



To: Dayron Garcia and Dona Spain

From: Mariam S. Ramos, Deputy City Attorney for the City of Coral Gables

Approved: 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 name of the City Attorney.

RE: Legal Opinion Regarding Art in Public Places

Date: January 4, 2016

Pursuant to Division 21 of the City of Coral Gables Zoning Code, an Art in Public Places fee is applied to construction projects in the City of Coral Gables. It is the opinion of this office that the "Art in Public Places" fee does not apply to Art in Public Places projects as it would be the equivalent of a fee upon a fee. This could limit a particular Art in Public Places project, contrary to the intent of the program. Art in Public Places projects are therefore excluded from paying the Art in Public Places fee.

This opinion is issued pursuant to Sec. 2-201(e)(1) and (8) of the City Code and Sec. 2-702 of the Zoning Code, authorizing the City Attorney's Office to issue opinions and interpretations on behalf of the City.

From: [Ramos, Miriam](#)
To: [Paulk, Enga](#)
Subject: FW: Alice Aycock sculptures on Segovia and Biltmore Way and Segovia and Coral Way
Date: Monday, January 04, 2016 12:43:38 PM
Attachments: [image002.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[opinion re art in public places.docx](#)
[image001.png](#)

Enga, please publish attached.

Thanks,

Miriam S. Ramos, Esq.

Deputy City Attorney
City of Coral Gables
405 Biltmore Way, 3rd Floor
Coral Gables, FL 33134
(305) 460-5218
(305) 460-5084 direct dial



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From: Leen, Craig
Sent: Thursday, December 31, 2015 3:51 PM
To: Ramos, Miriam
Cc: Figueroa, Yanneris
Subject: RE: Alice Aycock sculptures on Segovia and Biltmore Way and Segovia and Coral Way

The opinion is approved. 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



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From: Ramos, Miriam

Sent: Monday, December 28, 2015 11:53 AM

To: Leen, Craig

Cc: Figueroa, Yanneris

Subject: RE: Alice Aycock sculptures on Segovia and Biltmore Way and Segovia and Coral Way

Craig,

Opinion attached for your review.

Miriam S. Ramos, Esq.

Deputy City Attorney

City of Coral Gables

405 Biltmore Way, 3rd Floor

Coral Gables, FL 33134

(305) 460-5218

(305) 460-5084 direct dial



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From: Leen, Craig
Sent: Tuesday, December 22, 2015 6:06 PM
To: Garcia, Dayron; Spain, Dona
Cc: Ramos, Miriam; Figueroa, Yaneris; Cathers, Catherine
Subject: RE: Alice Aycock sculptures on Segovia and Biltmore Way and Segovia and Coral Way

Thank you, Dayron. It is my pleasure to help. Please proceed with not applying the fee. Please note, I do not technically view it as a waiver; it is more analogous to an exclusion. As a general matter, the Art in Public Places fee does not apply to Art in Public Places projects as that is not the intent of the program, and would be the equivalent of a fee upon a fee, which could limit a particular Art in Public Places project contrary to the intent of the program. Art in Public Places projects are therefore excluded from the Art in Public Places fee.

This opinion applies for this project, and I am asking Miriam and Yaneris to place into a City Attorney Opinion for future Art in Public Places projects.

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



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From: Garcia, Dayron
Sent: Tuesday, December 22, 2015 12:50 PM
To: Leen, Craig; Spain, Dona
Cc: Ramos, Miriam; Figueroa, Yaneris; Cathers, Catherine
Subject: RE: Alice Aycock sculptures on Segovia and Biltmore Way and Segovia and Coral Way

I will attach this as authorization to waive the Art in Public Places fee for this particular project.

Thank you for your help and clarification with this matter.

Dayron Garcia

Plans Processor Lead
Development Services
City of Coral Gables
405 Biltmore Way Coral Gables FL, 33134
p# 305-460-5383 / f# 305-460-5261



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From: Leen, Craig
Sent: Tuesday, December 22, 2015 12:01 PM
To: Spain, Dona; Garcia, Dayron
Cc: Ramos, Miriam; Figueroa, Yaneris; Cathers, Catherine
Subject: RE: Alice Aycock sculptures on Segovia and Biltmore Way and Segovia and Coral Way

I agree with Dona. That does not apply to Art in Public Places projects.

Craig E. Leen, City Attorney

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City of Coral Gables
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Coral Gables, Florida 33134
Phone: (305) 460-5218
Fax: (305) 460-5264
Email: cleen@coralgables.com



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From: Spain, Dona
Sent: Tuesday, December 22, 2015 11:57 AM
To: Garcia, Dayron
Cc: Leen, Craig; Ramos, Miriam; Figueroa, Yaneris; Cathers, Catherine
Subject: Alice Aycock sculptures on Segovia and Biltmore Way and Segovia and Coral Way

Since this is an Art in Public Places project, I don't think it qualifies as the type of "City of Coral Gables Municipal Construction Project" that requires the Historic Public Art Fund fee to be paid, but I'm copying the City Attorney's office for verification.

Dona M. Spain
Historical Resources and Cultural Arts Director
City of Coral Gables, Florida
(305) 460-5095



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**CITY OF CORAL GABLES
CITY ATTORNEY'S OFFICE**

OPINION REGARDING ART IN PUBLIC PLACES

Pursuant to Division 21 of the City of Coral Gables Zoning Code, an Art in Public Places fee is applied to construction projects in the City of Coral Gables. It is the opinion of this office that the "Art in Public Places" fee does not apply to Art in Public Places projects as it would be the equivalent of a fee upon a fee. This could limit a particular Art in Public Places project, contrary to the intent of the program. Art in Public Places projects are therefore excluded from paying the Art in Public Places fee.

This opinion is issued pursuant to Sec. 2-201(e)(1) and (8) of the City Code and Sec. 2-702 of the Zoning Code, authorizing the City Attorney's Office to issue opinions and interpretations on behalf of the City.

12/28/2015