



TO: Honorable Mayor & Members
Fort Lauderdale City Commission

FROM: Lee R. Feldman, ICMA-CM, City Manager

DATE: October 23, 2018

TITLE: Resolution Approving the First Amendment to the Lease Agreement with the Young Men's Christian Association (YMCA) of South Florida, Inc. for the Property at 1409 Sistrunk Boulevard (Mizell Center)

Recommendation

It is recommended that the City Commission adopt a Resolution approving the First Amendment to the lease agreement with the Young Men's Christian Association (YMCA) of South Florida, Inc. for the property at 1409 Sistrunk Boulevard., commonly known as the Mizell Center.

Background

On August 22, 2017, the City Commission approved a lease agreement with the Young Men's Christian Association (YMCA) of South Florida, Inc. to lease the property located at 1409 Sistrunk Boulevard to construct a modern contemporary community facility (Exhibit 1). It is the intent of the YMCA to demolish the existing building and build a YMCA facility that will include a swimming pool, children's daycare, retail, a gymnasium, a wellness center, a blackbox theatre, and classroom space for Broward Community College.

The First Amendment to the Lease establishes the "Effective Date" as October 24, 2018. On this date, the YMCA takes possession of the Leased Premises and begins on the demolition of the existing site. Lease revisions include:

- Amending the Initial Development Milestone language to reflect "Effective Date" instead of "Leased Date" under the first sentence of Section 3.4.2
- Section 3.4.3 is deleted and replaced with new language explaining the possession of the Leased Premises effective as of October 24, 2018 and Demolition Project to be completed within 180 days the from Effective Date. In addition, parties will record a Memorandum of the Lease confirming the Effective Date.
- Amending the Construction Milestone language under Section 3.4.4, complete construction of the YMCA Facility to be completed within two years after the expiration of the Initial Development Milestone period.

- Under Section 5.6.4, Lessee waives its right to conduct Phase II Environmental Site Assessment, no new hazardous substances were identified during the Possession Period, and both parties wave their right to terminate the Lease pursuant to Sections 5.6.3 and 5.6.4.
- New language under Section 5.8 identifies the Lessee as the Indemnitor and the Lessor as the Indemnatee.

Resource Impact

There is no fiscal impact to this item.

Strategic Connections

This item is a *Press Play Fort Lauderdale Strategic Plan 2018* initiative, included within the Public Places Cylinder of Excellence, specifically advancing:

- Goal 3: Be a community that finds opportunities and leverages partnerships to create unique, inviting, and connected gathering places that highlight our beaches, waterways, urban areas, and parks.

This item advances the *Fast Forward Fort Lauderdale 2035 Vision Plan: We Are Community*.

Attachments

Exhibit 1 – Lease Agreement

Exhibit 2 – First Amendment

Exhibit 3 – Resolution

Prepared by: Luisa Agathon, City Manager's Office

Department Director: Lee R. Feldman, ICMA-CM, City Manager