

RESOLUTION NO. 12-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE A FOURTH AMENDMENT TO LEASE AGREEMENT WITH RLO, INC. FOR PARCEL 18 OF THE FORT LAUDERDALE EXECUTIVE AIRPORT, EXTENDING THE LEASE TERM AN ADDITIONAL TWO MONTHS PROVIDING THAT CERTAIN CONDITIONS ARE MET AS PROVIDED HEREIN AND AUTHORIZING INITIATION OF LEGAL ACTION TO RECOVER PAST DUE RENT AMOUNTS AND ALL COSTS ASSOCIATED WITH FUEL TANK REMOVAL AND REMEDIATION IF CONDITIONS ARE NOT MET; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the existing Lease for Parcel 18 at the Fort Lauderdale Executive Airport with RLO, Inc. expires October 31, 2012; and

WHEREAS, Lessee is currently in default of its lease and behind in rent and fees for a total of \$50,865.97; and

WHEREAS, there are environmental issues with fuel tanks on Parcel 18 that Broward County expects to be remediated; and

WHEREAS, Lessee has requested City execute a Fourth Amendment to Lease Agreement to extend the lease term an additional two months to allow sufficient time for Lessee to pay the past due amounts due for Parcel 18 rent and fees, remove the fuel tanks and to submit a remediation plan for the fuel tanks; and

WHEREAS, the Fourth Amendment to Lease Agreement would contain a provision that Lessee shall also prepay the rent for the additional two months, totaling \$14,192.08; and

WHEREAS, if all conditions of the Fourth Amendment to Lease Agreement are not met, the lease would terminate on October 31, 2012 and legal action to recover the past due amounts and associated costs with the fuel tank removal and remediation would be authorized; and

#12-2315
EXHIBIT #2

WHEREAS, the Aviation Advisory Board at its September 27, 2012 meeting, recommended approval of a Fourth Amendment to Lease Agreement with RLO, Inc.;

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

SECTION 1. That the City Manager is hereby authorized to enter into a Fourth Amendment to Lease Agreement with RLO, Inc. for Parcel 18 at the Fort Lauderdale Executive Airport.

SECTION 2. That the Fourth Amendment to Lease Agreement would extend the lease term by two months providing for a new expiration date of December 31, 2012, if Lessee: 1) pays all past due rent and late fees totaling \$50,865.97 through October 16, 2012 plus \$10.98 per day thereafter prior to the Commencement Date of the Fourth Amendment; 2) prepays two months' rent totaling \$14,192.08 prior to Commencement Date of the Fourth Amendment and; 3) submits a fuel tank remediation plan to Broward County and places funds in escrow with the Attorney for the Lessee equal to the cost of removal of the fuel tanks and remediation of the site prior to the Commencement Date of the Fourth Amendment.

SECTION 3. That if the conditions set forth above are not met, the Fourth Amendment becomes void and the Lease terminates on October 31, 2012, legal action is authorized to recover the past due rent amounts and all costs associated with the fuel tank removal and remediation.

SECTION 4. That the Office of the City Attorney shall review and approve as to form all documents prior to their execution by City Officials.

SECTION 5. That this Resolution shall be in full force and effect upon final passage.

ADOPTED this the ___ day of _____, 2012.

Mayor
JOHN P. "JACK" SEILER

ATTEST:

City Clerk
JONDA K. JOSEPH