

**CITY OF CORAL GABLES
DEVELOPMENT SERVICES DIVISION,
ART IN PUBLIC PLACES AGGREGATE
PROJECT VALUE APPLICATION & INSTRUCTIONS**

OVERVIEW OF THE ART IN PUBLIC PLACES PROGRAM:

The legislative parameters for the City of Coral Gables' *Art In Public Places Program* is governed by Article 3, Division 21, Section 3-2101 *et. seq.* of the City of Coral Gables' Zoning Code. The administrative requirements for the Program are set forth in the *City of Coral Gables' Art In Public Places Program: Funding, Goals, & Implementation Guidelines* (the "Guidelines"), which serves as a companion document to the *Art In Public Places Master Art Plan* and the *Five-Year Work Plan*. "It is the intention of [the *Art In Public Places Program*] to preserve the City's artistic heritage, enhance its character and identity, contribute to economic development and tourism, add beauty and interest to spaces visible to the public and increase opportunities for the public to experience and participate in the arts through the acquisition and installation of world-class art in publicly accessible areas." *Id.* Moreover, pursuant to Article 3, Division 21, Section 2103(A) of the City's Zoning Code:

Two funds [were] established for the Art in Public Places Program . . . The first fund [is] entitled Historic Public Art Fund and [is] funded through payments from budgets of one percent (1%) of Municipal Construction Projects. The second fund [is] entitled Art Acquisition Fund and [is] funded through Art in Public Places Fees as well as one-half percent (½%) of Municipal Construction Projects. Each of these funds [are] interest bearing and revolving and may only be used for the purposes outlined in the Guidelines.

Art. 3, Div. 21, § 2103(A).

THE ART ACQUISITION FUND:

Article 3, Division 21, Section 3-2103(A)(2) of the City of Coral Gables' Zoning Code governs the Art Acquisition Fund and establishes that "[t]he Developer of any Non-Municipal Construction Project with an Aggregate Project Value of one million dollars (\$1,000,000.00) or more and not exempted as provided in subsection C below, shall contribute One percent (1.0%) of the Aggregate Project Value to the Art Acquisition Fund established by the City."¹ City of Coral Gables' Zoning Code, Art. 3, Div. 21, § 3-

¹ It should be noted that in accordance with Article 3, Division 21, Section 3-2103(B), a Developer may "petition to waive the Art in Public Places Fee requirement by one or more of the following: 1. Acquiring or commissioning artwork, which has an appraised value equal to or greater than the amount of the Art in Public Places Fee that otherwise would be required, with such artwork to be incorporated within the Developer's project; or 2. Donating and installing artwork to the City with an appraised value equal to or greater than the amount of the Art in Public Places Fee that otherwise would be required, and providing for the perpetual maintenance of such artwork; or 3. Causing the purchase, designation, restoration, or perpetual maintenance of historically significant buildings in an amount equal to or greater than the amount of the Art in

2103(A)(2). The term “Aggregate Project Value” is defined as “the total of all Construction Cost associated with a particular construction or renovation project regardless of the number of permits associated with the project, or whether it is a phased project.” *Id.* § 3-2106. Likewise, the term “Construction Cost” is defined under the Zoning Code as:

[T]he total cost of a construction or renovation project, as determined by the Building Official in issuing a building permit for construction or renovation plus soft costs of architectural and engineering fees. The Construction Cost includes all labor, structural materials, plumbing, electrical, mechanical, infrastructure, design, permitting, architecture, engineering, lighting, signage, and site work. All construction and renovation costs shall be calculated based on good faith projections for the whole project, and paid as of the date the building permit is issued. This definition is not intended to include the Florida Building Code definition for Construction Cost.

Id. Furthermore, in accordance with Division 21, § 3-2105(A) of the City of Coral Gables’ Zoning Code, “[t]he City shall not issue a building permit for a Municipal or Non-Municipal Construction Project where the Developer has chosen to pay the Art in Public Places Fee until the required contribution has been deposited in the appropriate Fund as described herein and in the Guidelines and Master Art Plan.” *Id.* at § 3-2105(A).

INSTRUCTIONS:

This Application must be completed and submitted to the City’s Development Services Division whenever a developer seeks to pay the Art In Public Places Acquisition Fund Fee in lieu of petitioning for a waiver in accordance with the requirements of Article 3, Division 21, Section 3-2103(B). To be complete the *Art In Public Places Aggregate Project Value Application* must include an executed and properly notarized original of the: 1) ***Art In Public Places Aggregate Project Value Warranties, Covenants, Representations, & Conditions Agreement***; and 2) ***Art In Public Places Aggregate Project Value Affidavit***. Please note that the same individual must execute both documents. Additionally, completion of the documents in BLUE ink is preferred. Finally, as previously mentioned, once completed the Application should be submitted to the City’s Development Services Division.

