

3-17-15  
R-4  
CORRECTED  
RESOLUTION

RESOLUTION NO. 15-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING RESOLUTION NO. 15-27 WHICH DECLARED THAT CERTAIN LANDS AND IMPROVEMENTS SITUATED THEREON, OWNED BY THE CITY OF FORT LAUDERDALE, WERE NOT NEEDED FOR GOVERNMENTAL PURPOSES, AND DECLARED THE INTENTION OF THE CITY COMMISSION TO LEASE SUCH LANDS 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; REQUIRING PUBLICATION OF NOTICE AS TO WHEN THE CITY COMMISSION WILL EVALUATE BIDS; SUCH AMENDMENT PROVIDING THAT THE BROKERAGE COMMISSION ON THE LEASE WILL BE PAID BY THE LESSEE; AMENDING THE DATE FOR SUBMISSION OF BIDS TO THE CITY NO LATER THAN May 7, 2015 AND THAT THE CITY COMMISSION WILL REVIEW ALL BIDS ON JUNE 16, 2015; REPEALING ALL RESOLUTIONS OR PARTS THEREOF IN CONFLICT HEREWITH; PROVIDE FOR EFFECTIVE DATE.

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WHEREAS, Resolution No. 15-27 was adopted by the City Commission on February 17, 2015 declaring certain lands and improvements situated thereon, owned by the City of Fort Lauderdale, not needed for governmental purposes and declaring the intention of the City Commission to lease such lands and improvements pursuant to City Charter Section 8.09; and

WHEREAS, City management has determined that it is in the best interests of the City that a brokerage commission be paid by the successful bidder / Lessee and that Resolution No. 15-27 be amended to include among the terms and conditions of the proposal and Lease would be the requirement that the successful bidder / Lessee be required to pay the brokerage commission; and

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 for a lease term of twenty-five (25) years with two ten (10) 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 Property and improvements on them owned by the City, which Property lie within the City of Fort Lauderdale, Broward County, State of 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.

(HEREINAFTER, "PROPERTY")

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 Property and improvements located thereon be leased in accordance with the provisions, terms and conditions set forth herein and in the request for proposals. It is the intent of the City Commission to offer the Property and improvements located thereon for a term of twenty-five (25) years with two ten (10) year options to renew, such options to renew being subject to approval by Landlord and Tenant and that the terms and conditions of the Lease shall include a provision requiring the Tenant to pay over the first term of the lease, in addition to the periodic installments of rent, a brokerage commission of 4.0% of the gross rentals installments due over the first term of the Lease to CBRE, Inc., a Delaware corporation, the broker for the City, .

SECTION 4. That the City Commission declares that the reasons for offering such Property and improvements for lease are that Property and improvements thereon are not needed for governmental purposes; that the City has not undertaken any actual municipal use of the Property and improvements thereof since the dates of the termination of the most recent lease of said Property and improvements thereon; that the lease of the Property is desirable in order to protect, preserve, develop and enhance the "H-1" historical 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. 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  
Brokerage Commission to be paid by Tenant  
Other terms and conditions  
Approval of City Attorney

SECTION 6. That all bids shall be delivered to the City of Fort Lauderdale Finance Department, Procurement Division Suite 619, 100 North Andrews Avenue, Fort Lauderdale, Florida at or before 2:00 p.m. on **May 7, 2015**. The sealed bids must be accompanied by cash, cashier's check or certified check payable to the City of Fort Lauderdale in an amount equal to at least ten (10) percent of the first year's rental.

SECTION 7. That the City Commission will meet on **June 16, 2015** 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 17th day of March, 2015.

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Mayor  
JOHN P. "JACK" SEILER

ATTEST:

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City Clerk  
JONDA K. JOSEPH

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