

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2020-

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA, APPROVING A PURCHASE AND SALE AGREEMENT WITH RIVIERA PRESBYTERIAN CHURCH FOR THE PURCHASE OF A PORTION OF THE SURFACE PARKING LOT AT 1325 SUNSET DRIVE CORAL GABLES, FL ALSO REFERRED TO AS 5275 SUNSET DRIVE, (THE WESTERN PORTION OF FOLIO NO. 03-4130-009-3240) FOR THE PURPOSE OF ESTABLISHING A FIREHOUSE AND PARK USING STATE OF FLORIDA GRANT FUNDS FOR A PORTION OF THE PURCHASE; WAIVING CERTAIN REQUIREMENTS PURSUANT TO SECTION 2-1089 OF DIVISION 12 OF THE PROCUREMENT CODE; PROVIDING FOR A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

WHEREAS, the City of Coral Gables (the “City”) has (3) three fire stations, located at 2801 Salzedo St (FSI), 525 South Dixie Highway (FSII), and 11911 Old Cutler Road (FSIII), and is desirous of enhancing the fire rescue response times for communities between FSII and FSIII; and

WHEREAS, in 2016, the City’s Fire Department (the “Department”) began searching for a site to build an additional firehouse to improve the Department’s response times for the mid-southeastern portion of City; and

WHEREAS, on January 9, 2018, the City Commission adopted Resolution No. 2018-04, approving the City’s legislative priorities for the 2018 legislative session, which included a funding request for \$1.5 million for the acquisition of land on which to build a new firehouse in the vicinity of Cartagena Circle; and

WHEREAS, the Florida Legislature approved the City’s appropriation request, and as part of the State of Florida (the “State”) FY 2018-2019 budget, the State’s Department of Financial Services appropriated \$1.5 million from the State Fire Marshall Local Government Fire Service Grants 43.009 (the “State Grant”) for the City to acquire land in the vicinity of Cartagena Circle in order to build a firehouse; and

WHEREAS, the City determined that the proposed State Grant for land acquisition would serve to protect the safety and welfare of the residents in the mid-southeastern portion of the City because an additional firehouse on Sunset Drive between Cartagena Circle and Red Road will reduce the distance between the existing fire stations and substantially improve

the Department's response time to communities such as Cocoplum, Gables Estates, and Hammock Lakes, as well as portions of the University of Miami; and

WHEREAS, in mid-2018, the City identified a property for acquisition on Cartagena Circle for establishing a firehouse and park, but on November 13, 2018, the Resolution approving the Purchase and Sale Agreement for the acquisition of that property failed to acquire the necessary 4/5th vote from the City Commission; and

WHEREAS, since November 2018, the Department and City Staff have continued to evaluate possible sites on which to build a firehouse and park where the State Grant funds could be used to cover the majority of the purchase price; and

WHEREAS, in June 2019, the City identified a possible site, consisting of a portion of a surface parking at 1325 Sunset Drive, Coral Gables, FL also referred to as 5275 Sunset Drive, (the western portion of Folio No. 03-4130-009-3240), legally described in **Exhibit A** (the "Property"), owned by Riviera Presbyterian Church (the "Seller") which met the stipulations of the State Grant; and

WHEREAS, in July of 2019, in accordance with Chapter 2, Article VIII, Division 12 of the City Code titled "Purchase, Sale, and Lease of Public Property," the City obtained an appraisal from MAI certified appraiser for the Property; and

WHEREAS, on December 17, 2019, the Seller obtained a subsequent appraisal from MAI certified appraiser for the Property; and

WHEREAS, the Property is currently tax exempt because Chapter 196, Florida Statutes, provides property tax exemption(s) to eligible, religious, not-for-profit organizations that own and operate real estate and/or tangible business property, and as such, the purchase of the Property will not result in a loss of existing tax revenue to the City; and

WHEREAS, on January 15, 2020, the Purchaser submitted the Purchase and Sale Agreement (the "PSA") to the Seller for an "As-Is" purchase of the Property; and

