

RESOLUTION NO. 22-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING THE THIRD AMENDMENT TO THE AMENDED AND RESTATED LEASE AGREEMENT AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE THIRD AMENDMENT TO THE AMENDED AND RESTATED LEASE AGREEMENT WITH GERALD M. HOLLAND, TRUSTEE, FOR PARCEL 4 AT THE FORT LAUDERDALE EXECUTIVE AIRPORT; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Gerald M. Holland, Trustee, is the Lessee in the Amended and Restated Lease Agreement dated December 21, 2004 for Parcel 4 at the Fort Lauderdale Executive Airport; and

WHEREAS, the Parcel 4 leasehold consists of 19.84 acres of General Aviation Airport (GAA) zoned property and has been improved with the construction of office space, hangars, and vehicular parking; and

WHEREAS, on May 17, 2011, the City and Gerald H. Holland, Trustee, entered into a First Amendment to the Amended and Restated Lease Agreement for Parcel 4 to permit the construction of an air traffic control tower and decrease the annual rent for Parcel 4 due to the encumbrance; and

WHEREAS, on May 7, 2020, the City and Gerald H. Holland entered into a Second Amendment to the Amended and Restated Lease Agreement to provide for rent and fuel fee deferrals as a result of the COVID-19 pandemic; and

WHEREAS, Sheltair Executive South, LLC, and its affiliates, have been tenants at the Fort Lauderdale Executive Airport for nearly 40 years and currently lease multiple parcels; and

WHEREAS, LESSEE is the CEO of Sheltair Executive South, LLC; and

WHEREAS, Sheltair Executive South, LLC leases Parcel 7B at the Fort Lauderdale Executive Airport; and

WHEREAS, in accordance with the terms of the Amended and Restated Lease Agreement, as amended for Parcel 7B, Sheltair Executive South, LLC, was required to expend \$1,300,000.00 to replace the existing ramp with asphalt on Parcel 7B as part of the Phase 1 improvements; and

WHEREAS, in accordance with the terms of the Amended and Restated Lease Agreement, as amended, for Parcel 7B, Sheltair Executive South, LLC was required to complete all Phase 1 improvements on Parcel 7B by March 31, 2021 and expend a minimum of \$1,490,000.00 for all Phase 1 improvements; and

WHEREAS, Sheltair Executive South, LLC has made the required Phase 1 improvements on Parcel 7B, but has only expended \$416,385.00 instead of the \$1,490,000.00 required in the Amended and Restate Lease Agreement, as amended, for Parcel 7B; and

WHEREAS, the CITY and Gerald M. Holland, Trustee, have agreed to amend the Lease for Parcel 4 to permit Sheltair Executive South, LLC, and its contractors, subcontractors, agents, and employees to complete improvements on Parcel 4 at the Fort Lauderdale Executive Airport, in order to fulfill Sheltair Executive South, LLC's improvement expenditure requirement in the Parcel 7B Lease, as amended; and

WHEREAS, on December 2, 2021, the Aviation Advisory Board supported staff's recommendation to approve the proposed Third Amendment to the Amended and Restated Lease Agreement for Parcel 4.

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

SECTION 1. That the Recitals set forth above are true and correct and incorporated herein by this reference.

SECTION 2. That the City Commission of the City of Fort Lauderdale, Florida, hereby approves the Third Amendment to the Amended and Restated Lease Agreement permitting the Lessee to make improvements on Parcel 4 at the Fort Lauderdale Executive Airport.

SECTION 3. That the City Commission hereby authorizes the City Manager to execute the Third Amendment to the Amended and Restated Lease Agreement, subject to final review and approval by the City Attorney's office.

SECTION 4. That all resolutions in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5. That this Resolution shall be in full force and effect upon final passage and adoption.

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 _____

Ben Sorensen _____

City Attorney
ALAIN E. BOILEAU