

RESOLUTION NO. 23-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING A COMPREHENSIVE AGREEMENT WITH HALL OF FAME PARTNERS LLC, FOR A QUALIFYING PROJECT TO REDEVELOP THE EXISTING EAST AND WEST BUILDINGS OF THE FORT LAUDERDALE AQUATIC COMPLEX LOCATED AT 501 SEABREEZE BOULEVARD, ALSO KNOWN AS 1 HALL OF FAME DRIVE, FORT LAUDERDALE, FLORIDA; APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE VARIOUS AGREEMENTS APPENDED THERETO TOGETHER WITH ANY SUPPLEMENTAL DOCUMENTS IN CONNECTION THEREWITH; APPROVING THE LEASING OF CITY-OWNED PROPERTY LOCATED AT 501 SEABREEZE BOULEVARD, FORT LAUDERDALE, FLORIDA, 33316, TO HALL OF FAME PARTNERS LLC, A FLORIDA LIMITED LIABILITY COMPANY; PROVIDING NOTICE OF ITS INTENT TO LEASE CITY-OWNED PROPERTY LOCATED AT 501 SEABREEZE BOULEVARD, FORT LAUDERDALE, FLORIDA, 33316, TO INTERNATIONAL SWIMMING HALL OF FAME, INC., A FLORIDA NOT FOR PROFIT CORPORATION OR TO AN ORGANIZATION AFFILIATED WITH THE INTERNATIONAL SWIMMING HALL OF FAME, INC., PURSUANT TO SECTION 8.13 OF THE CITY CHARTER; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on September 14, 2020, the City of Fort Lauderdale, Florida ("City"), received an unsolicited proposal from Hall of Fame Partners LLC, a Florida limited liability company, ("HOFP") pursuant to Section 255.065(3), Florida Statutes (the "Proposal") to demolish existing buildings, develop portions of the real property dedicated to the public and supervised and managed by the City and located at 501 Seabreeze Blvd, Fort Lauderdale, Florida 33316, plat recorded as "International Swimming Hall of Fame Complex", (the "Property") and design and build facilities to address the need for replacement of the East and West Buildings located on the Property; and

WHEREAS, the City supervises and manages the Property described in Exhibit 1, pursuant to that certain Dedication from the Trustees of the Internal Improvement Trust Fund of the State of Florida, as recorded in Official Records Book 2611, Page 315, of the Public Records of Broward County, Florida (the "Dedication"); and

WHEREAS, the Dedication dedicates the Property for use for public municipal purposes only, subject to certain specified provisions; and

WHEREAS, pursuant to Resolution No. 21-17, the City Commission, at its meeting on January 21, 2021, determined that the Project submitted by HOFPP serves a public purpose as recreational, sporting, and educational facilities which will be used by the public at large or in support of an accepted public purpose or activity, and as proposed, constitutes a qualifying project pursuant to Section 255.065, Florida Statutes, declared its intent to enter into a comprehensive agreement for the Project, and established a period of twenty-one days after the initial date of publication in which to accept other proposals; and

WHEREAS, after the January 21, 2021 Regular City Commission meeting, the City publicly advertised the Proposal and requested alternate proposals from January 27, 2021 through February 17, 2021, and since the City did not receive alternate proposals by February 27, 2021, a period of twenty-One (21) days in accordance with Section 255.065(5)(c), Florida Statutes, the City was authorized to commence negotiations for a Comprehensive Agreement with HOFPP for the proposed qualifying project; and

WHEREAS, in accordance with Section 255.065(6), Florida Statutes, the City and HOFPP entered into an Interim Agreement dated December 13, 2021, in connection with the negotiation of a Comprehensive Agreement, for purposes of authorizing HOFPP to commence activities for which it can be compensated related to the proposed qualifying project, including but not limited to, project planning and development, design, environmental analysis and mitigation, survey, obtaining leasing commitments, and other activities concerning any part of the proposed qualifying project, and ascertaining the availability of financing for the proposed facility or facilities, as well as purposes related to an aspect of the development or operation of a qualifying project that the CITY and HOFPP deemed appropriate; and

WHEREAS, pursuant to the terms of the Proposal as memorialized in the Interim Agreement and the Comprehensive Agreement, the City will lease the Property to HOFPP to facilitate the operation and maintenance of the project, and HOFPP will sublease the facilities to the City that will in turn sub-sublease the facilities to the International Swimming Hall of Fame, Inc., a Florida Not for Profit Corporation, or to an organization affiliated with the International

Swimming Hall of Fame, Inc. that meets the criteria of section 8.13 of the City Charter, or both ; and

WHEREAS, pursuant to section 8.09 of the City Charter, the City Commission of the City of Fort Lauderdale, is authorized to lease property not needed by the City of Fort Lauderdale, Florida, for governmental purpose, whether used in a governmental or in a proprietary capacity, for a period of not more than fifty (50) years, plus such length of time, not to exceed five (5) years, determined by the city commission to be reasonably necessary to complete construction of the improvements proposed for the demised premises by such persons, firms or corporations, and

