

RESOLUTION NO. 24-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, DECLARING THAT CERTAIN LAND LOCATED AT 2925 EAST LAS OLAS BOULEVARD, FORT LAUDERDALE, FLORIDA 33316, AS MORE PARTICULARLY DESCRIBED BELOW, IS NOT NEEDED FOR GOVERNMENTAL PURPOSES, AND DECLARING THE INTENTION OF THE CITY COMMISSION TO LEASE SUCH LAND THEREON PURSUANT TO SECTION 8.09 OF THE CITY CHARTER FOR A PERIOD NOT TO EXCEED FIFTY (50) YEARS PLUS FIVE (5) YEARS TO COMPLETE CAPITAL IMPROVEMENTS; AUTHORIZING REQUEST FOR PROPOSALS; REQUIRING PUBLICATION OF NOTICE AS TO WHEN THE CITY COMMISSION WILL EVALUATE BIDS; REPEALING ALL RESOLUTIONS OR PARTS THEREOF IN CONFLICT HEREWITH; PROVIDE FOR AN EFFECTIVE DATE.

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WHEREAS, the City of Fort Lauderdale owns certain land and improvements located at 2925 East Las Olas Boulevard, Fort Lauderdale, Florida 33316, with a tax folio number of 5042 12 01 0710 and legally described as follows (hereinafter referred to as "Property"); and

A portion of Lots 8 and 9 in Block 6, AMENDED PLAT OF LAS OLAS BY THE SEA SUBDIVISION, according to the plat thereof as recorded in Plat Book 1, Page 6, of the Public Records of Broward County, Florida, also shown on the Plat of RE-AMENDED PLAT OF BLOCKS "A" AND "2" OF THE AMENDED PLAT OF LAS OLAS BY THE SEA, according to the plat thereof as recorded in Plat Book 1, Page 16, of the Public Records of Broward County, Florida, more particularly described as follows:

Begin at the Northeast corner of said Lot 9; thence 114.79 feet South 01° 02' 00" East on the East line of said Lot 9, to the North Right of Way line of East Las Olas Boulevard; thence 34.95 feet South 89° 1' 15" West on said North right of way line to a point of curvature of a curve to the right having a radius of 914.93 feet and a central angle of 01° 07' 10" with the chord bearing South 89° 34' 50" West; thence 17.88 feet on the arc of said curve and said North right of way line; thence 57.14 feet

North 44° 33' 22" East to an intersection with a line that is parallel with and 12 feet westerly of the East line of said Lot 9; thence 74.57 feet North 01° 2' 00" West to the North line of said Lot 9; thence 12.00 feet North 88° 58' 00" East to the POINT OF BEGINNING.  
AKA: BALANCE OF PARCEL 2-PROJECT F-5110 BIRCH ROAD REALIGNMENT

WHEREAS, the land is approximately 9,268 square feet, containing no structures; and

WHEREAS, the City is seeking proposals to maximize the optimal use of the site while encouraging concepts that align with the City's efforts to utilize its assets more efficiently; and

WHEREAS, the City Commission deems it to be in the best interest of the City that such Property be advertised for lease under the provisions of Section 8.09 of the City Charter, subject to certain conditions, limitations and restrictions; and

WHEREAS, the City Commission finds that the Property is not needed for governmental purpose and pursuant to the terms and conditions set forth in City Charter Section 8.09, deems it in the best interest of the citizens of Fort Lauderdale to offer the Property for lease and to seek bids from interested persons in accordance with a request for proposals approved by the City, for a lease term not to exceed fifty (50) years plus five (5) years to construct capital improvements, subject to approval by the City.

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

SECTION 1. That each WHEREAS clause set forth above is true and correct and incorporated herein by this reference.

SECTION 2. That the City Commission of the City of Fort Lauderdale hereby declares and determines its intention to lease, upon the terms and conditions prescribed herein and in the request for proposal, certain lands and improvements located at the Property at 2925 East Last Olas Boulevard, Fort Lauderdale, Florida, which lands lie within Fort Lauderdale, Broward County, Florida.

SECTION 3. Notwithstanding, the term of the Lease shall not exceed fifty (50) years plus such length of time, not to exceed five (5) years, as determined by the City Commission to be reasonably necessary to complete construction of the proposed improvements. The successful bidder shall take possession of the Property subject to the rights of the City to occupy and possess the Property, shall make a minimum investment in the Property, as determined by the City, from its own resources and the fee simple interest of the City shall not be encumbered or subordinated. That Colliers International of South Florida LLC shall be entitled to receive a fee equal to four percent (4%) of the Net Present Value (NPV) of gross rentals paid to the City of Fort Lauderdale over the initial term of the lease. This fee will be paid by the selected proposer and shall be paid by the selected proposer in a separate agreement with the Proposer and Colliers.

SECTION 4. That such Property and improvements shall be leased upon the terms and conditions specified in this Resolution, and as set forth in the request for proposals processed by Collier's as detailed in Exhibit 2 – Collier's Proposal Submittal Procedure and reviewed by the City Commission in connection with the adoption of this Resolution calling for proposals for the leasing of the Property; copies of the RFP to be made available by the City's Finance Department, Procurement Division and such other terms as the City shall deem necessary. The terms and conditions of the Lease may include, but not be limited to the following subject matter areas:

- Duration
- Rent
- Escalation Clause
- Use
- Termination of Lease
- No Subordination of Fee simple 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 5. That all bids shall be delivered to the City of Fort Lauderdale, Procurement Services Division, 101 NE 3<sup>rd</sup> Avenue, Suite 1650, Fort Lauderdale, Florida, 33301 on or before 3:00 p.m. on October 22, 2024. All proposals must be accompanied by cash, cashier or certified check payable to the City equal to ten percent (10%) of the first year in which full annual rent is actually paid to the City by the proposed tenant or \$15,000, whichever is greater.

SECTION 6. That the City Commission will meet on November 19, 2024 at 6:00 p.m., or as soon thereafter as can be heard, in the Broward Center for the Performing Arts, **Mary N. Porter Riverview Ballroom**, 201 Southwest 5th Avenue, Fort Lauderdale, FL 33312, for the purpose of reviewing all bids and determining the best proposal which in the sole judgment of the City Commission is most advantageous to the City. The City may reject any and all bids at any time. The City Commission may define and waive any minor irregularity it may discover in any proposal contained and submitted in any offer.

SECTION 7. 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 8. That any and all Resolutions or parts thereof in conflict herewith are hereby repealed.

SECTION 9. That this Resolution shall be in full force and effect upon final adoption.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Mayor  
DEAN J. TRANTALIS

ATTEST:

\_\_\_\_\_  
City Clerk  
DAVID R. SOLOMAN

APPROVED AS TO FORM  
AND CORRECTNESS:

\_\_\_\_\_  
City Attorney  
THOMAS J. ANSBRO

Dean J. Trantalis            \_\_\_\_\_  
John C. Herbst            \_\_\_\_\_  
Steven Glassman            \_\_\_\_\_  
Pamela Beasley-Pittman    \_\_\_\_\_  
Warren Sturman            \_\_\_\_\_