

RESOLUTION No. 15-127

A RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, APPROVING A WAIVER OF THE CITY'S RIGHT OF FIRST REFUSAL TO CERTAIN CIVIC SPACE IN LANDMARK SOUTH DEVELOPMENT; APPROVING A MODIFICATION TO THE FOURTH AMENDED AND RESTATED DECLARATION OF RESTRICTIONS OF LANDMARK SOUTH; PROVIDING FOR RECORDATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Doral (the "City") approved a land development project commonly referred to as Landmark at Doral (the "Project"), with the North and South Parcel (est. 102 acres) to be developed under TND zoning designation and the East Parcel to be developed under IU-C designation (Industrial Use-Conditional) District by Miami-Dade County in 2003; and

WHEREAS, the Project program consists of 631 dwelling units (townhouses and multi-family), up to 40,000 square feet of commercial/office use, and 10,000 square feet of civic uses and adjacent space to accommodate the parking requirements ("Civic Space"); and

WHEREAS, as part of the approval of the Project, the developer proffered and the City accepted, via a Declaration of Restrictions for the underlying property, a right of first refusal for the future conveyance or lease for the Civic Space for the potential development of a library or similar use ("Right of First Refusal"); and

WHEREAS, following an in-depth analysis as to the feasibility of developing the Civic Space, staff has recommended the City waive its Right of First Refusal and relinquish the opportunity to develop the Civic Space, given the fully burdened costs

associated with the planning, permitting, development and operation of the Civic Space;
and

WHEREAS, after careful review and deliberation, the City Council has determined that it is in the City's best interest to waive its Right of First Refusal in the Project and to pursue alternative properties and projects for civic uses.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, THAT:

Section 1. Recitals. The above recitals are confirmed, adopted, and incorporated herein and made a part hereof by this reference.

Section 2. Approval of Waiver and Modification of Declaration of Restrictions and Covenants. The Right of First Refusal with regard to the Civic Space is hereby waived. The modification of the Fourth Declaration of Restrictions, attached hereto as Exhibit "A", incorporated herein and made a part hereof by this reference, by the striking of Section 14, "Reservation of Library Site," is hereby approved.

Section 3. Recordation. This resolution shall be recorded in the Public Records of Miami-Dade County, Florida, by the owner of the property and pay the costs thereof.


Section 4. Implementation. The City Manager and the City Attorney are hereby authorized to take such further action as may be necessary to implement the purpose and provisions of this Resolution.

Section 5. Effective Date. This resolution shall become effective upon its passage and adoption by the City Council.

The foregoing Resolution was offered by Councilmember Cabrera who moved its adoption. The motion was seconded by Councilmember Rodriguez and upon being put to a vote, the vote was as follows:

Mayor Luigi Boria	Yes
Vice Mayor Sandra Ruiz	No
Councilman Pete Cabrera	Yes
Councilwoman Christi Fraga	Yes
Councilwoman Ana Maria Rodriguez	Yes

PASSED AND ADOPTED this 25 day of June, 2015.



LUIGI BORIA, MAYOR

ATTEST:



CONNIE DIAZ, CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY FOR THE SOLE USE
OF THE CITY OF DORAL



WEISS, SEROTA, HELFMAN, COLE, & BIERMANN, PL
CITY ATTORNEY

EXHIBIT "A"

FOURTH DECLARATION OF RESTRICTIONS

14. ~~Reservation of Library Site. As depicted on the Site Plan for the South Parcel, the Owner of the South Parcel shall accommodate (i) 10,000 square feet for library use or any other civic use, as defined in Section 68-505 of the City's Land Development Code; and (ii) an adjacent area to accommodate sufficient parking for a 10,000 square foot library or other civic use, as defined in 68-505 of the City's Land Development Code, as required under the Code (collectively, the "Library") for future conveyance or lease to the City, which shall have the right of first refusal of the acceptance of the Library, or to Miami Dade County pursuant to the terms of a mutually acceptable agreement for conveyance or lease. The conveyance or lease of the Library shall take place pursuant to terms and conditions mutually agreed upon by the City or Miami Dade County and the Owners, at a price not to exceed fair market value, which terms and conditions shall be set forth in a separate instrument. However, the acceptance of this Declaration shall in no way obligate the City or Miami Dade County to enter into a purchase and sale or lease agreement for the Library. Should the City or Miami Dade County elect not to purchase or lease the Library within 120 days of receipt of a written offer, then the Library may be developed for any other commercial use permitted under the applicable provisions of the City's Land Development Code, provided that civic uses on the South Parcel, including those described in this Paragraph and Paragraphs 10 and 11, shall constitute a minimum of 0.23 acres of the gross area of the South Parcel as indicated on the site plan entitled "Landmark at Doral South," as prepared by Cohen, Freedman, Encinosa & Associates Architects, P.A., dated August 15, 2014, and as revised on August 27, 2014 and September 5, 2014, consisting of seventeen (17) sheets, and landscape plans prepared by Witkin Hults Design Group dated August 26, 2014 as prepared by Valle & Valle, dated May 8, 2013 and revised October 22, 2013.~~