

RESOLUTION NO. 23-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, FINDING A PUBLIC PURPOSE; AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AND DELIVER AN EXCHANGE AGREEMENT BY AND BETWEEN THE UNITED STATES GENERAL SERVICES ADMINISTRATION AND THE CITY OF FORT LAUDERDALE AND ANY AND ALL DOCUMENTS NECESSARY AND INCIDENTAL THERETO; ACCEPTING A GROUND LEASE WITH A MINIMUM TERM OF TWENTY-TWO (22) YEARS, SUBJECT TO CONDITIONS, AND ACCEPTING A UTILITY EASEMENT; AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE THE GROUND LEASE AND ANY AND ALL DOCUMENTS NECESSARY OR INCIDENTAL THERETO; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on or about December 28, 2020, the United States of America (the "Government") acquired a fee simple interest in a 3.4480-acre tract of land consisting of seven parcels (the "Government Land") in Fort Lauderdale, Florida, for the purpose of designing and constructing a new Fort Lauderdale United States Courthouse and Federal Building thereon (the "Courthouse") to better meet the space and security needs of the U.S. District Court for the Southern District of Florida; and

WHEREAS, the Courthouse will consist of approximately 252,000 gross square feet and include 12 courtrooms, 17 judicial chambers and include workspace for the U.S. Court of Appeals, U.S. Bankruptcy Court, U.S. Marshals Service, U.S. Attorney's Office, and the U.S. Probation Office, generating robust daily operations that will create increased vehicular traffic and traffic congestion and a need for more public parking around the Courthouse; and

WHEREAS, the City, desiring to alleviate this traffic congestion and meet the future demand for public parking, has offered to construct a multi-level public parking garage consisting of approximately 350 spaces on approximately 1.25 +/- acres of Government Land (the "Exchange Parcel"), subject to conditions; and

WHEREAS, the City finds that constructing a parking garage for the public serves a public purpose; and

WHEREAS, the Government desires to lease the Exchange Parcel to the City for a minimum term of twenty-two (22) years by ground lease ("Ground Lease") and grant a utility

easement to the City for a sewage lift station and sanitary sewage lines (i.e. new sewer infrastructure improvements) in exchange for the City (1) providing design and construction services to relocate its sewage lift station and associated sanitary sewage lines and reroute a 30" water main ("Construction Services"), costs the Government otherwise would have to bear as part of the federal courthouse construction project, and (2) vacating SE 4th Avenue and SE 10th Ct. so the Government can consolidate all seven parcels and make beneficial use of the Government Land unencumbered by these Right of Ways (hereinafter the "Exchange"); and

WHEREAS, the City desires to provide the aforementioned Construction Services and vacate SE 4th Avenue and SE 10th Ct. in exchange for the Government granting the utility easement and Ground Lease, subject to the terms and conditions set forth in the Exchange Agreement, so that it can design, construct, maintain, and operate a public parking garage on the Exchange Parcel, with the right to retain all revenue generated therefrom for a minimum term of twenty-two (22) years.

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

SECTION 1. That the Proper City Officials are hereby authorized to execute and deliver the Exchange Agreement, in substantially the form attached to Commission Agenda Memorandum No. 23-0461, and such other documents and instruments related to the Exchange Agreement.

SECTION 2. The City Commission, subject to the conditions stated in the Exchange Agreement, accepts a Ground Lease, in form and substance approved by the City Manager, or his designee, with a minimum term of twenty-two (22) years and accepts a utility easement, in form and substance, as approved by the City Manager, or his designee.

SECTION 3. The City Commission finds that constructing a garage for the public serves a public purpose.

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

SECTION 5. The recitals are true and correct and incorporated herein by reference.

SECTION 6. That this Resolution shall be in full force and effect upon final 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 _____