WHEREAS, in accordance with the State Grant guidelines, the City submitted the proposed PSA to the State for approval prior to the February 1, 2020 State deadline; and

WHEREAS, the \$1,500,000 in State grant funds will off-set 75 percent of the purchase price; and

WHEREAS, City staff recommends that the City Commission waive certain requirements in Division 12 of the Procurement Code to meet the State Grant deadline for acquiring the Property; and

WHEREAS, pursuant to Section 2-1089 of the City Code, the City Commission, upon a four-fifths vote, has the authority to waive any provision of Chapter 2, Article VIII where it finds such a waiver to be necessary in order to proceed with a purchase, sale, or lease which is in the best interest of the City, and where such waiver would serve the public interest to the extent that any provision of this section was not complied with, the City Commission waives said provision in the best interest of the City; and

WHEREAS, the Commission has been presented with the proposed PSA for its consideration and approval; and

WHEREAS, pursuant to Section 2-1097 of the City Code, this Ordinance requires a four-fifths vote because the purchase exceeds \$1,000,000.00; and

WHEREAS, the City Commission finds that the purchase of the portion of a surface parking at 1325 Sunset Drive, Coral Gables, FL also referred to as 5275 Sunset Drive, (the western portion of Folio No. 03-4130-009-3240) serves the public interest and that it is in the best interest of the City to authorize the City Attorney and City Manager to execute the PSA.

NOW THEREFORE, BE IT ORDAINED 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 Ordinance upon the adoption hereof.

SECTION 2. That the Purchase and Sale Agreement is hereby approved subject to any modifications that may be approved by the City Manager and the City Attorney to carry out the City Commission’s intention.

SECTION 3. That the City Commission approves the Purchase and Sale Agreement with Riviera Presbyterian Church for the purchase of a portion of a surface parking at 1325 Sunset Drive, Coral, Gables, FL also referred to as 5275 Sunset Drive, (the western portion of Folio No. 03-4130-009-3240) for the purpose of building and establishing a firehouse and park, contingent upon the use of \$1.5 million State of Florida grant funds for a portion of the purchase, and on the Seller obtaining approval from the Presbytery of Tropical Florida for the purchase.

SECTION 4. The City will negotiate specific improvements to be completed in the remaining parking lot and an amendment to the Seller’s existing Parking Lot Management Agreement.

SECTION 5. 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 6. That this Ordinance shall become effective upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS TWENTY-SEVENTH DAY OF AUGUST, A.D.,
2019.

(Moved: / Seconded:)
(Yeas: / Nays:)
(Vote:)
(Agenda Item:)

APPROVED:

RAUL VALDES-FAULI
MAYOR

ATTEST:

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BILLY Y. URQUIA
CITY CLERK

MIRIAM SOLER RAMOS
CITY ATTORNEY

Exhibit "A"

Legal Description

That part of Block 219, of the Second Revised Plat of Coral Gables Riviera Section Part 14, as recorded in Plat Book 28, at Page 32, of the Public Records of Dade County, Florida, described as follows:

Beginning at the Northwest Corner of Lot 6; Thence N 89°44'23" E, along the North line of lots 6 and 7, for a distance of 75.00 feet, to a point that is 25.00 Feet Westerly of the Northeast corner of said lot 7; thence S 00°19'02" W for a distance of 200.00 feet, to a point on the South line of Lot 18, this point also being 25.00 feet Westerly of said Lot 18; Thence S 89°44'23" W along the South line of Lots 18 and 19, for a distance of 75.00 Feet, to the Southwest Corner of Lot 19; Thence N 00°19'02" E along the West Line of Lots 19 and 6, for a distance of 200.00 Feet, to the point of beginning.

Containing 14,999.5 SQ FT (0.344 Acres more or less).

All bearings are referred to an assumed value according to the plat of record.

Property Address: 1325 Sunset Drive, Coral Gables, FL 33143 also referred to as 5275 Sunset Drive.