

RESOLUTION NO. 22-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING A MASTER LEASE BETWEEN THE CITY OF FORT LAUDERDALE, AS LESSOR, AND RAHN BAHIA MAR L.L.C., AS LESSEE, FOR THE REAL PROPERTY KNOWN AS BAHIA MAR; APPROVING THE PROPOSED FORM OF THE PHASED LEASE AND PROPOSED FORM OF THE AMENDED AND RESTATED DECLARATION OF COVENANTS AND RESTRICTIONS OF THE BAHIA MAR MASTER ASSOCIATION, INC.; TERMINATING THE EXISTING LEASE; AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE THE MASTER LEASE; REPEALING ANY AND ALL RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Fort Lauderdale is the owner in fee simple of the real property located at 801 Seabreeze Boulevard, Fort Lauderdale, FL 33316 and commonly known as "Bahia Mar"; and

WHEREAS, Bahia Mar is currently encumbered by a leasehold estate in favor of Rahn Bahia Mar L.L.C. pursuant to an Amended and Restated Lease Agreement, as modified, dated January 4, 1995, with an expiration date of August 31, 2062 (the "Existing Lease"); and

WHEREAS, the City Commission finds that it is in the best interest of the City to terminate the Existing Lease, subject to the conditions set forth below, enter into the Master Lease, approve the proposed form of the Phased Lease and the proposed form of the Amended and Restated Declaration of Covenants and Restrictions of Bahia Mar Master Association, Inc.; and

WHEREAS, pursuant to Section 8.06 of the City Charter, the City Commission may enter into a Lease of Bahia Mar "without the necessity of public bid".

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

SECTION 1. The Recitals are true and correct and incorporated herein by reference.

SECTION 2. That the Master Lease, in substantially the form attached, and the attachments

thereto, is hereby approved by the City Commission in its proprietary capacity. That the proper City Officials are hereby authorized to execute the Master Lease, in substantially the form attached hereto, provided the existing lender(s) encumbering the leasehold interest approve termination of the Existing Lease.

SECTION 3. That if any clause, section or other part of this Resolution shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Resolution shall not be affected thereby but shall remain in full force and effect.

SECTION 4. That the City Attorney shall review and approve as to form the terms and conditions of the Master Lease prior to execution thereof by the proper City Officials.

SECTION 5. That any and all Resolutions, or parts thereof, in conflict herewith are hereby repealed.

SECTION 6. That this Resolution shall take effect upon final passage.

ADOPTED this ____ day of _____ 2022.

Mayor
DEAN J. TRANTALIS

ATTEST:

City Clerk
DAVID R. SOLOMAN

Dean J. Trantalis _____

Heather Moraitis _____

Steven Glassman _____

APPROVED AS TO FORM:

Robert L. McKinzie _____

City Attorney
ALAIN E. BOILEAU

Ben Sorensen _____