

RESOLUTION NO.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, DECLARING THAT CERTAIN LAND AND IMPROVEMENTS SITUATED THEREON, OWNED BY THE CITY OF FORT LAUDERDALE, ARE NOT NEEDED FOR GOVERNMENTAL PURPOSES, AND DECLARING THE INTENTION OF THE CITY COMMISSION TO LEASE SUCH LAND AND IMPROVEMENTS THEREON PURSUANT TO SECTION 8.09 OF THE CITY CHARTER, SUCH LANDS LOCATED AT 301 SOUTHWEST 3<sup>RD</sup> AVENUE, KNOWN AS HISTORIC BRYAN HOMES, LOCATED ON LAND MORE PARTICULARLY DESCRIBED BELOW; SETTING FORTH GENERAL TERMS AND CONDITIONS FOR THE LEASE; RELEASE OF REQUESTS FOR PROPOSALS; REQUIRING PUBLICATION OF NOTICE AS TO WHEN THE CITY COMMISSION WILL EVALUATE BIDS; REPEALING ALL RESOLUTIONS OR PARTS THEREOF IN CONFLICT HERewith; PROVIDE FOR EFFECTIVE DATE.

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WHEREAS, the City of Fort Lauderdale owns certain land and improvements described herein which were acquired by the City to be protected, preserved and developed as part of an historically designated and zoned area, located at 301 S.W. 3<sup>rd</sup> Avenue (hereinafter referred to as "Property"); and

WHEREAS, two buildings located on the Property and commonly known as the "Tom Bryan House" and the "Reed Bryan House", or jointly referred to as the "Historic Bryan Homes", were designated as a historic landmark pursuant to Resolution No. 89-94, adopted April 18, 1989; and

WHEREAS, the Property has been leased by the City for use as a restaurant since July of 1992; and

WHEREAS, lease of the Property for use as a restaurant has terminated; and

WHEREAS, the City Commission deems it to be in the best interest of the City that such Property again be declared not needed for a governmental purpose and advertised for

lease under the provisions of Section 8.09 of the City Charter, subject to certain conditions, limitations and restrictions; and

WHEREAS, the City Commission, pursuant to the terms and conditions set forth in City Charter Section 8.09 deems it to be in the best interest of the citizens of Fort Lauderdale to offer the Property for lease and to seek bids from interested persons in accordance with a request for proposals approved by the City, for a lease term of twenty-five years with two ten-year options to renew, such options to renew being subject to approval by Landlord and Tenant;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That each WHEREAS clause set forth above is true and correct and herein incorporated by this reference.

SECTION 2. That the City of Fort Lauderdale does hereby declare and determine its intention to lease, upon the terms and conditions prescribed below and in the request for proposal, certain lands and improvements on them owned by the City, which lands lie within Fort Lauderdale, Broward County, Florida, to wit:

ALL OF PARCEL "B", "THE BAREFOOT MAILMAN", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 152, PAGE 32, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; LESS AND EXCEPT THAT PORTION OF SAID PARCEL "B" SUBJECT TO THE RIVERWALK LINEAR PARK AND UTILITY EASEMENT, AS SHOWN ON SAID PLAT; SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

SECTION 3. That the City Commission does hereby declare and determine that it is in the best interest of the City that the above-described lands and improvements on them be leased in accordance with the provisions, terms and conditions set forth herein and in the request for proposals.

SECTION 4. That the City Commission declares that the reasons for offering such lands and improvements for lease are that these lands and the buildings upon them are not needed for governmental purposes; that the City has not undertaken any actual municipal use of the lands and improvements described above since the dates of their acquisition by the City; that the lease of these properties is desirable in order to protect, preserve, develop and enhance the

historical flavor and atmosphere of the “H-1” zoning district in which these lands and buildings lie, and particularly to preserve these lands and buildings themselves, which are significant examples of the cultural and historical heritage of the City and its citizens.

SECTION 5. That such Property and improvements shall be leased upon the terms and conditions specified in this Resolution, and as set forth in the Request for Proposals #535-11072 (“RFP”) reviewed by the City Commission in connection with the adoption of this Resolution calling for proposals for the leasing of the Property; copies of the RFP to be made available by the City’s Finance Department, Procurement Division and such other terms as the City shall deem necessary. The terms and conditions of the Lease shall include, but not be limited to the following subject matter areas:

- Duration
- Rent
- Escalation Clause
- Use; Termination of Lease
- No Subordination
- Operation of Lands and Improvements
- Termination for Failure to Commence Operations
- Leasehold Improvements – Generally
- Leasehold Improvements – Specifically
- Leasehold Improvements – Minimum Investment
- Period for completion of Leasehold Improvements
- Commencement of Rent Obligation
- Capital Replacement Reserve Account
- Off Street parking
- Indemnification and Hold Harmless
- Insurance
- Easements
- Taxes and Utilities
- Maintenance, Repairs and Upkeep
- Substitution of Personnel
- Subcontractors
- Payment and Performance Bond
- Force Majeure
- Damage to Public or Private Property
- Safety
- Building and Site in “AS IS” Condition
- Assignment and Subleases
- Triple Net Lease
- Compliance with Codes and Regulations

Other terms and conditions  
Approval of City Attorney

SECTION 6. That all bids shall be delivered to the Procurement Division Suite 619, 100 North Andrews Avenue, Fort Lauderdale, Florida at or before 2:00 p.m. on August 16, 2013.

SECTION 7. That the City Commission will meet on October 1, 2013 at 6:00 p.m. in City Hall at 100 North Andrews Avenue, Fort Lauderdale, Florida for the purpose of reviewing all bids and determining the best proposal submitted. The City may reject any and all bids at any time. The City Commission may define and waive any minor irregularity it may discover in any proposal contained and submitted in any offer.

SECTION 8. That the City Clerk shall publish a notice in the official newspaper of the City for two (2) issues prior to the date set forth above for receiving bids; the first publication to be not less than ten (10) days before said date of receiving bids, and the second publication to be one week following the first.

SECTION 9. That any and all Resolutions or parts thereof in conflict herewith are hereby repealed.

SECTION 10. That this Resolution shall be in full force and effect upon final adoption.

ADOPTED this the 7th day of May, 2013.

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Mayor  
JOHN P. "JACK" SEILER

ATTEST:

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City Clerk  
JONDA K. JOSEPH

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