



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

#23-0058

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

FROM: D'Wayne Spence, Interim City Attorney

DATE: January 10, 2023

TITLE: Resolution appointing George Steven Fender of the Fender, Bolling, and Paiva, P.A., as special counsel representing the City of Fort Lauderdale in Bankruptcy Proceedings filed by Terminal Ventures, LLC and KC FXE Aviation Investments, LLC - **(Commission Districts 1,2,3 and 4)**

Recommendation

The Interim City Attorney recommends that the City Commission adopt a resolution appointing George Steven Fender of the law firm of Fender, Bolling, and Paiva, P.A., as special counsel to represent the City of Fort Lauderdale in the Bankruptcy Proceedings filed by Terminal Ventures, LLC and KC FXE Aviation Investments, LLC ("Debtors").

Background

Section 4.10 of the Charter of the City of Fort Lauderdale, Florida provides, in part, that "[t]he city commission may, by resolution, authorize one (1) or more special counsel to be retained for the purpose of performing such legal duties as may be prescribed by said resolution. Each such resolution shall further prescribed the compensation to be paid the special counsel."

On or about December 26, 2022, the Debtors filed voluntary petitions for bankruptcy under Chapter 11 of the United States Bankruptcy Code. The Debtors are in default of two leases with the City for Parcel 8G (Lessee is Terminal Ventures, LLC) and Parcel 8AB (Lessee is KC FXE Aviation Investments, LLC) at the Fort Lauderdale Executive Airport due to the Lessees' failure to complete construction of the required improvements on Parcels 8G and 8AB by the deadlines in the lease agreements. The lease agreement for Parcel 8G was terminated on June 14, 2022 and the City initiated eviction proceedings against Terminal Ventures, LLC on July 5, 2022, Broward County Case Number CACE-22-011787 (originally Case Number COWE-22-001830). The eviction proceedings have not concluded and are therefore stayed under the federal bankruptcy laws until the further action of the court.

George Steven Fender, of the law firm of Fender, Bolling, and Paiva, P.A., has been a practicing attorney for over twenty-seven years and he specializes in Bankruptcy Litigation. George Steven Fender has the requisite skill and experience to advise and

represent the City in these Chapter 11 Bankruptcy proceedings and would charge the City an hourly rate of \$400.00, plus reasonable costs.

Resource Impact

There is a fiscal impact to the City in the amount up to \$30,000. Funding is available in the Legal Services account.

<i>Funds available as of December 29, 2022</i>					
ACCOUNT NUMBER	COST CENTER NAME (Program)	CHARACTER / ACCOUNT NAME	AMENDED BUDGET (Character)	AVAILABLE BALANCE (Character)	AMOUNT
10-001-1202-514-30-3119	City Attorney	Services/ Materials/ Legal Services	\$1,117,909	\$689,747	\$30,000
TOTAL AMOUNT ►					\$30,000

Attachment

- Exhibit 1 – Resolution
- Exhibit 2 – Parcel 8G Lease Agreement and Amendments
- Exhibit 3 – Parcel 8AB Lease Agreement and Amendments
- Exhibit 4 – Default/Termination Letter for Parcel 8G

Prepared by: Shari Wallen, Assistant City Attorney, City Attorney’s Office
 Charter Officer: D’Wayne Spence, Interim City Attorney