

# Memorandum

MIAMI-DADE  
COUNTY

**Date:** July 8, 2010

**To:** Honorable Chairman Dennis C. Moss  
and Members, Board of County Commissioners

**From:** George M. Burgess  
County Manager 

**Subject:** Declaration of Restrictive Covenant  
Coral Gables Courthouse, 3100 Ponce de Leon, Coral Gables

Agenda Item No. 8(F)(1)(C)

## RECOMMENDATION

It is recommended that the Board approve the attached resolution authorizing execution of a Declaration of Restrictive Covenant between the County and the City of Coral Gables ("City"), Florida to run with the title to the land owned by the County. The Restrictive Covenant has been prepared by the County Attorney's Office and the General Services Administration at the request of the Administrative Office of the Courts.

**PROPERTY:** 3100 Ponce de Leon, Coral Gables

**USE:** County Courthouse

**COMMISSION DISTRICT:** 7

**IMPACTED DISTRICTS:** Countywide

**OWNER:** Miami-Dade County

**JUSTIFICATION:** On January 29, 2002 the Board of County Commissioners approved Resolution R-107-02 authorizing the County Manager to execute a Right of First Refusal to purchase the property at 3100 Ponce de Leon, which at the time, the County was leasing for the Coral Gables Branch Court.

Pursuant to the City of Coral Gables Resolution No. 28447, the initial building permit for the Courthouse allowed a building configuration accommodating 90% Administrative use and 10% Accessory use. The County now intends to renovate the Courthouse to increase the Accessory use, including the addition of one courtroom and one judicial chamber.

In order to accommodate this modification to increase the Accessory use, the City passed and adopted Resolution No. 2009-291 which allowed an increase from 10% to 16% of the building, conditioned upon the filing of a restrictive covenant. The Declaration of Restrictions covers and runs with the Property and applies to the interior renovations contemplated by the County.

The restrictions are as follows:

- The interior renovations, including the addition of a third courtroom and chambers within the existing Branch Court, will not increase but will merely reconfigure the square footage of the Coral Gables Branch Court.
- The interior renovations will only increase the Accessory use from 10% to 16% of the square footage of the existing facility.
- The interior renovations will only be made in compliance with all applicable City Codes and Regulations including construction activities and staging.
- The interior renovations will not include any renovations to the building exterior.
- The addition of one courtroom and one judicial chamber will not increase the number of cases handled by this Court, and therefore, will not give rise to an increase in traffic.
- This Declaration of Restrictions shall terminate automatically when and if the use of this Property as a courthouse ceases.

EFFECTIVE DATES:

Upon execution by the City of Coral Gables and recorded by the County.

FINANCIAL IMPACT:

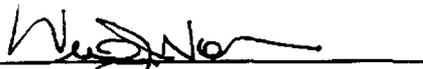
The estimated cost for the conversion of the office space into a courtroom is \$823,359.00, which is included in the Capital Budget (Index Code CPE314OCCGEX).

MONITOR:

Leland Salomon, Division Director

DELEGATED AUTHORITY:

Authorizes the County Mayor or the County Mayor's designee to execute the attached Declaration of Restrictive Covenant.

  
Wendi L. Norris  
Director  
General Services Administration



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Dennis C. Moss  
and Members, Board of County Commissioners

**DATE:** July 8, 2010

**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Agenda Item No. 8(F)(1)(C)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_ ) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved \_\_\_\_\_ Mayor

Agenda Item No. 8(F)(1)(C)

Veto \_\_\_\_\_

7-8-10

Override \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_

RESOLUTION AUTHORIZING EXECUTION OF A DECLARATION OF RESTRICTIVE COVENANT FOR THE COUNTY-OWNED PROPERTY AT 3100 PONCE DE LEON, CORAL GABLES, (CORAL GABLES BRANCH COURT); AUTHORIZING THE COUNTY MAYOR TO EXECUTE SAME FOR AND ON BEHALF OF MIAMI-DADE COUNTY; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA,** that this Board hereby approves the execution of a Declaration of Restrictive Covenant, for County-owned land at 3100 Ponce de Leon, Coral Gables (Coral Gables Branch Court), in substantially the form attached hereto and made a part hereof; authorizes the County Mayor or the County Mayor's designee to execute same for and on behalf of Miami-Dade County; and authorizes the County Mayor or the County Mayor's designee to exercise any and all other rights conferred therein.

