



To: Leonard Roberts

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

A handwritten signature in blue ink, appearing to be "C. Leen", is written over the end of the "From:" line.

RE: Legal Opinion Regarding Manager's Authority to Exercise Renewal Options

Date: October 8, 2015

It is my opinion as City Attorney that the City Manager, as Chief Executive Officer, has the administrative authority to exercise renewal options on behalf of the City except for when the agreement expressly reserves this power to the City Commission. Here, it is my opinion that the City Manager has the administrative authority to execute this document, and I will sign for form and legal sufficiency. This opinion is issued pursuant to section 2-201(e)(1) and (8) of the City Code.

From: [Leen, Craig](#)
To: [Paulk, Enga](#)
Subject: FW: Miracle Theatre grant information
Date: Wednesday, October 07, 2015 5:23:48 PM
Attachments: [image001.png](#)
[image002.png](#)

Please publish.

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



CORAL GABLES
THE CITY BEAUTIFUL

Celebrating 90 years of a dream realized.

From: Leen, Craig
Sent: Wednesday, October 07, 2015 5:23 PM
To: Ramos, Miriam; Figueroa, Yanneris
Cc: Betancourt, Javier; Roberts, Leonard
Subject: RE: Miracle Theatre grant information

Miriam and Yanneris,

I would like one of you to prepare the document discussed in my email below. It should state that the parties have mutually agreed to invoke the first renewal option early and state when the renewal period ends. The document should state that the terms of the lease are not otherwise affected, and that the process and time for invoking the future second renewal option is not changed.

It is my opinion as City Attorney that the City Manager, as Chief Executive Officer, has the administrative authority to exercise renewal options on behalf of the City except for when the agreement expressly reserves this power to the City Commission. Here, it is my opinion that the City Manager has the administrative authority to execute this document, and I will sign for form and legal sufficiency. This opinion is issued pursuant to section 2-201(e)(1) and (8) of the City Code.

Craig E. Leen, City Attorney

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CORAL GABLES
THE CITY BEAUTIFUL

Celebrating 90 years of a dream realized.

From: Leen, Craig
Sent: Wednesday, October 07, 2015 5:09 PM
To: Roberts, Leonard
Cc: Swanson-Rivenbark, Cathy; Ramos, Miriam; Betancourt, Javier; Spain, Dona; Figueroa, Yaneris; Chen, Brigette
Subject: RE: Miracle Theatre grant information

Yes, we will do so.

Craig E. Leen, City Attorney

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CORAL GABLES
THE CITY BEAUTIFUL

Celebrating 90 years of a dream realized.

From: Roberts, Leonard
Sent: Wednesday, October 07, 2015 5:08 PM
To: Leen, Craig
Cc: Swanson-Rivenbark, Cathy; Ramos, Miriam; Betancourt, Javier; Spain, Dona

Subject: Re: Miracle Theatre grant information

Craig, can your office prepare the memo to authorize the early renewal of the actors playhouse lease for the first 10 year renewal option?

Sent from my iPhone

On Oct 6, 2015, at 9:48 AM, Leen, Craig <cleen@coralgables.com> wrote:

Thank you, Leonard. I have reviewed the agreement and conur with your assessment. Please note, an additional alternative is that Actors' Playhouse and the City could jointly exercise the renewal in a document signed by both parties, which would satisfy section 23.3, but not amend the renewal option language going forward.

Please note, the City Manager is authorized to exercise renewals on behalf of the City unless the lease states otherwise, as my office interprets the exercise of the renewal as an administrative function (assuming the renewals are provided for in the lease). Please discuss with the City Manager and Dona and let me know if you would like to proceed. If so, my office could prepare the document and approve for form and legal sufficiency. I recommend that you reach out to Barbara to let her know her request is being reviewed as well (I could do so if you would like).

Craig E. Leen, City Attorney

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<image001.png>

From: Roberts, Leonard
Sent: Tuesday, October 06, 2015 8:55 AM
To: Leen, Craig
Cc: Swanson-Rivenbark, Cathy; Ramos, Miriam; Betancourt, Javier; Spain, Dona
Subject: RE: Miracle Theatre grant information

Craig, see attached. I spoke to Barbara about her concern a while ago and reminded her that even though the lease's expiration date is 4/12/20 she has two 10 year lease options. The renewal can't occur until 4/12/19. To address the grant concern, I recommend one of the following scenarios:

1. Barbara issues a letter asking to exercise her renewal option, and we in return, landlord issues a letter granting the early renewal

2. A 3rd Amendment to the Amended and Restated Agreement to allow her to exercise her first renewal immediately and waiving the Landlord's 60 days' notice not to renew.

Thanks,

Leonard Roberts, CPA
Economic Development Assistant Director
The City of Coral Gables
1 Alhambra Plaza
Suite 617
Coral Gables, FL 33134
305-460-5314
305-445-9623 (fax)

 Please consider the environment before printing this email

From: Betancourt, Javier
Sent: Tuesday, October 6, 2015 8:22 AM
To: Leen, Craig; Spain, Dona; Roberts, Leonard
Cc: Swanson-Rivenbark, Cathy; Ramos, Miriam
Subject: RE: Miracle Theatre grant information

Will do

From: Leen, Craig
Sent: Monday, October 05, 2015 11:30 PM
To: Spain, Dona; Betancourt, Javier; Roberts, Leonard
Cc: Swanson-Rivenbark, Cathy; Ramos, Miriam
Subject: RE: Miracle Theatre grant information

Javier,

I was wondering if your department could forward everyone on this email the present lease with Actor's Playhouse (I think Leonard has it).

