

RESOLUTION NO. 17-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, DECLARING THAT A PORTION OF CERTAIN LAND AND IMPROVEMENTS SITUATED THEREON, OWNED BY THE CITY OF FORT LAUDERDALE, LOCATED AT THE FORT LAUDERDALE EXECUTIVE AIRPORT ARE NOT NEEDED FOR PUBLIC OR GOVERNMENTAL PURPOSES; DECLARING THE INTENTION OF THE CITY COMMISSION TO LEASE SUCH LANDS AND IMPROVEMENTS THEREON PURSUANT TO SECTION 8.09 OF THE CITY CHARTER, SUCH LANDS AND IMPROVEMENTS BEING MORE PARTICULARLY DESCRIBED BELOW; SETTING FORTH GENERAL TERMS AND CONDITIONS FOR THE LEASE; REQUIRING PUBLICATION OF NOTICE AS TO WHEN THE CITY COMMISSION WILL EVALUATE BIDS; REPEALING ALL RESOLUTIONS OR PARTS THEREOF IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Fort Lauderdale (“the City”) desires to initiate the process under Charter Section 8.09 of the Charter of the City of Fort Lauderdale, Florida (the “City Charter”) for leasing parcels 19B, 25, 26, and 27 located at the Fort Lauderdale Executive Airport (“the “Property”); and

WHEREAS, the Property has been used for recreational purposes; and

WHEREAS, Lockhart Stadium on the Property is currently being leased to Miami FL, LLC until December 31, 2017; and

WHEREAS, Section 8.09 of the City Charter provides that City property may be leased for a maximum term of 50 years, plus such length of time not to exceed 5 years, that is determined by the City Commission to be reasonably necessary to complete construction of proposed improvements on the property; and

WHEREAS, the City intends to seek proposals from parties interested in leasing the Property with a rental term not to exceed fifty (50) years, inclusive of renewal periods; and

WHEREAS, the City seeks to lease the Property for purposes of revenue generation and the development of an entertainment or athletic complex; and

WHEREAS, the City will require that any proposals to lease the Property include the proposed development of four new soccer/lacrosse fields on the Property and a renovation plan for Lockhart Stadium; and

WHEREAS, the Property shall be offered for lease upon competitive conditions no less than thirty days and no more than sixty days after adoption of this resolution; and

WHEREAS, the City Commission deems it in the best interest of the City to seek bids from interested persons in accordance with a request for proposals approved by the City for lease of the Property;

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

SECTION 1. That the City of Fort Lauderdale, Florida does hereby declare and determine its intention to lease, upon the terms and conditions prescribed below and in a request for proposal to be issued by the City no less than thirty days and no more than sixty days after adoption of this resolution, Parcels 19B, 25, 26, and 27 at the Fort Lauderdale Executive Airport, which lands lie within Fort Lauderdale, Broward County, Florida, to wit (the "Property"):

See Exhibit "A" attached hereto

SECTION 2. That the City Commission declares that the Property is not needed for governmental or public purposes;

SECTION 3. That the Property shall be leased upon the terms and conditions specified in this resolution, and as set forth in a request for proposal to be issued by the City no less than thirty days and no more than sixty days after adoption of this resolution. Notwithstanding, the term of the Lease shall not exceed fifty (50) years plus such length of time, not to exceed five years, as determined by the City Commission to be reasonably necessary to complete construction of the proposed improvements. The terms and conditions of the Lease may include, but not limited to, the following subject matter areas:

- Duration
- Rent
- Escalation Clause
- Use
- Termination of Lease

No Subordination or encumbrance of City interest
Operation of Lands and Improvements
Termination for Failure to Commence Operations
Leasehold Improvements – Generally
Leasehold Improvements – Specifically
Leasehold Improvements – Minimum Investment
Period for completion of Leasehold Improvements
Commencement of Rent Obligation
Capital Replacement Reserve Account
Off Street parking
Indemnification and Hold Harmless
Insurance
Easements
Taxes and Utilities
Maintenance, Repairs and Upkeep
Substitution of Personnel
Subcontractors
Payment and Performance Bond
Force Majeure
Damage to Public or Private Property
Safety
Building and Site in “AS IS” Condition
Assignment and Subleases
Triple Net Lease
Compliance with Codes and Regulations
Other terms and conditions
Approval of City Attorney

SECTION 4. That all bids shall be delivered in a sealed envelope no later than 2:00 p.m. on **July 6, 2017** to City of Fort Lauderdale Procurement Services, 100 N. Andrews Avenue, #619, Fort Lauderdale, FL 33301. The sealed bids must be accompanied by cash, cashier's check or certified check in an amount equal to ten (10%) percent of the average annual rental payments to the City.

SECTION 5. That the City Commission will meet on **August 22, 2017** at 6:00 p.m., or as soon thereafter as can be heard, in City Hall at 100 North Andrews Avenue, Fort Lauderdale, Florida for the purpose of reviewing all bids and determining the best proposal submitted. The City may reject any and all bids at any time. The City Commission may waive any minor irregularities contained in any proposal.

SECTION 6. That the City Clerk shall publish a notice in the official newspaper of the City for two (2) issues prior to the date set forth above for receiving bids; the first publication to be not

less than ten (10) days before said date of receiving bids, and the second publication to be one week following the first publication.

SECTION 7. That any and all resolutions or parts thereof in conflict herewith are hereby repealed.

SECTION 8. That the Effective Date of this Resolution is May 16, 2017 and is deemed adopted as of May 16, 2017.

Approved this the _____ day of _____, 2017.

Mayor
JOHN P. "JACK" SEILER

ATTEST:

City Clerk
JEFFREY A. MODARELLI