

RESOLUTION NO. 17-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, PROVIDING NOTICE OF ITS INTENT TO LEASE FOR PURPOSES CONSISTENT WITH THE PUBLIC GOOD PURSUANT TO SECTION 8.13 OF THE CITY CHARTER THE REAL PROPERTY LOCATED AT 1409 SISTRUNK BOULEVARD, FORT LAUDERDALE, FLORIDA (COMMONLY KNOWN AS MIZELL CENTER) AND, MORE PARTICULARLY DESCRIBED BELOW, TO YOUNG MEN'S CHRISTIAN ASSOCIATION OF SOUTH FLORIDA, INC. (YMCA), A FLORIDA NOT FOR PROFIT CORPORATION, TO BE USED TO OPERATE PROGRAMS TO PROVIDE RECREATIONAL AND COMMUNITY PROGRAMS FOR RESIDENTS OF THE CITY FOR A TERM NOT TO EXCEED FIFTY (50) YEARS AT AN ANNUAL RENT NOT TO EXCEED ONE AND NO/100 DOLLARS (\$1.00) SUBJECT TO FURTHER TERMS AND CONDITIONS AND PROVIDING NOTICE OF A PUBLIC HEARING BEFORE THE CITY COMMISSION ON TUESDAY, AUGUST 22, 2017, FOR CONSIDERATION OF THE TERMS OF THE LEASE AND AUTHORIZING EXECUTION OF SAME BY THE PROPER CITY OFFICIALS.

WHEREAS, the City of Fort Lauderdale (the "City"), owns the real property located at 1409 Sistrunk Boulevard, Fort Lauderdale, Florida ("Mizell Center"); and

WHEREAS, the City finds that it is the City's best interest to renovate and lease the Mizell Center to Young Men's Christian Association ("YMCA") of South Florida, Inc., a Florida not for profit corporation; and

WHEREAS, YMCA shall develop a YMCA facility which will be created to provide recreational and community programs for residents of the City; and

WHEREAS, according to its charter, YMCA was created, in part, to "strengthen the foundation of the community through three areas of focus: (i) Youth Development..... (ii) Healthy Living..... and (iii) Social Responsibility...." and for other charitable purposes consistent therewith; and

WHEREAS, the City finds that YMCA has the capacity and ability to operate and manage recreational and community programs for residents of the City and Broward County, including families and seniors; and

WHEREAS, operating recreational and community facilities for the public serve a valid municipal purpose; and

WHEREAS, such use of Mizell Center will not conflict with current and futures uses on public lands adjacent thereto.

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

SECTION 1. That the City Commission of the City of Fort Lauderdale, pursuant to Section 8.13 of the City Charter, hereby declares its intention to lease the Mizell Center which is located at 1409 Sistrunk Blvd., Fort Lauderdale, Florida, such property being more particularly described below, to Young Men's Christian Association of South Florida, Inc. (YMCA), a Florida not for profit corporation, for a term not to exceed fifty (50) years at an annual rent not to exceed One and No/100 Dollars (\$1.00). YMCA shall operate and manage several recreational and other related public purposes within Mizell Center, said Mizell Center being more particularly described as follows:

LOTS 39 THROUGH 48 INCLUSIVE, BLOCK 3, "LINCOLN PARK CORRECTED PLAT" ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 5, PAGE 2, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

TOGETHER WITH:

LOTS 1 THROUGH 8 LESS ROAD RIGHT OF WAY, LOTS 9 THROUGH 16 INCLUSIVE AND LOTS 42 THROUGH 50 INCLUSIVE, BLOCK 2, "LINCOLN PARK CORRECTED PLAT" ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 5, PAGE 2, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT P.O.B. (1) BEING THE NORTHEAST CORNER OF SAID LOT 39 BLOCK 3; THENCE S 04°14'03" E ALONG THE EAST LINE OF SAID BLOCK 3, A DISTANCE OF 250.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 48; THENCE S 86°13'23" W ALONG THE SOUTH LINE OF SAID LOT 48, A DISTANCE OF 100.00 FEET TO THE SAID SOUTHWEST CORNER THEREOF; THENCE N 04°14'03" W ALONG THE WEST LINE OF SAID LOTS 39 THROUGH 48, A DISTANCE OF 250.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 39; THENCE N 86°13'23" E ALONG THE NORTH LINE OF SAID LOT 39, A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

BEGIN AT P.O.B. (2) BEING THE NORTHEAST CORNER OF SAID LOT 42, BLOCK 2; THENCE S 04°14'03" E ALONG THE EAST LINE OF SAID BLOCK 2, A DISTANCE OF 286.17 FEET TO THE NORTH RIGHT OF WAY LINE OF SISTRUNK BOULEVARD; THENCE S 86°06'57" W ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 200.00 FEET TO THE WEST LINE OF SAID BLOCK 2; THENCE N 04°14'03" W ALONG SAID WEST LINE, A DISTANCE OF 261.55 FEET TO THE NORTHWEST CORNER OF SAID LOT 16; THENCE N 86°13'23" E ALONG THE NORTH LINE OF SAID LOT 16, A DISTANCE OF 100.00 FEET TO THE NORTHEAST CORNER THEREOF; THENCE N 04°14'03" W ALONG THE WEST LINE OF SAID LOT 42, A DISTANCE OF 25.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 42; THENCE N 86°13'23" E ALONG THE NORTH LINE THEREOF, A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA. CONTAINING 79770 SQUARE FEET OR 1.8312 ACRES MORE OR LESS.

(Hereinafter, "Mizell Center")

SECTION 2. That the City Commission declares that leasing the Mizell Center to YMCA is in the best interest of the City as the building will serve the public and provide a public benefit.

SECTION 3. That among the terms and conditions that will be incorporated in the lease shall be:

- A. Lease of Lease Premises
- B. Term of Lease
- C. Prepaid Rent and Additional Rent
- D. Use of Premises
- E. Hazardous Substances
- F. Condition of Leased Premises
- G. Liens
- H. Entry and Inspection of Premises
- I. Insurance and Indemnification
- J. Assignment and Subletting
- K. Lessor's Remedies
- L. Taxes and Utilities
- M. Compliance with Codes and Regulations
- N. Rights to Inspect and Audit
- O. Public Records

- P. Permitted Uses
- Q. Other Terms and Conditions

SECTION 4. That a Public Hearing shall be had before the City Commission on Tuesday, **August 22, 2017**, at 6:00 p.m., at City Hall, located at 100 North Andrews Avenue, Fort Lauderdale, Florida 33301 or as soon thereafter as can be heard, regarding the proposed lease at which time citizens and taxpayers shall have the opportunity to object to the execution, form or conditions of the proposed lease, and, if the City Commission is satisfied with the terms and conditions of the proposed lease, the Commission will pass a Resolution authorizing execution of the lease by the proper City officials.

SECTION 5. That the City Clerk shall cause this Resolution to be published in full in the official newspaper for two (2) issues, with the first publication at least ten (10) days before the date of such Public Hearing scheduled for Tuesday, **August 22, 2017**, at 6:00 p.m., or as soon after as can be heard, at City Hall located at 100 North Andrews Avenue, Fort Lauderdale, Florida 33301 and second publication five (5) days after the first publication.

SECTION 6. That this Resolution shall be in full force and effect immediately upon and after its passage.

ADOPTED this ____ day of _____, 2017.

Mayor
JOHN P. "JACK" SEILER

ATTEST:

City Clerk
JEFFREY A. MODARELLI