

## AMENDMENT TO COMPREHENSIVE AGREEMENT

This Amendment to Comprehensive Agreement (this "**Amendment**") dated this 28 day of October, 2023, is entered into by and between the CITY OF FORT LAUDERDALE, a municipal corporation of the State of Florida ("**City**"), and LAS OLAS PARKING SOLUTIONS, LLC, a Florida limited liability company, its successors and assigns ("**Private Party**").

### RECITALS

**WHEREAS**, the City and Private Party entered into that certain Comprehensive Agreement dated as of July 31, 2023 ("**Agreement**"); and

**WHEREAS**, the Parties desire to amend the Agreement to extend the Inspection Period to a period from the Effective Date until the end of January 31, 2024.

**NOW THEREFORE**, in consideration of the mutual covenants exchanged herein and other good and valuable consideration of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt, adequacy and sufficiency of which is hereby acknowledged, the parties intending to be legally bound, hereby agree as follows:

1. The recitations heretofore set forth are true and correct and are incorporated herein by this reference. The Agreement as modified by this Amendment remains in full force and effect. To the extent of any inconsistency between the terms of this Amendment and the terms of the Agreement, the terms of this Amendment shall supersede and control to the extent of such inconsistency. Terms not otherwise defined herein shall have the meaning set forth in the Agreement.

2. The definition of Inspection Period is hereby amended to be the period from the Effective Date until the end of January 31, 2024.

3. Duplicate originals of this Amendment may be executed and each of such original shall be deemed to be an original Amendment. This Amendment may be executed by electronic signature which shall be deemed an original signature of each such party.

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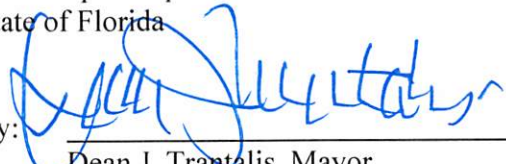
IN WITNESS WHEREOF, this Amendment has been executed of the day first above written.

WITNESSES:


CITY OF FORT LAUDERDALE,  
a municipal corporation of the  
State of Florida

  
\_\_\_\_\_

Print Name: Scott Wyman

By:   
\_\_\_\_\_

Dean J. Trantalis, Mayor

  
\_\_\_\_\_

Print Name: Rebecca McLean

By:   
\_\_\_\_\_

Greg Chavarria, City Manager

ATTEST:

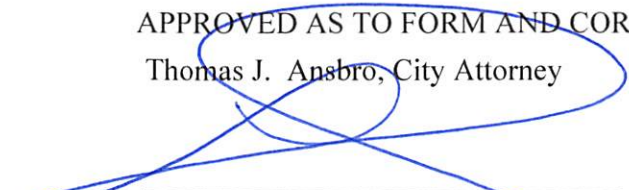
  
\_\_\_\_\_

David R. Soloman, City Clerk



APPROVED AS TO FORM AND CORECTNESS:

Thomas J. Ansbro, City Attorney


  
\_\_\_\_\_

Lynn Solomon, Assistant City Attorney

WITNESSES:

**LAS OLAS PARKING SOLUTIONS,  
LLC**, a Florida limited liability company



By:   
Name: Charles B. Ladd

Laura Herrera

Title: Manager

Print Name



Joseana L. Menkhus

Print Name

**PSJ** M-1 23-0982 Motion Approving Event Agreements with Related Road Closures and Requests for Music Exemption for Brt All White and 38th Annual Fort Lauderdale International Film Festival Premiere Party - (Commission Districts 2 and 4)

**APPROVED**

**Yea:** 5 - Commissioner Sturman, Commissioner Herbst, Commissioner Glassman, Vice Mayor Beasley-Pittman and Mayor Trantalis

**PSJ** M-2 23-1053 Motion Approving an Event Agreement, Related Road Closures and Requests for Music Exemption for Food in Motion - (Commission District 2)

