



To: Janet Gavarrete

From: Craig E. Leen, City Attorney for the City of Coral Gables 

RE: Legal Opinion Regarding Plumer Building

Date: November 24, 2014

On May 13, 2014 the City Commission approved an amendment to the City of Coral Gables and University of Miami Development Agreement ("City-UM Agreement"). The purpose of the amendment was to modify Section 18 of the City-UM Agreement which restricted University Campus Serving Uses to the UM Campus as described in Exhibit A to the City-UM Agreement, unless expressly approved by an amendment to the City-UM Agreement. The representatives and attorneys of the University and the City who participated in the negotiation and preparation of the City-UM Agreement were unaware that the University had leased the Plumer Building located at 5915 Ponce de Leon Boulevard for many years and had been using the building for University Campus Serving Uses. Consequently, the Plumer Building was not identified as part of the University Campus in the legal description of the Campus in the City-UM Agreement.

The amendment to Section 18(g) City-UM Agreement expressly authorized the use of the Plumer Building for University Campus Serving Uses.

Recently, an issue has arisen with regard to compliance with the City's Zoning Code with regard to off-street parking because off-street parking for the Plumer Building has been and is provided in several parking lots on the University Campus across the [street] on the same general basis as other buildings used for university campus serving uses.

You have asked me to provide you with my opinion as to whether the use of parking lots on the University Campus for the university campus serving uses is in compliance with the Development Agreement, as amended and the applicable provisions of the Zoning Code. For the following reasons, it is my opinion pursuant to the authority granted to the City Attorney in section 2-201(e)(1) and (8) of the City Municipal Code, along with section 2-702 of the Zoning Code, that the University's use of the Plumer Building and parking spaces adjacent to the building in the UM Campus is in compliance with the Development Agreement and the applicable of the City's Zoning Code.

The Agenda Cover Memo describes the purpose of the amendment to the Development Agreement as:

... to amend Paragraph 18 of the Development Agreement that governs the miscellaneous uses and temporary occupancies the University may make of property within the corporate limits of the City, and to include the Plumer Building (59 15 Ponce de Leon Boulevard) for campus serving uses.

We think that the language of the Agenda Cover and the amendment to the Development Agreement are clearly intended to allow the University to use the Plumer Building as if it were a part of the University Campus.

The legal description of the University of Miami Campus describes the properties that are owned by the University. The Campus legal descriptions include a number of parcels of land that are separated one from another by public streets. The Plumer Building is separated from University-owned properties by Levante Ave and Sagua Ave in the same manner as University-owned properties between Brescia Ave and Apricale Ave are separated from University-owned properties on the east side of Hurricane Drive. In other words, the University of Miami Campus is comprised of separate parcels of land owned by and used by the University for the University Campus, some contiguous with other University-owned parcels, and some separated by public roads. And the Plumer Building property is no different than those parcels of land which are separated from University-owned property by a public street, except that the University controls the Plumer Building by way of a lease in favor of the University.

The amendment to the City-UM Agreement expressly provides that in the event the Plumer Building property is no longer controlled by the University, that the university serving uses will no longer be considered to be a part of the UM Campus:

In the event that the University no longer owns or leases the property listed in subparagraph (g) the authorization [use for University Campus Serving Uses] shall be deemed to be terminated and to be of no further legal force and effect.

It is also noteworthy that a 2012 document entitled University of Miami Parking Overview dated February 29, 2012 includes the Plumer Building on a graphic portrayal of Parking Supply for the University of Miami Coral Gable Campus.

Taken together, we think the clear intention of the City was to recognize that the Plumer Building has been and is and will be used for university campus serving uses and is for the purposes of the

City Code and Zoning Code, a part of the university campus, subject only to the continued control of the building by lease or ownership. Moreover, it is clear that parking for the university campus serving uses on university-owned parking lots (used to provide off-street parking to university campus serving uses) satisfies the off-street parking requirement for the University's use of the Plumer Building for university campus serving uses in the same manner that university-owned parking lots provide required off-street parking to university campus serving uses on university-owned property.

Herbello, Stephanie

From: Leen, Craig
Sent: Tuesday, November 25, 2014 1:32 AM
To: Parramore, Carol
Cc: Thornton, Bridgette; Figueroa, Yaneris; Herbello, Stephanie
Subject: FW: Plumer Building Letter
Attachments: Letter Re Plumer Building.pdf

Carol, please place the attached in the opinion folder.

Craig E. Leen, City Attorney
*Board Certified by the Florida Bar in
City, County and Local Government Law*
City of Coral Gables
405 Biltmore Way
Coral Gables, Florida 33134
Phone: (305) 460-5218
Fax: (305) 460-5264
Email: cleen@coralgables.com

From: Leen, Craig
Sent: Monday, November 24, 2014 5:38 PM
To: 'Gavarrete, Janet L.'; 'jbass@shubinbass.com'
Cc: Tompkins, Jane; 'Charlie L. Siemon'; Trias, Ramon
Subject: Plumer Building Letter

Janet,

Please see the attached City Attorney Opinion regarding the Plumer Building.

Best regards,
Craig

Craig E. Leen, City Attorney
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City, County and Local Government Law*
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THE CITY OF CORAL GABLES

OFFICE OF
THE CITY ATTORNEY



CITY HALL 405 BILTMORE WAY
CORAL GABLES, FLORIDA 33134

November 24, 2014

Janet Gavarrete
Associate Vice President
Campus Planning & Development
1535 Levante Avenue
Coral Gables, Florida 33146

Dear Ms. Gavarrete:

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that university-owned parking lots provide required off-street parking to university campus serving uses on university-owned property.

Very truly yours,



Craig E. Leen
City Attorney
City of Coral Gables

Cc: Jeff Bass, Esq., Shubin & Bass, P.A.