

PREPARED BY:

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REMOTE PARKING DECLARATION OF RESTRICTIVE COVENANT

THIS DECLARATION is made this ____ day of _____, 20____, by _____ (hereafter “Declarant A”), having an office/residing at _____, and _____ (hereafter “Declarant B”), having an office/residing at _____.

WHEREAS, Declarant A is the fee simple owner of certain land in the City of Coral Gables, Florida, legally described as: Lot(s) _____ Block _____ of _____, according to the plat thereof, as recorded in Plat Book _____ Page _____ of the Public Records of Miami-Dade County, Florida, which shall hereinafter be referred to as Parcel A; and

WHEREAS, Declarant B is the fee simple owner of certain land in the City of Coral Gables, Florida, legally described as: Lot(s) _____ Block _____ of _____, according to the plat thereof, as recorded in Plat Book _____ Page _____ of the Public Records of Miami-Dade County, Florida, which shall hereinafter be referred to as Parcel B; and

WHEREAS, Declarant B submitted a request to the City of Coral Gables (the “City”) to act upon Application No. _____ to construct and/or modify a building or alter an existing use of a building located on Parcel B (the “Building”); and

WHEREAS, Parcel A contains a parking area (the “Parking Lot”) containing more than _____ spaces, of which _____ spaces are necessary to satisfy the parking requirements for the uses of Parcel A; and

WHEREAS, Declarant B desires to utilize _____ spaces from the Parking Lot located on Parcel A to satisfy the parking requirements for the Building located on Parcel B; and

WHEREAS, Declarant A and Declarant B have entered into a Parking Lease Agreement (“the Parking Lease”), which was submitted to the City and is incorporated herein by reference; and

WHEREAS, through the Parking Lease Declarant B will lease a total of _____ parking spaces located on Parcel A from Declarant A, which shall serve as an accessory parking area for the Building on Parcel B to satisfy the parking requirements for the Building on Parcel B; and

WHEREAS, the Parking Lot on Parcel A is to be used in accordance with the applicable provisions of the City’s Zoning Code; and

WHEREAS, pursuant to Article 5, Division 14, Section 5-1408(B) of the City’s Zoning Code, the City requires the execution and recording of this Declaration in connection with the use of the Parking Lot located on Parcel A as accessory remote parking for the Building located on Parcel B.

NOW, THEREFORE, in consideration for the City’s issuance of a building permit for the Building, the Declarants hereby declare as follows:

- a. Declarant A hereby covenants and agrees for itself (and its heirs, successors, personal representatives and assigns, and upon all mortgagees and lessees and others presently or in the future having any interest in the property) that it assures the continued rights to the remote parking spaces until such time as the City Manager or designee releases the obligation, and if the spaces are leased, the City’s right to access the remote spaces to inspect them as provided herein;
- b. Declarant B hereby covenants and agrees for itself (and its heirs, successors, personal representatives and assigns, and upon all mortgagees and lessees and others presently or in the future having any interest in the property) that if Declarant B plans to relocate the remote parking spaces to another location that meets the requirements of the City’s Zoning Code, Declarant B shall submit an application to amend the remote parking approval promptly, at least ninety (90) days prior to the termination of the remote parking arrangement and that such amendment shall be subject to the same application requirements, procedure and fee as a new application, and shall be implemented in a manner that assures the continuous availability of the remote parking for the project;
- c. Declarant B hereby covenants and agrees for itself (and its heirs, successors, personal representatives and assigns, and upon all mortgagees and lessees and others presently or in the future having any interest in the property) that it shall report any unplanned changes in the facts related to the application or approved remote parking arrangement to the Director of Development Services within five (5) business days of the occurrence of the change, and shall submit a remedial plan consistent with the requirements of subsection 8 [Article 5, Division 14, Section 5-1408(B)(8)] of the City of Coral Gables’ Zoning Code, together with

the review fee, within ten (10) business days of the occurrence of the change, and further that the Development Services Director shall have the sole but reasonable discretion to approve the remedial plan and set the timing of implementation, and may extend the above deadlines if good cause is shown;

- d. Both Declarant B and Declarant A hereby covenant and agree for themselves (and their heirs, successors, personal representatives and assigns, and upon all mortgagees and lessees and others presently or in the future having any interest in the property), that the City is authorized to inspect the remote parking spaces at will, during the normal hours of operation of the use that is being served by the remote parking spaces, to determine the continuing adequacy of the remote parking arrangements;
- e. Declarant B hereby covenants and agrees for itself (and its heirs, successors, personal representatives and assigns, and upon all mortgagees and lessees and others presently or in the future having any interest in the property), that it shall annually submit an affidavit confirming that the facts supporting Declarant B's initial approval of the use of remote parking remain accurate at the time of renewal of the certificate(s) of use for Declarant B's property);
- f. Declarant B hereby covenants and agrees for itself (and its heirs, successors, personal representatives and assigns, and upon all mortgagees and lessees and others presently or in the future having any interest in the property), that at the time of entering into a new lease or renewing a lease, it shall submit renewed documentation and affidavits as required by Article 5, Division 14, Section 5-1408(B)(6) of the City of Coral Gables' Zoning Code; and
- g. Declarant B hereby covenants and agrees for itself (and its heirs, successors, personal representatives and assigns, and upon all mortgagees and lessees and others presently or in the future having any interest in the property) that it recognizes and accepts that any material failure to meet the requirements of Article 5, Division 14, Section 5-1408(B) of the City of Coral Gables' Zoning Code (or the requirements of the related agreements, covenants or conditions) that is not cured as provided therein will immediately subject Declarant B to the original and full parking requirements of the Zoning Code, and that further the materiality of any failure shall be determined by the Development Services Director, in consultation with the City Attorney;
- h. That this Declaration is intended and shall constitute a restrictive covenant concerning the use, enjoyment, and title to the above properties and shall constitute a covenant running with the land and shall be binding upon the Declarants, including their successors and assigns and may only be released by the City Manager for the City of Coral Gables, or its successor, in accordance with the ordinance of said City then in effect;

- i. That the failure to comply with this Declaration may result in the revocation of any building permits and/or certificates of occupancy issued for Parcel B; and
- j. That this Declaration shall be recorded in the public records of Miami-Dade County, Florida at the Declarants' expense.

IN WITNESS WHEREOF, the undersigned has caused _____ his/her hand and seal to be affixed hereto on this _____ day of _____, 20_____.

Declarant A:

Signature

Printed Name & Title (if applicable)

Witness (1) for Declarant A:

Signature

Printed Name

Witness (2) for Declarant A:

Signature

Printed Name

Declarant B:

Signature

Printed Name & Title (if applicable)

Witness (1) for Declarant B:

Signature

Printed Name

Witness (2) for Declarant B:

Signature

Printed Name

NOTARIZATION FOR DECLARANT A'S EXECUTION

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 a _____ as identification.

My Commission Expires:

NOTARY PUBLIC, State of Florida

NOTARIZATION FOR DECLARANT B'S EXECUTION

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 a _____ as identification.

My Commission Expires:

NOTARY PUBLIC, State of Florida

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:**

Miriam Soler Ramos, City Attorney
Cristina M. Suárez, Deputy City Attorney
Stephanie Throckmorton, Assistant City Attorney
Gustavo J. Ceballos, Assistant City Attorney