**APPROVED**

**Yea:** 5 - Commissioner Sturman, Commissioner Herbst, Commissioner Glassman, Vice Mayor Beasley-Pittman and Mayor Trantalis

**PSJ** M-3 23-1051 Motion Approving an Event Agreement and Related Road Closure for South Florida Exotic Car "TOY RALLY", to benefit Toys for Tots - (Commission District 1)

**APPROVED**

**Yea:** 5 - Commissioner Sturman, Commissioner Herbst, Commissioner Glassman, Vice Mayor Beasley-Pittman and Mayor Trantalis

**RMH** M-4 23-0959 Motion Approving Increase to the Stormwater Master Plan Modeling and Design Implementation Continuing Contract Cost Capacity - Hazen and Sawyer, P.C. - \$2,500,000 - (Commission Districts 1, 2, 3 and 4)

**APPROVED**

**Yea:** 5 - Commissioner Sturman, Commissioner Herbst, Commissioner Glassman, Vice Mayor Beasley-Pittman and Mayor Trantalis

**LS** M-5 23-1039 Motion Approving a First 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 2nd Court and SE 8th Avenue - (Commission District 4)

**APPROVED**

**Yea:** 5 - Commissioner Sturman, Commissioner Herbst, Commissioner Glassman, Vice Mayor Beasley-Pittman and Mayor Trantalis

## Sonia Sierra

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**From:** Sonia Sierra  
**Sent:** Monday, November 13, 2023 11:41 AM  
**To:** Gina Rizzuti-Smith  
**Cc:** Lynn Solomon  
**Subject:** RE: CAM 23-1039  
**Attachments:** Las Olas - Admendment to Comprehensive Agreement for routing.pdf

Hello Gina,  
I have the package ready to attach the originals for routing, but I believe Las Olas Solutions signs 1<sup>st</sup>.  
Please use the attached a I have completed the signature blocks and taken ff the footers.

*Best Regards,*

**Sonia Sierra**

**Paralegal**

1 East Broward Blvd., Suite 1605

Fort Lauderdale, FL 33301

(954) 828-5598 | [ssierra@fortlauderdale.gov](mailto:ssierra@fortlauderdale.gov)



**CITY OF FORT LAUDERDALE**

**CITY ATTORNEY'S OFFICE**

Under Florida law, most e-mail messages to or from City of Fort Lauderdale employees or officials are public records, available to any person upon request, absent an exemption. Therefore, any e-mail message to or from the City, inclusive of e-mail addresses contained therein, may be subject to public disclosure.

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**From:** Gina Rizzuti-Smith <GRizzuti-Smith@fortlauderdale.gov>  
**Sent:** Monday, November 13, 2023 11:27 AM  
**To:** Sonia Sierra <SSierra@fortlauderdale.gov>  
**Subject:** RE: CAM 23-1039

Hi Sonia,

Thanks. Are you initiating the agreement routing process?

Thanks,  
Gina

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**From:** Sonia Sierra <SSierra@fortlauderdale.gov>  
**Sent:** Monday, November 13, 2023 11:23 AM



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

**#23-1039**

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

**FROM:** Greg Chavarria, City Manager

**DATE:** November 7, 2023

**TITLE:** Motion Approving a First 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 2nd Court and SE 8th Avenue – **(Commission District 4)**

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**Recommendation**

Staff recommends the City Commission consider approving a First 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 2nd Court and SE 8th Avenue.

**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 2nd Court and SE 8th 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.