WHEREAS, the City Charter does not specifically address the leasing of public property to private persons, firms or corporations to facilitate the operation and maintenance of a qualified project public purpose for a public-private partnership pursuant to Section 255.065, Florida Statutes; and

WHEREAS, the City Commission voluntarily applies the procedures provided in Section 8.09 of the City Charter to the lease to HOFI to the extent such provisions are not in conflict with the Section 255.065, Florida Statutes, as determined by the City Attorney; and

WHEREAS, to initiate the process of leasing to a private persons, firms, or corporations, under subsection 8.09(b) of the City Charter, the City Commission is required to adopt a resolution at a regular meeting of the City Commission and offer the public property for lease under competitive conditions; and

WHEREAS, the City Commission findings that Resolution 21-17 adopted by the City Commission at its January 21, 2021, meeting and the twenty-one (21) day period established by the Resolution 21-17 in accordance with Section 255.065(5)(c), Florida Statutes, satisfies the intent of subsections 8.09(b) and (c) of the City Charter; and

WHEREAS, pursuant to section 8.13 of the City Charter, the City Commission of the City of Fort Lauderdale, Florida, is authorized to lease any public lands, improvements, buildings, recreational parks and areas or other public places to civic organizations, charitable organizations, public nonprofit corporations and like organizations for a maximum of fifty (50) years to be used by the lessee for purposes consistent with the public good; and

WHEREAS, the International Swimming Hall of Fame, Inc. or an organization affiliated with the International Swimming Hall of Fame, Inc. that meets the criteria of section 8.13 of the City Charter and will provide a public benefit by ensuring that a public municipal purpose of using the site as the Swimming Hall of Fame as the property is dedicated is met; and

WHEREAS, the City Commission finds that the proposed use is consistent with the public good and such use does not conflict with future or current use by the public of other portions of public land adjacent thereto; and

WHEREAS, to initiate the process of leasing to a civic organization, under Section 8.13 of the City Charter, the City Commission will first adopt a Resolution declaring the City's intent to lease the property to the International Swimming Hall of Fame, Inc. or an organization affiliated with the International Swimming Hall of Fame, Inc., that meets the criteria of section 8.13 of the City Charter, for a term of thirty (30) years at an annual rent of \$1.00; and

WHEREAS, the final lease agreement will be presented before the City Commission on October 17, 2023 during a Public Hearing.

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

SECTION 1. That the recitals set forth above are true and correct and are incorporated in this Resolution.

SECTION 2. That the City Commission of the City of Fort Lauderdale affirms its findings in Resolution 21-17 and hereby approves the Comprehensive Agreement in substantially the form attached as Exhibit 1 to Commission Agenda Memorandum No. 23-0723, and delegates authority to the City Manager to execute such agreements together with any and all ancillary or subsequent documents necessary and incidental to the administration of the comprehensive agreement.

SECTION 3. That the City Commission of the City of Fort Lauderdale, Florida, pursuant to Section 8.09 of the City Charter, hereby accepts the ground lease, in substantially the form attached to the Comprehensive Agreement as Exhibit 7, and delegates authority to the City Manager to execute the same.

SECTION 4. That the City Commission of the City of Fort Lauderdale, Florida, pursuant to Section 8.13 of the City Charter, hereby declares its intention to lease city-owned property located at 501 Seabreeze Boulevard, Fort Lauderdale, Florida, 33316 (Folio # 5042-12-33-0010) to the International Swimming Hall of Fame, Inc. or an organization affiliated with the International Swimming Hall of Fame, Inc., that meets the criteria of section 8.13 of the City Charter, for a term of thirty (30) years at an annual rent of \$1.00.

SECTION 5. That the City Commission declares that there is no fiscal impact associated with this item.

SECTION 6. That the City Commission declares that leasing the Property is in the best interest of the City as rehabilitating the building and creating a public meeting space will serve the public and provide a public benefit.

SECTION 7. Any bonds or obligations encumbering Property must be satisfied prior to entering into the Lease.

SECTION 8. That a Public Hearing shall be heard before the City Commission on **October 17, 2023**, at 6:00 p.m., or as soon thereafter, as can be heard at Mary N. Porter Riverview Ballroom at the Broward Center for the Performing Arts, 201 SW 5th Avenue, Fort Lauderdale, FL 33312, 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 City Commission will pass a Resolution authorizing execution of the lease by the proper City officials.

SECTION 9. That the City Clerk shall cause this Resolution to be published in full in the official newspaper of the City of Fort Lauderdale for two (2) issues, with the first publication at least ten (10) days before the date of such Public Hearing scheduled for **October 17, 2023** and second publication five (5) days after the first publication.

SECTION 10. That this Resolution shall be in full force and effect immediately upon and after its passage.

Adopted this _____ day of _____, 2023.

Mayor
DEAN J. TRANTALIS

ATTEST:

City Clerk
DAVID R. SOLOMAN

APPROVED AS TO FORM
AND CORRECTNESS:

Interim City Attorney
D'WAYNE M. SPENCE

Dean J. Trantalis _____
John C. Herbst _____
Steven Glassman _____
Pamela Beasley-Pittman _____
Warren Sturman _____