Thanks,
Craig

Craig E. Leen, City Attorney
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City of Coral Gables

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Email: cleen@coralgables.com

<image001.png>

From: Leen, Craig
Sent: Monday, October 05, 2015 11:23 PM
To: Spain, Dona; Betancourt, Javier
Cc: Swanson-Rivenbark, Cathy
Subject: FW: Miracle Theatre grant information

Please see below and let me know your thoughts. It seems like a valid basis to seek an extension early (availability of grants from Miami-Dade County). Nevertheless, it is ultimately a business decision so I am forwarding to you.

Craig E. Leen, City Attorney

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<image001.png>

From: Barbara Stein [<mailto:BStein@actorsplayhouse.org>]
Sent: Monday, October 05, 2015 3:06 PM
To: Leen, Craig
Subject: Re: Miracle Theatre grant information

Thanks

--

Barbara

Barbara S. Stein
Executive Producing Director
Actors' Playhouse Productions, Inc.
The Miracle Theatre
280 Miracle Mile
Coral Gables, Florida 33134

P. 305.444.9293 ext. 601
F. 305-444-4181
bstein@actorsplayhouse.org
[Www.actorsplayhouse.org](http://www.actorsplayhouse.org)

<image006.png>

<image007.png>

Subscribe Support See It All

Please enjoy our backstage video
<https://www.youtube.com/watch?v=kOcWD0Tm-wc>

From: "Leen, Craig" <cleen@coralgables.com>
Date: Sunday, October 4, 2015 at 10:15 PM
To: Barbara Stein <bstein@actorsplayhouse.org>
Subject: RE: Miracle Theatre grant information

Barbara,

I will follow up on this on Monday and get back with you soon.

Best regards,
Craig

Craig E. Leen, City Attorney
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405 Biltmore Way
Coral Gables, Florida 33134
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<image001.png>

From: Barbara Stein [<mailto:BStein@actorsplayhouse.org>]
Sent: Tuesday, July 21, 2015 3:38 PM
To: Leen, Craig
Subject: FW: Miracle Theatre grant information

Dear Craig,

It was lovely meeting with you and Miriam today.

In order for compliance with the county grant fund process Actors' Playhouse will need to have its lease agreement with the City extended as listed in our current agreement. We would like to request consideration to have the City amend our agreement for the lease terms for a minimum of 10 years, if not for the full 20 years, and while doing so, add on additional options for extension in subsequent years. We now have a grant that is funded by the county matched by Actors' Playhouse that will be affected.

Please see below the determination based on grant rules sent to me today.

Thanks for your attention.

Regards,

Barbara

Barbara S. Stein
Executive Producing Director
Actors' Playhouse at the Miracle Theatre
280 Miracle Mile
Coral Gables, Florida 33034
P. 305.444.9293 Ext. 601
F. 305.444.4181
bstein@actorsplayhouse.org
www.actorsplayhouse.org

<image008.jpg>

----- Forwarded Message

From: "Allocco, Kelly K. (CUA)" <KELLYA@miamidade.gov>

Date: Tue, 21 Jul 2015 15:13:12 -0400

To: Barbara Stein <BStein@actorsplayhouse.org>

Conversation: Capital Development (CAP) Grants Program - Site Control Requirements

Subject: re: Capital Development (CAP) Grants Program - Site Control Requirements

Hi Barbara,

It was great speaking with you today. I am following up with more information related to our CAP Grant Program Guidelines, with respect to the "site control" requirements. This is the eligibility requirement from our Guidelines:

- **Have site control of the proposed facility** (located in Miami-Dade County) *either* through ownership or having an executed long-term lease with an **unexpired, 5-year minimum term** (the lease must be in the non-profit's name). **Proof of site control is required at the time of application and in order to qualify under the program's eligibility requirements (there are no exceptions to this rule);**

The unexpired, executed 5-year term would mean that in order for Actors' to reapply for CAP funding support for FY2016-2017, **Actors' would need to have at a minimum, a lease current through September 30, 2021** (That is five years from the time the contract would begin: October 1, 2016). I suggest executing a longer (than five year) term, so you will be able to apply to at least the next few years' CAP cycles without having to execute another amendment or extension.

For our program, the Department only requires five years, however, to

put this in perspective, the County's General Obligation Bond program's administrative rules require a minimum unexpired term of 25 years, as a return on the investment of public dollars.

If you need any other information, please feel free to contact me anytime.

Kelly

Kelly Allocco, Projects Administrator
Miami-Dade County Department of Cultural Affairs
111 N.W. First Street • Suite 625 • Miami, Florida 33128
305-375-4636 Phone 305-375-3068 Fax
kellya@miamidade.gov<mailto:kellya@miamidade.gov>
www.miamidadearts.org<http://www.miamidadearts.org/>
www.miamidade.gov<http://www.miamidade.gov/>

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----- End of Forwarded Message

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