On July 5, 2023 the City Commission approved the Comprehensive Agreement. The Comprehensive Agreement included a 120-day Inspection Period for the following actions to be completed:

1. The City and the Private Party shall agree as to the form of the Fire EMS Sublease.
2. The Private Party shall approve the status of the title and survey of the Property.
3. The Private Party shall prepare a survey and shall show the legal description of the Property which shall be reasonably acceptable to both Parties and upon approval shall replace the legal description and upon approval shall replace the legal description set forth on Exhibit A.
4. The City and Private Party shall agree on the percentage of City's staffing costs under the definition of City Operating Expenses and the minimum threshold for capital repairs and/or improvements set forth in Section 11.1.
5. The written agreement of the Private Party and the City of the scope of the Initial Improvements and work letter for the construction by the City of the landlord work as contemplated by the FIRE/EMS Sub-Lease.
6. The termination of the Existing License and negotiation of the written agreement between Private Party and Las Olas Holding Company of the New License.

The 120-day Inspection Period is scheduled to expire on November 28, 2023. Both parties have worked in good faith to complete these items prior to the deadline, however there are still remaining items, such as utility conflicts associated with the City pump station, that need to be resolved. City staff recommend that the City Commission approve a first amendment to the Comprehensive Agreement to extend the Inspection Period to January 31, 2024. This extension is not expected to have an impact on the overall timeline for the project.

### **Resource Impact**

There are no fiscal year impacts with this action.

### **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 2024 Strategic Plan*, specifically advancing:

- Infrastructure
- Goal 1: Build a sustainable and resilient community.
- Goal 2: Build a multi-modal and pedestrian friendly community.

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 – Comprehensive Agreement – Las Olas Parking Solutions, LLC

Exhibit 2 – First Amendment to the Comprehensive Agreement

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Prepared by: Ben Rogers, Director, Transportation and Mobility

Department Directors: Ben Rogers, Transportation and Mobility





COMMISSION AGENDA ITEM  
DOCUMENT ROUTING FORM

1L

Today's Date: 11/20/23

DOCUMENT TITLE: Comprehensive agreement – Las Olas Parking Garage – COFL & Las Olas Parking Solutions LLC, - Dev., 1<sup>st</sup> Amendment

COMM. MTG. DATE: 11/7/2023 CAM #: 23-1039 ITEM #: M-5 CAM attached:  YES  NO

Routing Origin: CMO Router Name/Ext: Gina x-3764 Action Summary attached:  YES  NO

CIP FUNDED:  YES  NO

Capital Investment / Community Improvement Projects defined as having a life of at least 10 years and a cost of at least \$50,000 and shall mean improvements to real property (land, buildings, or fixtures) that add value and/or extend useful life, including major repairs such as roof replacement, etc. Term "Real Property" include: land, real estate, realty, or real.

1) Dept: CAO Router Name/Ext: Sonias X5598 # of originals routed:     Date to CAO:    

2) City Attorney's Office: Documents to be signed/routed?  YES  NO # of originals attached: 1

Is attached Granicus document Final?  YES  NO Approved as to Form:  YES  NO

Date to CCO:     Lynn Solomon  
Attorney's Name

[Signature]  
Initials

3) City Clerk's Office: # of originals: 1 Routed to: Donna V./Aimee L./CMO Date: 11/21/23

4) City Manager's Office: CMO LOG #: NOV 57 Document received from: CCO 11/21/23

Assigned to:  GREG CHAVARRIA  SUSAN GRANT   
 ANTHONY FAJARDO  GREG CHAVARRIA as CRA Executive Director

APPROVED FOR G. CHAVARRIA'S SIGNATURE  N/A FOR G. CHAVARRIA TO SIGN

PER ACM: S. Grant (Initial/Date) PER ACM: A. Fajardo (Initial/Date)

PENDING APPROVAL (See comments below)

Comments/Questions:    

Forward  originals to  Mayor  CCO Date: CCO 11/22/23

5) Mayor/CRA Chairman: Please sign as indicated. Forward     originals to CCO for attestation/City seal (as applicable) Date:    

6) City Clerk: Scan original and forwards 1 originals to: Gina Rizutti-Smith/TAM/ Ext. 3764

\*\*\* Please provide a scan of executed version to ssierra@fortlauderdale.gov

Attach     certified Reso #      YES  NO

Original Route form to Sonias X5598