



To: Carmen Olazabal; Naomi Levi

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

RE: Legal Opinion Regarding Special Events Permit For Extensive Or Extraordinary Request For Use Of City Property

Date: October 21, 2013

It is my opinion that section 62-228(d) of the City Code permits the City to charge a higher fee than typical when a request is made for a more extensive use of City property (particularly for a private use). The City may estimate any expenses (security, fire, public works, etc.) it will undergo if it allows the permit or license, as well as the cost to the public and the City for loss of the use (similar to a rent or a license fee). For example, if a request is made for exclusive use of a City street or building for a substantial period of time, the City has the discretion whether to grant that sort of extraordinary request (depending on its own need, or the public's need, for that property). If the City were to grant the request, the City could require a higher fee be paid under section 62-228(d). Moreover, if the request is for use of areas that are not generally open to the public, I would recommend consideration of a license agreement that details how the applicant will use the property, and which includes indemnification and insurance clauses in favor of the City. There was a request a couple years ago by a movie company for exclusive use of the street in front of City Hall for several days, as well the extensive use of City Hall itself. It was my opinion at that time that for such an extraordinary and exclusive use, if the City decided to allow the request, that the City could charge a substantially higher fee under section 62-228(d) of the City Code for the reasons stated above. I continue to have that opinion.

Hernandez, Cristina

From: Leen, Craig
Sent: Monday, October 21, 2013 9:34 AM
To: Hernandez, Cristina
Subject: FW: Special Events Permit for Extensive or Extraordinary Requests for Use of City Property

Please place in the opinion folder.

Craig E. Leen
City Attorney

From: Leen, Craig
Sent: Monday, October 21, 2013 9:34 AM
To: Olazabal, Carmen; Levi, Naomi
Cc: Thornton Richard, Bridgette; Figueroa, Yaneris
Subject: Special Events Permit for Extensive or Extraordinary Requests for Use of City Property

Carmen and Naomi,

It is my opinion that section 62-228(d) of the City Code permits the City to charge a higher fee than typical when a request is made for a more extensive use of City property (particularly for a private use). The City may estimate any expenses (security, fire, public works, etc.) it will undergo if it allows the permit or license, as well as the cost to the public and the City for loss of the use (similar to a rent or a license fee). For example, if a request is made for exclusive use of a City street or building for a substantial period of time, the City has the discretion whether to grant that sort of extraordinary request (depending on its own need, or the public's need, for that property). If the City were to grant the request, the City could require a higher fee be paid under section 62-228(d). Moreover, if the request is for use of areas that are not generally open to the public, I would recommend consideration of a license agreement that details how the applicant will use the property, and which includes indemnification and insurance clauses in favor of the City. There was a request a couple years ago by a movie company for exclusive use of the street in front of City Hall for several days, as well the extensive use of City Hall itself. It was my opinion at that time that for such an extraordinary and exclusive use, if the City decided to allow the request, that the City could charge a substantially higher fee under section 62-228(d) of the City Code for the reasons stated above. I continue to have that opinion. Please let me know if you have any further questions.

Craig E. Leen
City Attorney
City of Coral Gables
405 Biltmore Way
Coral Gables, Florida 33134
Phone: (305) 460-5218
Fax: (305) 460-5264
Email: cleen@coralgables.com