER PROVISION, SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE. *(The lot is currently leased to Doctors Hospital).*

**WHEREAS**, pursuant to Resolution 26281, passed and adopted on November 10, 1987, the City entered into a lease agreement dated December 30 1987, with Doctors' Hospital (the "Hospital") for the City-owned surface parking lot located on the northwest corner of University Drive and Pisano Ave, (the "Lot") across from the Hospital, as amended by that Amendment to a Memorandum to Lease dated January 31, 1992, then amended by that First Amendment to Lease dated August 20, 2002, then assigned by that Assignment and Assumption of Lease dated July 20, 2005, and re-assigned by that Assignment and Assumption of Lease Agreement dated July 1, 2006 (collectively, the "Lease"); and

**WHEREAS**, on February 10, 1994, the Hospital and surrounding neighbors entered into a Restrictive Covenant limiting the use of properties owned and/or controlled by the Hospital in the surrounding area (the "Covenant"); the Covenant limits the use of the Lot as a surface parking; the Lot is currently used to provide free valet services to the Hospital's patients and visitors; and the term of the Lease is set to expire on December 30, 2047; and

**WHEREAS**, pursuant to Resolution 2018-223, passed and adopted on August 28, 2018, the City Manager and City Attorney were directed to negotiate a purchase and sale agreement ("PSA"), as originally proposed in Resolution 2017-212, at a price of \$3,000,000; and

**WHEREAS**, pursuant to Resolution No. 2019-13, the City Commission directed that instead of requiring that the Hospital submit a traffic mitigation plan, that the City review the pedestrian infrastructure of the surrounding area, yet not delay the negotiation of the PSA; and

**WHEREAS**, in accordance with Section 2-1092 of the Procurement Code, the Lot was appraised by two MAI certified appraisers, Gallaher & Birch, Inc., and Waronker & Rosen, as having values of \$2,350,000 and \$2,200,000, respectively, based on the current multifamily duplex zoning; Waronker & Rosen provided an additional hypothetical value of \$3,600,000 as a City operated valet service; and

**WHEREAS**, the proposed purchase price is greater than the appraised values under the Lot's current zoning and is considered above market value; and

**WHEREAS**, the business terms provide for the purchase and sale subject to a site survey; an "as is" sale; the Covenant to stay in place; the Hospital to continue to maintain the surrounding area and provide the City access to the canal; 60 days' due diligence; closing to occur 30 days after due diligence; the City to receive a \$300,000 security deposit; no broker involvement; and contingent on the Hospital's Board and City Commission approval; and

**WHEREAS**, Section 2-1089 of the Procurement Code authorizes the City Commission to waive any provisions of Article VIII, Division 12 of the Procurement Code relating to the purchase, sale or lease of public lands or buildings upon a four-fifths vote where it finds that the public interest would be served by such waiver; and

**WHEREAS**, the Economic Development Board, Property Advisory Board, and Budget Advisory Board reviewed the proposed terms on August 2, 2017, August 9, 2017, and September 6, 2017, respectively, and voted unanimously to approve the purchase price and further negotiate the remaining terms; the Property Advisory Board further requested that the proceeds of the sale be used by the City to purchase other property and to pursue options for the Lot to be taxed; and

**WHEREAS**, the City Commission finds that it serves the public interest and is in the best interests of the City to waive the requirements of the Procurement Code by 4/5<sup>th</sup> vote with regard to this transaction and to authorize the City Manager and City Attorney to execute the PSA;

**NOW, THEREFORE, BE IT RESOLVED 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 Resolution upon the adoption hereof.

**SECTION 2.** That the PSA is hereby approved (the "Agreement") in substantially the form attached hereto as Exhibit "A," with any modifications approved by the City Manager

and City Attorney to carry out the City Commission's intention, including any necessary changes to the legal description to ensure accuracy.

**SECTION 3.** That the City Commission approves the purchase and sale agreement for the sale of Municipal Parking Lot 24 located on the northwest corner of University Drive and Pisano Ave, Coral Gables, FL 33146 having a Miami-Dade County parcel identification number of 03-4119-006-0200 to Doctors Hospital Inc., a Florida not-for-profit corporation; waiving certain requirements of the Procurement Code pursuant to Section 2-1089 thereof; and providing a repealer provision, severability clause and providing an effective date.

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

PASSED AND ADOPTED THIS TWENTY SIXTH DAY OF FEBRUARY, A.D., 2019.

(Moved: Quesada / Seconded: Lago)  
(Yeas: Mena, Quesada, Lago, Valdes-Fauli)  
(Majority: 4-0) Vote)  
(Absent: Keon)  
(Agenda Item: F-2)

APPROVED:

  
RAUL VALDES-FAULI  
MAYOR

ATTEST:

  
BILLY Y. URQUIZA  
CITY CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

  
MIRIAM SOLER RAMOS  
CITY ATTORNEY