



**CITY OF FORT LAUDERDALE  
City Commission Agenda Memo  
REGULAR MEETING**

**#24-0736**

---

**TO:** Honorable Mayor & Members of the Fort Lauderdale City Commission

**FROM:** Susan Grant, Acting City Manager

**DATE:** August 20, 2024

**TITLE:** Motion Approving a Fifth Amendment to the Comprehensive Agreement with Las Olas Parking Solutions, LLC for the Development, Operation, and Maintenance of a Multi-Use Structure with Public Parking, a Fire-Rescue/EMS Substation, and Retail, at the Southeast Corner of SE 2<sup>nd</sup> Court and SE 8<sup>th</sup> Avenue; and Approving a Sublease for the Fire/EMS Substation; and Approving a Memorandum of Understanding for the existing dumpster; and Approving a Closing Affidavit; and Approving a Sewer Easement for the A-13 Pump Station – **(Commission District 4)**

---

**Recommendation**

Staff recommends the City Commission consider approving a Fifth Amendment to the Comprehensive Agreement with Las Olas Parking Solutions, LLC for the Development, Operation, and Maintenance of a Multi-Use Structure with Public Parking, a Fire-Rescue/EMS Substation, and Retail, at the Southeast Corner of SE 2<sup>nd</sup> Court and SE 8<sup>th</sup> Avenue and other project specific documents including a Fire/EMS sublease, a memorandum of understanding, a closing affidavit, and a sewer easement, all in substantially the form attached hereto.

**Background**

On June 24, 2021, the City received an unsolicited proposal pursuant to Section 255.065, Florida Statutes, to develop, operate, and maintain a multi-use structure with public parking, a Fire Rescue/EMS Substation, and retail, at the site of an existing City parking lot located at the southeast corner of SE 2<sup>nd</sup> Court and SE 8<sup>th</sup> Avenue. The proposer submitted the required application fee of \$25,000 in accordance with Resolution No. 13-187.

On November 16, 2021, through Resolution No. 21-261, the City Commission determined that the proposed project would serve a public purpose as a vehicle parking facility and a public facility or infrastructure that is used and will be used by the public at large or in support of an accepted public purpose or activity, and constitutes a qualifying project pursuant to Section 255.065, Florida Statutes. In accordance with the foregoing statute, the City advertised and accepted other proposals for the same project in accordance with Section 255.065, Florida Statutes, for a period of thirty (30) days after the initial date of

publication, up through and including 5:00 PM, December 22, 2021. The City did not receive any proposed competing proposals during the aforementioned timeframe.

On May 3, 2022, through Resolution No. 22-94, the City Commission authorized the City Manager to negotiate a proposed Interim and/or Comprehensive Agreement, in Accordance with Section 255.065, Florida Statutes.

City staff recommend that the City Commission approve the following:

- Fifth Amendment: The City Commission approved the Comprehensive Agreement on July 5, 2023. Subsequently, there have been four amendments executed to extend the Inspection Period. The First Amendment was approved on November 7, 2023, and the Second Amendment was approved on January 23, 2024, the Third Amendment was approved on March 5, 2024, and the Fourth Amendment was approved on July 2, 2024. The fifth amendment resolves the Inspection Period requirements and memorializes the acceptance of the title, survey, and legal description, defines the City Staff Costs and the Capital Repair Threshold, and provides direction for the Fire/EMS sublease and license agreement with the Las Olas Company.
- Fire/EMS Sublease: The Fire/EMS sublease is co-terminus with the Comprehensive Agreement. The Developer is responsible for delivering the base building at no-cost with a \$1,100,000 Developer contribution towards the approved plans (including interior buildout and other items – see Exhibit 2). The total anticipated cost of the station is estimated at \$4,280,000 with the City's estimated contribution of \$1,280,000. The agreement delegates authority to the City Manager to fund up to \$2,000,000 towards the Fire/EMS station which is the amount that is currently programmed in the FY2026 Community Investment Plan for this project. Once operational, the City is required to pay an annual Common Area Maintenance fee of \$53,100 (escalates 3% per year).
- Memorandum of Understanding (MOU): The MOU is between the City of Fort Lauderdale, Las Olas Holding Company, and Las Olas Parking Solutions to address the existing trash dumpster license agreement. The MOU assigns the Revocable License to Las Olas Parking Solutions who will continue to provide dumpster service, reimburse Las Olas Holding Company for the unamortized cost of the original construction, and provide future trash service for the tenants of Las Olas Holding Company. Once assigned, the City will no longer be a party to the terms of future arrangements between Las Olas Holding Company and Las Olas Parking Solutions.
- Closing Affidavit: A legal document memorializing that the City of Fort Lauderdale is the property owner and there are no written lease agreements, right of possession, and that no judgements have been rendered or suits pending.
- Sewer Easement: The A-13 pump station is located within the leasehold areas.

The sewer easement reserves the right for the City to access, maintain, use and repair the pump station facility during the term of the comprehensive agreement. The easement prohibits any improvements or activity that will conflict or interfere with the City's use of the pump station facility.

The Developer continues to work through the Development Review Committee process and remains on schedule to complete the Pre-Development Period requirements by January 2025. Once the Pre-Development Period concludes, the Developer has up to 37 months to complete construction.

### **Resource Impact**

There is no fiscal impact in FY 2024. Funding in the amount of \$2,000,000 for the anticipated build-out costs for this project is contingent upon appropriation of the FY 2026 Community Investment Plan.

### **Strategic Connections**

This item is a *2024 Commission Priority*, advancing the Infrastructure and Resilience & Public Safety Initiatives.

This item supports the *Press Play Fort Lauderdale 2029 Strategic Plan*, specifically advancing:

- The Infrastructure and Resilience Focus Area, Goal 4: Facilitate an efficient, multimodal transportation network.

This item advances the *Fast Forward Fort Lauderdale 2035 Vision Plan: We Are Ready*

This item supports the *Advance Fort Lauderdale 2040 Comprehensive Plan* specifically advancing:

### **Attachments**

Exhibit 1 – Fifth Amendment to the Comprehensive Agreement

Exhibit 2 – Fire/EMS Sublease Agreement

Exhibit 3 – Memorandum of Understanding with Las Olas Holding Company and Las Olas Parking Solutions

Exhibit 4 – Closing Affidavit

Exhibit 5 – Sewer Easement

Exhibit 6 – Location Map

---

Prepared by: Ben Rogers, Acting Assistant City Manager, City Manager's Office

Charter Officer: Susan Grant, Acting City Manager