

RESOLUTION NO. 17-105

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 evaluating bids; the first publication to be not less than ten (10) days before said date of evaluating 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.

ADOPTED this the 16th day of May, 2017.



Mayor
JOHN P. "JACK" SEILER

ATTEST:



City Clerk
JEFFREY A. MODARELLI

Exhibit A

DESCRIPTION: PARCEL(S) 25, 26, AND 27 COMBINED

A PORTION OF TRACT 1, F-X-E PLAT, P.B. 119, P. 4, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE MOST SOUTHERLY EAST CORNER OF SAID F-X-E PLAT; THENCE NORTH 02°04'39" WEST ALONG THE EAST RIGHT-OF-WAY LINE OF NORTHWEST 12 AVENUE AND THE LIMITS OF SAID F-X-E PLAT, A DISTANCE OF 270.63 FEET; THENCE SOUTH 87°55'41" WEST, A DISTANCE OF 80.00 FEET TO THE WEST RIGHT OF WAY LINE OF SAID NORTHWEST 12 AVENUE AND THE POINT OF BEGINNING OF THIS DESCRIPTION;

THENCE SOUTH 88°10'19" WEST, A DISTANCE OF 348.58 FEET; THENCE NORTH 51°34'11" WEST, A DISTANCE OF 410.54 FEET; THENCE NORTH 38°25'49" EAST, A DISTANCE OF 225.00 FEET; THENCE NORTH 57°16'49" WEST, A DISTANCE OF 525.86 FEET, THE LAST TWO DESCRIBED COURSES BEING ALONG THE SOUTHEASTERLY AND NORTHEASTERLY BOUNDARIES OF THE A RUNWAY PROTECTION ZONE (RPZ) OF FORT LAUDERDALE EXECUTIVE AIRPORT RUNWAY 13-31; THENCE NORTH 02°05'28" WEST, A DISTANCE OF 1742.31 FEET; THENCE SOUTH 87°54'32" WEST, A DISTANCE OF 70.00 FEET; THENCE NORTH 02°05'28" WEST, A DISTANCE OF 448.40 FEET; THENCE NORTH 83°25'05" EAST, ALONG A LINE PARALLEL WITH AND 750.00 FEET SOUTH OF, AS MEASURED AT RIGHT ANGLES, THE CENTERLINE OF FORT LAUDERDALE EXECUTIVE AIRPORT RUNWAY 8-26, A DISTANCE OF 1197.15 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF NORTHWEST 12 AVENUE, SAID POINT BEING ON THE ARC OF A CIRCULAR CURVE CONCAVE TO THE SOUTHEAST, WHOSE RADIUS POINT BEARS SOUTH 35°15'36" EAST FROM SAID POINT; THENCE SOUTHWESTERLY AND SOUTHERLY ALONG SAID WEST RIGHT OF WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 390.00 FEET, A CENTRAL ANGLE OF 56°50'34" AND AN ARC DISTANCE OF 386.92 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 02°04'39" EAST ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 2697.48 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, CONTAINING 2,616,330 SQUARE FEET OR 60.0627 ACRES, MORE OR LESS.

TOGETHER WITH: PARCEL 19-B

A PORTION OF TRACT 1, F-X-E PLAT, P.B. 119, P. 4, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE MOST SOUTHERLY EAST CORNER OF SAID F-X-E PLAT; THENCE NORTH 02°04'39" WEST ALONG THE EAST RIGHT-OF-WAY LINE OF NORTHWEST 12 AVENUE AND THE LIMITS OF SAID F-X-E PLAT, A DISTANCE OF 270.63 FEET; THENCE SOUTH 87°55'41" WEST, A DISTANCE OF 80.00 FEET TO THE WEST RIGHT OF WAY LINE OF SAID NORTHWEST 12 AVENUE AND THE POINT OF BEGINNING OF THIS DESCRIPTION;

THENCE SOUTH 88°10'19" WEST, A DISTANCE OF 348.58 FEET; THENCE NORTH 51°34'11" WEST, A DISTANCE OF 410.54 FEET; THENCE SOUTH 38°25'49" WEST, A DISTANCE OF 118.88 FEET; THENCE SOUTH 46°58'55" EAST, A DISTANCE OF 258.18 FEET; THENCE SOUTH 42°34'19" WEST, A DISTANCE OF 59.31 FEET; THENCE SOUTH 02°00'27" EAST, A DISTANCE OF 72.70 FEET; THENCE SOUTH 45°51'33" EAST, A DISTANCE OF 169.23 FEET; THENCE NORTH 88°10'19" EAST, A DISTANCE OF 75.69 FEET; THENCE SOUTH 87°26'38" EAST, A DISTANCE OF 65.41 FEET, TO A POINT ON THE NORTH RIGHT-OF-WAY OF COMMERCIAL BOULEVARD; THENCE CONTINUE ALONG SAID

NORTH RIGHT-OF-WAY NORTH 88°10'19" EAST, A DISTANCE OF 40.77 FEET, TO A POINT OF TANGENCY OF A CIRCULAR CURVE CONCAVE TO THE SOUTHWEST; THENCE EASTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 2,460.00 FEET, A CENTRAL ANGLE OF 04°31'51" AND AN ARC DISTANCE OF 194.53 FEET TO THE POINT OF REVERSE CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE NORTH; THENCE EASTERLY AND SOUTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 2,340.00 FEET, A CENTRAL ANGLE OF 01°39'57" AND AN ARC DISTANCE OF 68.03 FEET TO THE POINT OF COMPOUND CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE NORTHWEST; THENCE EASTERLY, NORTHEASTERLY AND NORTH ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 35.00 FEET, A CENTRAL ANGLE OF 94°05'40" AND AN ARC DISTANCE OF 57.48 FEET; THENCE NORTH 02°04'39" WEST, NON-TANGENT TO THE LAST DESCRIBED CURVE, ALONG SAID WEST RIGHT-OF-WAY LINE OF NORTHWEST 12TH AVENUE, A DISTANCE OF 230.80 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, CONTAINING 185,477 SQUARE FEET OR 4.26 ACRES, MORE OR LESS.

TOGETHER WITH: PARCEL 19-B

A PORTION OF TRACT 1, F-X-E PLAT, P.B. 119, P. 4, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE MOST SOUTHERLY EAST CORNER OF SAID F-X-E PLAT; THENCE NORTH 02°04'39" WEST ALONG THE EAST RIGHT-OF-WAY LINE OF NORTHWEST 12 AVENUE AND THE LIMITS OF SAID F-X-E PLAT, A DISTANCE OF 270.63 FEET; THENCE SOUTH 87°55'41" WEST, A DISTANCE OF 80.00 FEET TO THE WEST RIGHT OF WAY LINE OF SAID NORTHWEST 12 AVENUE AND THE POINT OF BEGINNING OF THIS DESCRIPTION;

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