Public Places Fee that otherwise would be required; or 4. Causing the purchase of parcels identified in the City’s Parks and Open Space Inventory Analysis in an amount equal to or greater than the amount of the Art in Public Places Fee that otherwise would be required and donating such parcels to the City.” City of Coral Gables’ Zoning Code, Art. 3, Div. 21, § 3-2103(B).

**CITY OF CORAL GABLES
DEVELOPMENT SERVICES DIVISION
ART IN PUBLIC PLACES AGGREGATE
PROJECT VALUE APPLICATION COVER PAGE¹**

PRINTED NAME: _____

TITLE: _____

YOUR COMPANY'S NAME: _____

YOUR COMPANY'S ADDRESS: _____

PROPOSED PROJECT'S ADDRESS: _____

PROPOSED PROJECT'S LEGAL DESCRIPTION: _____

PERMIT APPLICATION NUMBER: _____

AGGREGATE PROJECT VALUE²: \$ _____

APPLICATION SUBMITTED BY:

DEVELOPER'S SIGNATURE

DATE

¹ The individual who signs and submits the *Art In Public Places Aggregate Project Value Application Cover Page* must be the same individual who executes the *Art In Public Places Aggregate Project Value Representations & Conditions Agreement* and the *Art In Public Places Aggregate Project Value Affidavit*.

² Please note that in accordance with Division 21, Section 3-2106 of the City of Coral Gables' Zoning Code, the "aggregate project value" of a proposed development means the total of all construction costs associated with a particular site plan project regardless of the number of permits associated with the project or whether it is a phased project, and the construction costs for purposes of determining the aggregate project value of a proposed development means *the total cost of the construction or renovation work, as determined by the City of Coral Gables' Building Official in issuing a building permit for construction or renovation, and said construction costs includes all labor, structural materials, plumbing, electrical, mechanical, infrastructure, maintenance, insurance, lighting, signage site work, any other costs necessary to maintain the art as approved by the City as well as all soft construction costs (including, but not limited to, engineering and architectural costs)*.

**CITY OF CORAL GABLES
DEVELOPMENT SERVICES DIVISION
ART IN PUBLIC PLACES AGGREGATE PROJECT VALUE
WARRANTIES, COVENANTS, REPRESENTATIONS & CONDITIONS AGREEMENT³**

I, _____, hereby represent, covenant, and warrant that I am the _____ [*insert title*] of _____ [*insert development company's name*], and as such, I serve as the Developer for the property located at _____ and legally described as: _____

(the "Project").

I hereby represent, covenant, and warrant that I have legal authority and legal capacity to act on behalf of the above-described property with regard to the completion, submission, and execution of this Agreement as well as all other documents and/or instruments that must be submitted to the City of Coral Gables (the "City") for purposes of compliance with the City's *Art in Public Places Program's* legislative and administrative requirements.

I additionally represent, covenant, and warrant that I intend to develop the above-described property in the manner described in Permit Application Number _____, submitted to the City's Development Services Division on _____, 20__.

I understand that Division 21, Section 3-2103(A) of the City of Coral Gables' Zoning Code requires developers to contribute one (1.0%) percent of the aggregate project value of non-Municipal projects of one million dollars (\$1,000,000.00) or more (excluding single family homes) to an account designated as the Art in Public Places Trust Fund established by the City. I further understand that this one (1.0%) percent fee is in-lieu of art being placed within the Project or my company otherwise petitioning for a waiver of said fee in accordance with the requirements of Article 3, Division 21, Section 3-2103(B).

³ The individual who signs the *Art In Public Places Aggregate Project Value Warranties, Covenants, Representations & Conditions Agreement* must be same individual who signs the *Art In Public Places Aggregate Project Value Application Cover Page* and the *Art In Public Places Aggregate Project Value Affidavit*.

Moreover, I understand, acknowledge, and agree that the City will not issue a building permit for a qualified Municipal or Non-Municipal Construction project — where the developer has chosen to pay the Art Acquisition Fund Fee — until the required contribution has been deposited in the appropriate fund as described in the City’s Zoning Code and *The City of Coral Gables Art in Public Places Program: Funding, Goals, and Implementation Guidelines*.

As a Developer who did not petition to place artwork within the proposed Project or otherwise petition for a waiver in accordance with the requirements of Article 3, Division 21, Section 3-2103(B), I understand, acknowledge, and agree that pursuant to Division 21, Section 3-2103(A)(2) of the City of Coral Gables’ Zoning Code I must contribute one (1.0%) percent of the aggregate project value of non-Municipal projects of one million dollars (\$1,000,000.00) or more (excluding single family homes) to an account designated as the Art in Public Places Trust Fund established by the City. Additionally, I understand that, in accordance with Division 21, Section 3-2106 of the City of Coral Gables’ Zoning Code, the aggregate project value of a proposed development means the total of all construction costs associated with a particular site plan project regardless of the number of permits associated with the Project or whether it is a phased Project. I further understand and agree that construction costs for purposes of determining the aggregate project value of a proposed development means *the total cost of the construction or renovation work, as determined by the City of Coral Gables’ Building Official in issuing a building permit for construction or renovation, and that construction costs includes all labor, structural materials, plumbing, electrical, mechanical, infrastructure, maintenance, insurance, lighting, signage site work, any other costs necessary to maintain the art as approved by the City as well as all soft construction costs (including, but not limited to, engineering and architectural costs)*.

