



To: Dayron Garcia and Dona Spain

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 name "Craig E. Leen" in the "From:" line.

RE: Legal Opinion Regarding Alice Aycock Sculptures

Date: December 23, 2015

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.

From: [Leen, Craig](#)
To: [Paulk, Enga](#)
Subject: FW: Alice Aycock sculptures on Segovia and Biltmore Way and Segovia and Coral Way
Date: Tuesday, December 22, 2015 6:11:23 PM
Attachments: [image002.png](#)
[image004.png](#)
[image005.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: 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

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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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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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