

RESOLUTION NO. 16-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, PERTAINING TO REAL PROPERTY KNOWN AS BAHIA MAR; MAKING CERTAIN FINDINGS; AUTHORIZING AND APPROVING A FOREIGN TRADE ZONE DESIGNATION FOR THE MARINA AT BAHIA MAR; AUTHORIZING EXECUTION OF A LETTER OF CONCURRENCE BY THE CITY MANAGER; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Fort Lauderdale acquired title to certain real property known as Bahia Mar from the United States of America by deed which was recorded in Broward County Official Records Book 604 at Page 529; and

WHEREAS, the City of Fort Lauderdale ("Lessor") and Rahn Bahia Mar, LLC (the "Master Tenant") a Delaware limited liability company, successor by merger to Rahn Bahia Mar, Ltd., ("Prior Lessee") a Florida limited partnership, have entered into an Existing Lease for real property located within the area known as Bahia Mar; and

WHEREAS, the "Existing Lease" means that certain Lease dated September 1, 1962, recorded in Official Records Book 2870, at Pages 530-581 of the Public Records of Broward County, Florida, as amended by instrument dated September 8, 1964, recorded in Official Records Book 2870, at Pages 582 to 583 of the Public Records of Broward County, Florida; as amended by an instrument entitled Modification of Lease dated December 7, 1971, recorded in Official Records Book 5080, at Pages 845 to 849 of the Public Records of Broward County, Florida; and further amended by that certain Amendment to Lease dated April 22, 1980, recorded in Official Records Book 8958, at Pages 334 to 338 of the Public Records of Broward County, Florida; and as assigned by that certain Assignment of Lease dated August 14, 1980, recorded in Official Records Book 9066, at Page 472 of the Public Records of Broward County, Florida; and further assigned by that certain Assignment of Lease dated May 12, 1982, recorded in Official Records Book 10204, Page 761 to 764 of the Public Records of Broward County, Florida; and further assigned to the Prior Lessee in that certain Consent to Assignment of Leasehold Interest and Assignment and Assumption of Leasehold Interest dated as of June 29, 1994, recorded in Official Records Book 22333, at Pages 886 to 893 of the Public Records of Broward County, Florida; and as amended and restated in that certain Amended and Restated

Lease dated January 4, 1995, recorded in Official Records Book 23168, at Pages 347 to 395 of the Public Records of Broward County, Florida, as amended by First Amendment to Amended and Restated Ground Lease recorded in Official Records Book 50912, Page 1085 of the Public Records of Broward County, Florida; and

WHEREAS, the Marine Industries Association of South Florida has filed an application to become part of Foreign Trade Zone #241 and Bahia Mar Marina is one of Fifteen (15) Marinas included within the application; and

WHEREAS, Rahn Bahia Mar, LLC is seeking a sub zone designation for the Bahia Mar Marina under Foreign Trade Zone #241; and

WHEREAS, the Tenant has asked the City to consent to the designation; and

WHEREAS, the City finds that consent to the designation is in the best interests of the City.

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 in this Resolution.

SECTION 2. The City Commission of the City of Fort Lauderdale consents to and approves the Foreign Trade Zone designation for Bahia Mar Marina and authorizes, empowers and directs the City Manager to execute the Letter of Concurrence.

SECTION 3. Should any section, paragraph, sentence, clause, phrase or other part of this Resolution be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Resolution as a whole or any portion or part thereof, other than the part so declared to be invalid.

SECTION 4. That this Resolution shall be in full force and effect immediately upon its passage.

ADOPTED this Resolution the _____ day of _____, 2016.

Mayor
JOHN P. "JACK" SEILER

ATTEST:

City Clerk
JEFFREY A. MODARELLI