Based upon the above understandings, acknowledgements and agreements, I hereby represent, covenant, and warrant that the aggregate project value submitted in relation to Permit Application Number _____, for purposes of compliance with the City of Coral Gables’ *Art in Public Places Program*’s legislative and administrative requirements, includes and reflects the total of all construction costs, as outlined above, and such value specifically includes the total cost of the construction or renovation work, as determined by the City of Coral Gables’ Building Official in issuing a building permit for construction or renovation, all costs for and/or associated with: labor, structural materials, plumbing, electrical,

mechanical, infrastructure, maintenance, insurance, lighting, signage site work, any other costs necessary to maintain the art as approved by the City as well as all soft construction costs such as engineering and architectural costs.

Moreover, I understand, acknowledge, and agree that should the City determine that any of the representations, covenants, or warranties contained herein or otherwise submitted in relation to Permit Application Number _____ are false, misleading, or inaccurate, then the Building Permit issued based upon such representations, covenants, and/or warranties may be revoked, voided, and nullified. Additionally, I understand, acknowledge, agree, and accept that if said false, misleading, and/or inaccurate representations, covenants, or warranties result in an undervaluation of the aggregate project value, as outlined herein, then I will be required to contribute sufficient funds to an account designated as the Art in Public Places Trust Fund, as referenced above, to mitigate said undervaluation, and the City shall have the sole authority to determine the amount necessary for said mitigation. I also understand, acknowledge, agree, and accept that I may be held personally liable for any costs the City may incur, directly or indirectly, for acting in reliance upon any false, misleading, or inaccurate representations, covenants, or warranties related hereto.

Executed on this ____ day of _____, 20__.

Developer's Signature

Developer's Printed Name

Developer's Title

NOTARIZATION

STATE OF FLORIDA)
COUNTY OF MIAMI DADE)

The foregoing instrument was acknowledged before me this ____ day of _____, in the year 20____, by _____ who is personally known to me or has produced _____ as identification.

My Commission Expires:

Notary Public

CITY OF CORAL GABLES
DEVELOPMENT SERVICES DIVISION
ART IN PUBLIC PLACES AGGREGATE PROJECT VALUE AFFIDAVIT⁴

I, _____, having been duly sworn hereby declare and certify under penalty of perjury that I have personal knowledge of the facts outlined below and state as follows:

1. I am the Developer for the project described in Permit Application Number: _____, involving the development of the property legally described as:

_____.
2. I have legal authority and legal capacity to act on behalf of the above-described property with regard to the completion, submission, and execution of this Declaration as well as all other documents and/or instruments that must be submitted to the City of Coral Gables for purposes of compliance with the City of Coral Gables' Art in Public Places legislative and administrative requirements.
3. The aggregate project value for the development project described in Permit Application Number _____ for purposes of compliance with the City of Coral Gables' Art in Public Places legislative and administrative requirements is: \$ _____.
4. The above aggregate project value accounts for, reflects, and includes: the total of all construction costs and, as such, includes the total cost of the construction or renovation work, as determined by the City of Coral Gables' Building Official in issuing a building permit for construction or renovation, as well as all costs for and/or associated with: labor, structural materials, plumbing, electrical, mechanical, infrastructure, maintenance, insurance, lighting, signage site work, any other costs necessary to maintain the art as approved by the City, and all soft construction costs such as engineering and architectural costs.

⁴ The individual who signs the *Art In Public Places Aggregate Project Value Affidavit* must be the same individual who executes the *Art In Public Places Aggregate Project Value Warranties, Covenants, Representations & Conditions Agreement* and the *Art In Public Places Aggregate Project Value Application Cover Page*.

I understand that I am swearing or affirming under oath as to the truthfulness of the claims and assertions made in this Affidavit and that the punishment for knowingly making a false statement includes fines and/or imprisonment.

Executed on this ____ day of _____, 20____.

Developer's Signature

Developer's Printed Name & Title

**NOTARIZATION FOR ART IN PUBLIC
PLACES AGGREGATE PROJECT VALUE AFFIDAVIT**

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Sworn to and subscribed before me this ____ day of _____, in the year 20____, by
_____ who has taken an oath and is personally known
to me or has produced _____ as identification.

My Commission Expires:

Notary Public