



To: Jennifer Garcia, City Planner

From: Cristina M. Suárez, City Attorney

*cms*

RE: Regency Parc

Date: November 3, 2023

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Good afternoon Jennifer:

It has been brought to my attention that Ordinance 2022-32 and Resolution No. 2022-170 should be amended to accurately reflect the intent of the City Commission regarding the 10,000 sq. ft. public park located at 2701 Salzedo Street to be included in the project that was approved as a Planned Area Development (“PAD”) and mixed-use site plan. While condition of approval (1)(vii) in both the Ordinance and Resolution indicates a “10,000 sq. ft. public park developed and maintained by the applicant or their successor and **shall be donated** to the City” (emphasis added), a later condition of approval 5(f), requires a Publicly Accessible Open Spaces Easement agreement for the public park. A review of the verbatim transcript of the June 28, 2022 City Commission meeting during which Ordinance 2022-32 was approved on second reading and Resolution No. 2022-170 was approved, indicates that what was contemplated (by both the applicant and the City Commission) was that ownership of the park property would be conveyed to the City. I have conferred with the City Manager and his understanding has always also been that the City would own and maintain the park. Moreover, according to the applicant’s counsel, applicant’s transaction with the prior owner of the park property (which was generally discussed during the June 28, 2022 City Commission meeting) included a condition that the park “shall have been dedicated as a park owned and operated by the City of Coral Gables.” Based upon my review of the record in this matter, the intent of the City Commission in approving Ordinance 2022-32 and Resolution No. 2022-170 was that ownership of the park would be conveyed to the City. If the City owns the park, a Publicly Accessible Open Spaces Easement is not required. Thus, it appears that condition 5(f) was included in both the Ordinance and Resolution in error. Moreover, the June 28, 2022 transcript is also consistent with the applicant developing the public park, but the City taking ownership and maintenance responsibilities.

Therefore, in my opinion, Ordinance 2022-32 and Resolution No. 2022-170 should be amended to clarify in condition (1)(vii) that a “10,000 sq. ft. public park developed by the applicant or their successor and shall be donated to the City” and condition 5(f) should be stricken in its entirety.

This opinion is issued pursuant to sections 2-252(e)(1), (2), and (9).

Thanks,

Cristina

## Paulk, Enga

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**From:** Suarez, Cristina  
**Sent:** Monday, November 6, 2023 9:38 PM  
**To:** Paulk, Enga  
**Subject:** FW: Regency Parc

Enga,

Please publish.

Thanks,  
Cristina

### **Cristina M. Suárez, B.C.S.**

#### **City Attorney**

*Board Certified by the Florida Bar in  
City, County, and Local Government Law*

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**From:** Suarez, Cristina  
**Sent:** Friday, November 3, 2023 5:33 PM  
**To:** Garcia, Jennifer <jgarcia4@coralgables.com>  
**Cc:** Iglesias, Peter <piglesias@coralgables.com>; Ramirez, Douglas <dramirez@coralgables.com>; Throckmorton, Stephanie <sthrockmorton@coralgables.com>  
**Subject:** FW: Regency Parc

Good afternoon Jennifer:

It has been brought to my attention that Ordinance 2022-32 and Resolution No. 2022-170 should be amended to accurately reflect the intent of the City Commission regarding the 10,000 sq. ft. public park located at 2701 Salzedo Street to be included in the project that was approved as a Planned Area Development (“PAD”) and mixed-use site plan. While condition of approval (1)(vii) in both the Ordinance and Resolution indicates a “10,000 sq. ft. public park developed and maintained by the applicant or their successor and **shall be donated** to the City” (emphasis added), a later condition of approval 5(f), requires a Publicly Accessible Open Spaces Easement agreement for the public park. A review of the verbatim transcript of the June 28, 2022 City Commission meeting during which Ordinance 2022-32 was approved on second reading and Resolution No. 2022-170 was approved, indicates that what was contemplated (by both the applicant and the City Commission) was that ownership of the park property would be conveyed to the City. I have conferred with the City Manager and his understanding has always also been that the City would own and maintain the park. Moreover, according to the applicant’s counsel, applicant’s transaction with the prior owner of the park property (which was generally discussed during the June 28, 2022 City Commission meeting) included a condition that the park “shall have been dedicated as a park owned and operated by the City of Coral Gables.” Based upon my review of the record in this matter, the intent of the City Commission in approving Ordinance 2022-32 and Resolution No. 2022-170 was that ownership of the park would be conveyed to the City. If the City owns the park, a Publicly Accessible Open Spaces Easement is not required. Thus, it appears that condition 5(f) was included in both the Ordinance and Resolution in error. Moreover, the June 28, 2022 transcript is also consistent with the applicant developing the public park, but the City taking ownership and maintenance responsibilities.

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This opinion is issued pursuant to sections 2-252(e)(1), (2), and (9).

Thanks,  
Cristina

**Cristina M. Suárez, B.C.S.**

**City Attorney**

*Board Certified by the Florida Bar in  
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**From:** Joe Jimenez <[joe@jmz-group.com](mailto:joe@jmz-group.com)>  
**Sent:** Wednesday, November 1, 2023 10:45 PM  
**To:** Suarez, Cristina <[csuarez@coralgables.com](mailto:csuarez@coralgables.com)>  
**Subject:** Regency Parc

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Cristina,

As we have discussed, I am requesting that the City correct and amend the conditions contained in Resolution 2022-170 and Ordinance 2022-32. Specifically, both legislative items contain contradictory language requiring that my client convey the property at 2701 Salzedo (the "Park") to the City of Coral Gables and at the same time grant an easement over the Park to the benefit of the City for public access. After a review of the transcripts of the City Commission meeting approving both items, it is clear that the easement was not contemplated as it was intended for the City to take ownership of the Park. Furthermore, upon acquiring the Park, my client agreed with the previous owner that, among other conditions, it was required that Park be a municipal one. The language of that agreement reads as follows:

**"The Premises (i.e., 2701 Salzedo Street) shall have been dedicated as a park owned and operated by the City of Coral Gables, Florida, which may, among other things, be reflected by either City of Coral Gables resolution, deed restriction, or by approval of the Planned Area Development."**

Finally, if the Park is owned by the City, my client would not be required to maintain the Park as currently required by the legislation. Consequently, if the legislation is amended as requested, it should be further amended to eliminate the requirement that my client "maintain" the Park.

Thank you for your consideration to this matter and I appreciate your cooperation.

Regards,

Joe

Joe Jimenez  
2020 Salzedo Street  
Coral Gables, FL 33134  
305.905.5302  
[joe@jmz-group.com](mailto:joe@jmz-group.com)



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