

RESOLUTION NO. 22-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, DECLARING THAT A PORTION OF THE LAND LOCATED AT 290 NE THIRD AVENUE AND IMPROVEMENTS SITUATED THEREON AND MORE PARTICULARLY DESCRIBED BELOW, ARE NOT NEEDED FOR GOVERNMENTAL PURPOSES, AND DECLARING THE INTENTION OF THE CITY COMMISSION TO LEASE SUCH LAND AND IMPROVEMENTS THEREON PURSUANT TO SECTION 8.09 OF THE CITY CHARTER FOR A PERIOD NOT TO EXCEED FIFTY (50) YEARS PLUS FIVE (5) YEARS TO COMPLETE CAPITAL IMPROVEMENTS; AUTHORIZING REQUEST FOR PROPOSALS; REQUIRING PUBLICATION OF NOTICE AS TO WHEN THE CITY COMMISSION WILL EVALUATE BIDS; REPEALING ALL RESOLUTIONS OR PARTS THEREOF IN CONFLICT HEREWITH; PROVIDE FOR AN EFFECTIVE DATE.

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WHEREAS, the City of Fort Lauderdale owns certain land and improvements located at 290 NE Third Avenue with a tax folio number of 504210110410 and legally described as follows (hereinafter referred to as "Property"); and

Lots 18, 20, 22 and 24, Block "B" LESS the North 15 feet thereof, and Lot 26, Block "B" LESS the North 15 feet thereof, and LESS the West 20 feet thereof. GEO M. PHIPPEN' S SUBDIVISION OF LOTS 3, 4, 5 & 6, BLK 1, & LOTS 3, 4, 5, 6, 7, 8, 9 & 10, BLK 14, KNOWLTON'S SURVEY, 1895, FORT LAUDERDALE, FLA., according to the Plat thereof, recorded in Plat Book "B", Page 146, of the Public Records of Dade County, Florida, said lands situate, lying and being in Broward County, Florida. TOGETHER WITH: a perpetual easement to maintain a 5 foot building overhang, across the East 5 feet of the West 20 feet of the above described Lot 26, and a perpetual easement to maintain a 5 foot building overhang across the South 5 feet of the North 15 feet of Lots 20, 22, 24 and 26.

WHEREAS, the Land is approximately 32,380 square feet with a 15,356 square foot two (2) story building and a surface parking lot located thereon which upon information and belief was built in 1956 and renovated in 1968; and

WHEREAS, the building is currently occupied by personnel within the Transportation and Mobility Department of the City of Fort Lauderdale and has outlived its useful life; and

WHEREAS, the City is seeking proposals to maximize the optimal use of the site while providing a Class A, state of the art facility for occupancy by city staff while also activating the site and encouraging private, commercial and/or residential use and street level retail; and

WHEREAS, the City Commission deems it to be in the best interest of the City that such Property be advertised for lease under the provisions of Section 8.09 of the City Charter, subject to certain conditions, limitations and restrictions; and

WHEREAS, the City Commission finds that a portion of the Property is not needed for governmental purpose and pursuant to the terms and conditions set forth in City Charter Section 8.09, deems it in the best interest of the citizens of Fort Lauderdale to offer the Property for lease and to seek bids from interested persons in accordance with a request for proposals approved by the City, for a lease term not to exceed fifty (50) years plus five (5) years to construct capital improvements, subject to approval by the City;

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

SECTION 1. That each WHEREAS clause set forth above is true and correct and incorporated herein by this reference.

SECTION 2. That the City Commission of the City of Fort Lauderdale hereby declare and determine its intention to lease, upon the terms and conditions prescribed below and in the request for proposal, certain lands and improvements located at 290 NE Third Avenue, Fort Lauderdale, Florida, which lands lie within Fort Lauderdale, Broward County, Florida, to wit:

Lots 18, 20, 22 and 24, Block "B" LESS the North 15 feet thereof, and Lot 26, Block "B" LESS the North 15 feet thereof, and LESS the West 20 feet thereof. GEO M. PHIPPEN' S SUBDIVISION OF LOTS 3, 4, 5 & 6, BLK 1, & LOTS 3, 4, 5, 6, 7, 8, 9 & 10, BLK 14, KNOWLTON'S SURVEY, 1895, FORT LAUDERDALE, FLA., according to the Plat thereof, recorded in Plat Book "B", Page 146, of the Public Records of Dade County, Florida, said lands situate, lying and being in Broward County, Florida. TOGETHER WITH: a perpetual easement to maintain a 5 foot building

overhang, across the East 5 feet of the West 20 feet of the above described Lot 26, and a perpetual easement to maintain a 5 foot building overhang across the South 5 feet of the North 15 feet of Lots 20, 22, 24 and 26.