Pursuant to Resolution 974-09, this Board directs the County Mayor to record the Declaration of Restrictions authorized herein in the public records of Miami-Dade County and to provide a recorded copy of this document to the Clerk of the Board within thirty (30) days of its execution, and further directs the Clerk of the Board to attach and permanently store a recorded copy of the Declaration of Restrictions together with this resolution.

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

Dennis C. Moss, Chairman	
Jose "Pepe" Diaz, Vice-Chairman	
Bruno A. Barreiro	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Barbara J. Jordan	Joe A. Martinez
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 8<sup>th</sup> day of July, 2010. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

Approved by the County Attorney as  
to form and legal sufficiency.

Debra Herman

Instrument prepared under the direction of  
Debra Herman, Assistant County Attorney  
111 N.W. 1 Street, 28<sup>th</sup> Floor  
Miami, Florida 33128-1907

Folio No. 03-4117-005-8080

**DECLARATION OF RESTRICTIVE COVENANT**

The undersigned, Miami-Dade County (the "County"), a Political Subdivision of the State of Florida, whose address is: Stephen P. Clark Center, 111 N.W. 1 Street, Suite 17-202, Miami, Florida 33128-1963, hereby makes, declares, and imposes on the land herein described, the following covenant running with the title to the land, which shall be binding on the County, its grantees, successors, and assigns;

WHEREAS, the County holds the fee simple title to the lands in the City of Coral Gables, Florida (the "City") described below (hereinafter called the "Property"):

Lots 1 through 13, Block 34 of CORAL GABLES CRAFTS SECTION,  
according to Plat thereof, as recorded in Plat Book 10 Page 40, of the  
Public Records of Miami-Dade County, Florida

WHEREAS, pursuant to City Resolution No. 28447, the initial building permit for the existing courthouse building situated on the Property (the "Coral Gables Branch Court") allowed a building configuration accommodating 90% Administrative use and 10% Accessory use; and

WHEREAS, the County intends to renovate the Coral Gables Branch Court to increase the Accessory use, including the addition of one courtroom and one judicial chamber; and

WHEREAS, on October 13, 2009, the City passed and adopted Resolution No. 2009-291, which allowed an increase in Accessory use from 10% to 16% of the building, conditioned upon the filing of a restrictive covenant.

NOW THEREFORE, IN ORDER TO ASSURE the City of Coral Gables that the representations made by the County in connection with the approvals by the City will be abided by, and for good and valuable consideration, the County freely, voluntarily, and without duress, makes the following Declaration of Restrictions covering and running with the Property, which shall apply to the interior renovations contemplated hereby, as follows:

(1) The interior renovations set forth herein, including the addition of a third courtroom and chambers within the existing space for the Coral Gables Branch Court, will not increase, but will merely reconfigure, the square footage of the Coral Gables Branch Court, and

(2) The interior renovations set forth herein will only increase the Accessory use from 10% to no more than 16% of the square footage of the existing facility, and

(3) The interior renovations set forth herein will be made in compliance with all applicable City Codes and Regulations, including construction activities and staging.

(4) The interior renovations set forth herein will not include any renovations to the exterior of the building.

(5) The addition of one courtroom and one judicial chamber will not increase the number of cases handled by this Court, and therefore will not give rise to an increase in traffic.

(6) This Declaration of Restrictions shall terminate automatically when and if the use of this Property as a courthouse ceases. Further, this instrument may be released, amended, or modified by mutual written agreement of the parties hereto, their successors, or assigns. In the event of any cessation, change, or modification, a written instrument shall be executed and recorded evidencing same.

IN WITNESS WHEREOF, the undersigned has caused these presents to be executed in its name by the County Mayor, or his designee, on this \_\_\_\_ day of \_\_\_\_\_, 2010.

(OFFICIAL SEAL)

ATTEST:

HARVEY RUVIN, CLERK

**MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS**

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
GEORGE M. BURGESS  
COUNTY MANAGER

Approved for legal sufficiency \_\_\_\_\_  
Debra Herman  
Assistant County Attorney

Approved as to form and content:

\_\_\_\_\_  
Elizabeth M. Hernandez  
City Attorney

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