RESOLUTION NO. 23-196

A RESOLUTION OF THE CITY COMMISSION OF THE CITY
OF FORT LAUDERDALE, FLORIDA, APPROVING A FIFTH
AMENDMENT TO THE AMENDED AND RESTATED LEASE
AGREEMENT WITH FXE PARCEL 15, LLC, FOR PARCEL 15
AT FORT LAUDERDALE EXECUTIVE AIRPORT AND
AUTHORIZING THE CITY MANAGER TO EXECUTE THE
AMENDMENT; PROVIDING FOR SEVERABILITY,
PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN
EFFECTIVE DATE.

WHEREAS, pursuant to Resolution No. 11-298 adopted on October 18, 2011, the City of Fort Lauderdale, Florida ("Lessor"), entered into an Amended and Restated Lease Agreement ("Lease Agreement") for the lease of Parcel 15 at the Fort Lauderdale Executive Airport ("FXE") with FXE Parcel 15, LLC ("Lessee") for a term of thirty years; and

WHEREAS, pursuant to Resolution No. 12-151, adopted on August 21, 2012, the City Commission authorized a First Amendment to the Lease Agreement providing for an increase in the size of the leased parcel to construct additional ramp space to accommodate aircraft parking and increased ground rent; and

WHEREAS, pursuant to Resolution No. 13-90, adopted on May 21, 2013, the City Commission authorized a Second Amendment to the Lease Agreement providing for an increase in the size of the leased parcel and increased ground rent; and

WHEREAS, pursuant to Resolution No. 18-270, adopted on December 18, 2018, the City Commission authorized a Third Amendment to the Lease Agreement providing for an increase in the size of the leased parcel in order to construct a new hangar and increased ground rent; and

WHEREAS, pursuant to Resolution No. 22-169, adopted on August 16, 2022, the City Commission authorized a Fourth Amendment to the Lease Agreement providing for the deletion and replacement of Paragraph 13 of the Lease Agreement to clarify the fuel flowage fee calculation and collection method; and

WHEREAS, the Lessee is now interested in adding one of the converted parcels along the western boundary of the Parcel 15 to its leasehold and obtaining an option to lease Parcel 14, which is located east of the Parcel 15 boundary; and

WHEREAS, the Airport Advisory Board recommended approval of this Fifth Amendment at its meeting held on April 27, 2023; and

WHEREAS, the City Manager and the City Commission declare that amending the Amended and Restated Lease Agreement is in the best interest of the City and the development of the said industrial center and the Amended and Restated Lease Agreement for Parcel 15, as amended, is the most advantageous lease that the city can make at the time of the area involved.

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

SECTION 1.   The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct, and are incorporated herein by this reference.
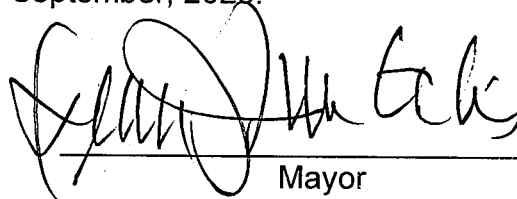
SECTION 2.   That the City Commission of the City of Fort Lauderdale, Florida, hereby approves the Fifth Amendment to the Amended and Restated Lease Agreement with FXE Parcel 15, LLC, for Parcel 15 at the Fort Lauderdale Executive Airport and authorizes the City Manager to execute the Fifth Amendment to the Amended and Restated Lease Agreement with FXE Parcel 15, LLC, subject to final review and approval by the City Attorney's Office.

SECTION 3.   That all resolutions in conflict herewith are hereby repealed, only to the extent of such conflict.

SECTION 4.   If any section, sentence, clause, or phrase of this resolution is held to be invalid or deemed unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this resolution.
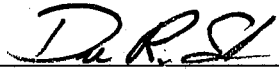
SECTION 5.   That this Resolution shall be in full force and effect upon final passage and adoption.
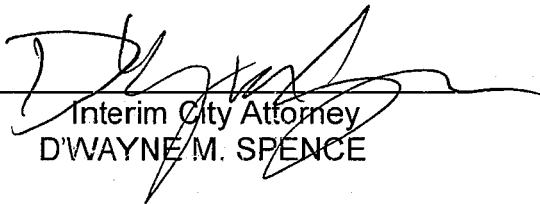
ADOPTED this 19th day of September, 2023.

_____
Mayor
DEAN J. TRANTALIS

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ATTEST:

DRS (signature)
                City Clerk
        DAVID R. SOLOMAN

APPROVED AS TO FORM
AND CORRECTNESS:

(signature)
        Interim City Attorney
        D'WAYNE M. SPENCE

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

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