SECTION 3. Notwithstanding, the term of the Lease shall not exceed fifty (50) years plus such length of time, not to exceed five (5) years, as determined by the City Commission to be reasonably necessary to complete construction of the proposed improvements. The successful bidder shall take possession of the Property subject to the rights of the City to occupy and possess the Property, shall make a minimum investment in the Property, as determined by the City, from its own resources and the fee simple interest of the City shall not be encumbered or subordinated. That Colliers International of South Florida LLC shall be entitled to receive a fee equal to four percent (4%) of the Net Present Value (NPV) of gross rentals paid to the City of Fort Lauderdale over the initial term of the lease. This fee will be paid by the selected proposer and shall be paid by the selected proposer within twenty (20) days after completion of all conditions under the Lease.

SECTION 4. That such Property and improvements shall be leased upon the terms and conditions specified in this Resolution, and as set forth in the request for proposals processed by Collier's as detailed in Exhibit 1 – Collier's Proposal Submittal Procedure and reviewed by the City Commission in connection with the adoption of this Resolution calling for proposals for the leasing of the Property; copies of the RFP to be made available by the City's Finance Department, Procurement Division and such other terms as the City shall deem necessary. The terms and conditions of the Lease shall include, but not be limited to the following subject matter areas:

- Duration
- Rent
- Escalation Clause
- Use;
- Termination of Lease
- No Subordination of Fee simple interest
- Operation of Lands and Improvements
- Termination for Failure to Commence Operations
- Leasehold Improvements – Generally
- Leasehold Improvements – Specifically
- Leasehold Improvements – Minimum Investment
- Period for completion of Leasehold Improvements
- Commencement of Rent Obligation
- Capital Replacement Reserve Account

Off Street parking  
Indemnification and Hold Harmless  
Insurance  
Easements  
Taxes and Utilities  
Maintenance, Repairs and Upkeep  
Substitution of Personnel  
Subcontractors  
Payment and Performance Bond  
Force Majeure  
Damage to Public or Private Property  
Safety  
Building and Site in "AS IS" Condition  
Assignment and Subleases  
Triple Net Lease  
Compliance with Codes and Regulations  
Other terms and conditions  
Approval of City Attorney

SECTION 5. That all bids shall be delivered to the Procurement Division Suite 619, 100 North Andrews Avenue, Fort Lauderdale, Florida, 33301 on or before 3:00 p.m. on May 19, 2022. All proposals must be accompanied by cash, cashier or certified check payable to the City equal to ten percent (10%) of the first year in which full annual rent is actually paid to the City by the proposed tenant.

SECTION 6. That the City Commission will meet on August 16, 2022 at 6:00 p.m., or as soon thereafter as can be heard, in City Hall at 100 North Andrews Avenue, Fort Lauderdale, Florida, 33301 for the purpose of reviewing all bids and determining the best proposal which in the sole judgment of the City Commission is most advantageous to the City. The City may reject any and all bids at any time. The City Commission may define and waive any minor irregularity it may discover in any proposal contained and submitted in any offer.

SECTION 7. That the City Clerk shall publish a notice in the official newspaper of the City for two (2) issues prior to the date set forth above for receiving bids; the first publication to be not less than ten (10) days before said date of receiving bids, and the second publication to be one week following the first publication.

SECTION 8. That any and all Resolutions or parts thereof in conflict herewith are hereby repealed.

SECTION 9. That this Resolution shall be in full force and effect upon final 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 \_\_\_\_\_

\_\_\_\_\_  
City Attorney  
ALAIN E. BOILEAU

Ben Sorensen \_\_\_\_\_