

VILLAGE OF EL PORTAL, FLORIDA

ORDINANCE NO. 2021-03

AMENDMENT FOR DEVELOPMENT AGREEMENT

AN ORDINANCE OF THE VILLAGE OF EL PORTAL AMENDING ORDINANCES AMENDING ORDINANCE 2019-08, AND THE DEVELOPMENT AGREEMENT APPROVED THEREIN; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICTS, REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the Village of El Portal adopted Ordinance 2021-03, on May 25, 2021, amending Ordinances 2019-06 and 2019-07; and

WHEREAS, Section 4 of Ordinance 2021-03 states “Any existing or future Development Agreement between the Village and any Third Party Developer, including the one authorized by Ordinance 2019-08, may be amended to reflect the Amendments to the Village Code authorized in this Ordinance, and in keeping with the spirit of those Amendments. The appropriate Village officials are hereby authorized to execute any and all necessary and desirable documents to effectuate the intent of said Amendments.”

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF EL PORTAL, FLORIDA:

SECTION 1. The foregoing "**WHEREAS**" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

SECTION 2. Paragraph D of the Development Agreement previously entered into between the Village of El Portal and BH 495 NE 83rd St., LLC is hereby amended to read as follows:

“In exchange for the proposed bonus height, the Developer intends to make a contribution to the Village's Public Benefits program, including, but not limited to, the acquisition of land for parks and open space, reinvestment in capital improvements to existing parks and open space, tree planting, and capital expenditures for landscaping within the Village boundaries, and for any other lawful purposes.”

SECTION 3. Paragraph H of The Development Agreement previously entered into between the Village of El Portal and BH 495 NE 83rd St., LLC is hereby amended to read as follows:

H "The contribution of \$ 1,100,000.00 to the Village's Public Benefits program will allow for the acquisition of land for parks and open space, reinvestment in capital improvements to existing parks and open space, tree planting, and capital expenditures for landscaping within the Village boundaries, and for any other lawful purposes."

1. \$366,666.67 upon approval by the Village Council and execution of this agreement;
2. \$366,666.67 contemporaneous with the approval of the master building permit for the structure; and
3. \$366,666.66 at the issuance of a Temporary Certificate of Occupancy (TCO), for the structure.

SECTION 4. All ordinances or parts of ordinances in conflict herewith or inconsistent herewith, are hereby repealed, but only insofar as such ordinances may be inconsistent or in conflict with this Ordinance.

SECTION 5. If any section, part of section, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

SECTION 6. It is the intention of the Village Council that the provisions of this Ordinance shall become and be made a part of and known as the "Code of Ordinances" of the Village of El Portal, Florida, which provisions may be renumbered or re-lettered and the word ordinance be changed to "section", "article", or other appropriate word to accomplish such intention, and same shall be codified whenever the Code is re-codified.


SECTION 7. If the Official Code of Ordinances of the Village of El Portal Tables of Contents or other reference portions is affected by these provisions, then changes are approved as a part of this Ordinance.

SECTION 8. This ordinance shall become effective immediately upon approval on second reading.

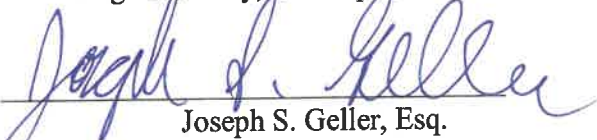
PASSED AND ADOPTED by the Village Council of the Village of El Portal Florida, this 22 day of June, 2021.



Omarr C. Nickerson, Mayor
Village Of El Portal

ATTEST: 
Yenise Jacobi CMC, Village Clerk

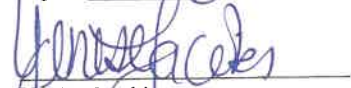
Approved as to form and legal sufficiency:
Interim Village Attorney, Greenspoon Marder, LLP

By: 
Joseph S. Geller, Esq.

Vote: mut: Lightfoot-Ward 2nd: Pirela

Mayor Nickerson: (Yes) (No)
Vice Mayor Urbom: (Yes) (No)
Councilperson Lightfoot-Ward: (Yes) (No)
Councilperson Martin: (Yes) (No)
Councilperson Pirela: (Yes) (No)

I, Yenise Jacobi, CMC, Village Clerk of the Village of El Portal, Miami-Dade County, Florida, do hereby certify that this is a true and correct copy of Ordinance No.: 2021-03 adopted on this 22 day of June, 2021, as shown in the Official Records of the Village of El Portal, Miami-Dade County, Florida. Given under my hand and seal, this 22 day of June, 2021.


Yenise Jacobi
Village Clerk