

ORDINANCE NO. 2019-_____

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING THE PURCHASE OF PROPERTY FROM GCF INVESTMENTS INC., CONSISTING OF APPROXIMATELY 16 ACRES, AND GENERALLY LOCATED NORTH OF S.W. 212 STREET, SOUTH OF MARLIN DRIVE, EAST OF OLD CUTLER ROAD, AND WEST OF S.W. 92ND PLACE; APPROVING THE SALE OF PROPERTIES TO GCF INVESTMENTS INC. (OR AN AFFILIATED ENTITY), CONSISTING OF APPROXIMATELY 4.95 ACRES, AND LOCATED AT 10720 CARIBBEAN BLVD; PROVIDING FOR AUTHORIZATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Cutler Bay (“Town”) desires to acquire property owned by GCF Investments Inc. for a new municipal complex and public park (the “GCF Property”) as shown on Exhibit “A;” and

WHEREAS, in order to effectuate such acquisition, the Town would need to sell to GCF Investments Inc. its existing Town Hall property and adjacent property as shown on Exhibit “B” (the “Town Property”); and

WHEREAS, the Town Council authorizes the Town Manager to execute a purchase and sale agreement consistent with the terms and conditions provided within the letter of intent attached as Exhibit “C” for the purchase of the GCF Property and the sale of the Town Property (the “Letter of Intent”); and

WHEREAS, the Town Council finds that the adoption of this Ordinance is in the best interest and welfare of the residents of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY AS FOLLOWS:¹

Section 1. **Recitals.** The above-stated recitals are true and correct and are incorporated herein by this reference.

¹ Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with **highlighted** ~~double-strikethrough~~ and double underline.

Section 2. Approval of Purchase of GCF Property. The Town Council hereby approves the purchase of the GCF Property consistent with the terms and conditions provided for in the Letter of Intent.

Section 3. Approval of Sale of Town Property. The Town Council hereby approves the sale of the Town Property consistent with the terms and conditions provided for in the Letter of Intent.

Section 4. Authorization. The Town Council hereby authorizes the Town Manager to negotiate and execute a purchase and sale agreement consistent with the terms and conditions provided for in the Letter of Intent. The Town Council further authorizes the Town Manager to expend funds and conduct the necessary due diligence and inspections, including environmental inspections, of the GCF Property and to take any and all action necessary to implement the intent and purpose of this Ordinance including the preparation and execution of any documents necessary to accomplish the purchase, sale and closing of the Town and GCF Properties.

Section 5. Severability. If any section, clause, sentence, or phrase of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the remaining portions of this Ordinance.

Section 6. Conflicts. All Sections or parts of Sections of the Code of Ordinances, all ordinances or parts of ordinances, and all Resolutions, or parts of Resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.

Section 7. Effective Date. This Ordinance shall be effective immediately upon adoption on second reading.

PASSED on first reading on the _____ day of June, 2019.

PASSED AND ADOPTED on second reading on the _____ day of _____, 2019.

TIM MEERBOTT
Mayor

ATTEST:

Debra E. Eastman, MMC
Town Clerk

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY FOR THE SOLE USE OF
THE TOWN OF CUTLER BAY:

Weiss Serota Helfman Cole & Bierman, P.L.
Town Attorney

First Reading:
Moved by: _____
Second by: _____

Second Reading:
Moved by: _____
Second by: _____

FINAL VOTE AT ADOPTION:

Mayor Tim Meerbott _____
Vice Mayor Sue Ellen Loyzelle _____
Council Member Robert "BJ" Duncan _____
Council Member Michael P. Callahan _____
Council Member Roger Coriat _____