

RESOLUTION NO. 22-27

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING THE SECOND AMENDMENT TO THE AMENDED AND RESTATED LEASE AGREEMENT AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE SECOND AMENDMENT TO THE AMENDED AND RESTATED LEASE AGREEMENT WITH SHELTAIR EXECUTIVE SOUTH, LLC, FOR PARCELS 1B, 20, AND 20A AT THE FORT LAUDERDALE EXECUTIVE AIRPORT; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, "Sheltair Executive South, Inc." was originally identified as the Lessee in the Amended and Restated Lease Agreement dated January 1, 2017 for Parcels 1B, 20, and 20A at the Fort Lauderdale Executive Airport; and

WHEREAS, in 2020, Lessee converted "Sheltair Executive South, Inc." to "Sheltair Executive South, LLC," a Florida limited liability company; and

WHEREAS, the City of Fort Lauderdale ("City") and Lessee have agreed to amend the Lease to change the name of the Lessee to Sheltair Executive South, LLC, a Florida limited liability company; and

WHEREAS, the Parcel 1B leasehold consists of 11.57 acres of General Aviation Airport (GAA) zoned property and has been improved with the construction of office space, hangars, and vehicular parking; 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, on May 7, 2020, the City entered into the First Amendment to the Amended and Restated Lease Agreement for Parcels 1B, 20; and 20A which deferred rent payments in 2020 due to the COVID-19 pandemic; and

WHEREAS, Sheltair Executive South, LLC, also 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 LESSEE have agreed to amend the Lease for Parcels 1B, 20, and 20A to permit Sheltair Executive South, LLC, and its contractors, subcontractors, agents, and employees to complete improvements on Parcel 1B at the Fort Lauderdale Executive Airport in order to fulfill the 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 Second Amendment to the Amended and Restated Lease Agreement for Parcels 1B, 20, and 20A.

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 Second Amendment to the Amended and Restated Lease Agreement changing the name of the Lessee identified in the Amended and Restated Lease Agreement for Parcels 1B, 20, and 20A at the Fort Lauderdale Executive Airport to Sheltair Executive South, LLC and permitting the Lessee to make improvements on Parcel 1B at the Fort Lauderdale Executive Airport.

SECTION 3. That the City Commission hereby authorizes the City Manager to execute the Second 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 1st day of February, 2022.



Mayor
DEAN J. TRANTALIS

ATTEST:



City Clerk
DAVID R. SOLOMAN

APPROVED AS TO FORM:



City Attorney
ALAIN E. BOILEAU

Dean J. Trantalis

Yea

Heather Moraitis

Yea

Steven Glassman

Yea

Robert L. McKinzie

Not Present

Ben Sorensen

Yea