

RESOLUTION NO. 16- 175

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING AN AWARD OF BID TO SUNTEX MARINA INVESTORS, LLC IN PARTNERSHIP WITH EDGEWATER RESOURCES, LLC (SUNTEX); AUTHORIZING NEGOTIATION AND PREPARATION OF LEASE, PURSUANT TO SECTION 8.09 OF THE CITY CHARTER, WITH RESPECT TO LAND AND IMPROVEMENTS, OWNED BY THE CITY OF FORT LAUDERDALE, LOCATED AT 201 SOUTH BIRCH ROAD AND KNOWN AS LAS OLAS-INTRACOASTAL PARKING LOT AND CERTAIN LANDS AND IMPROVEMENTS LEASED BY THE CITY OF FORT LAUDERDALE FROM THE BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT FUND OF THE STATE OF FLORIDA, LOCATED AT 240 E. LAS OLAS CIRCLE AND KNOWN AS LAS OLAS MARINA, SUCH LANDS AND IMPROVEMENTS BEING MORE PARTICULARLY DESCRIBED BELOW; REQUIRING PUBLICATION OF NOTICE OF A PUBLIC HEARING ON **TUESDAY, FEBRUARY 21, 2017**; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Fort Lauderdale leases certain land and improvements, located at 240 E. Las Olas Circle (hereinafter referred to as the "Las Olas Marina"); and

WHEREAS, the City owns the Las Olas-Intracoastal Parking Lot located at 201 South Birch Road (hereinafter referred to as the "Parking Lot"); and

WHEREAS, pursuant to Resolution No. 16-102, the City Commission declared its intent to Lease the Las Olas Marina and a portion of the Parking Lot; and

WHEREAS, the City Commission finds that the Las Olas Marina and a portion of the Parking Lot are no longer needed for a governmental purpose and deems it in the best interest of the City to offer the Las Olas Marina and a portion of the Parking Lot 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, pursuant to the terms and conditions set forth

in section 8.09 of the City Charter made a determination that it is in the best interest of the citizens to seek bids from interested persons in accordance with a request for proposal approved by the City Commission for a lease of the Las Olas Marina and a portion of the Parking Lot, subject to approval by the Board of Trustees of the Internal Improvement Fund of the State of Florida; and

WHEREAS, the City issued a Request for Proposal (RFP) seeking qualified, experienced and licensed firm(s) to finance, build, operate and maintain the Las Olas Marina, as it currently exists and any improvements or upgrades thereto; and

WHEREAS, only one firm Suntex Marina Investors LLC in partnership with Edgewater Resources, LLC (Suntex), submitted a proposal; and

WHEREAS, the Evaluation Committee carefully reviewed the proposal submitted by Suntex and listened to oral presentations from representatives of Suntex; and

WHEREAS, the Evaluation Committee recommends an award of the bid to Suntex Marina Investors LLC in partnership with Edgewater Resources, LLC; and

WHEREAS, the City finds that the proposal of Suntex Marina Investors LLC in partnership with Edgewater Resources, LLC is most advantageous to the City.

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 accepts the proposal of Suntex and awards the bid to Suntex Marina Investors LLC in partnership with Edgewater Resources, LLC, subject to negotiation of an acceptable lease. Improvements shall be made to Las Olas Marina and a portion of the Parking Lot in accordance with the proposal, subject to compliance with all federal, state and local laws, rules, regulations, ordinances, licenses and permits and further, subject to review and approval by the City Commission. In accordance with the City Charter, the improvements shall be made in a manner that is not detrimental to the operation of the proposed facility.

SECTION 3. That the City of Fort Lauderdale does hereby declare its intention to lease to Suntex Marina Investors LLC or a subsidiary of Suntex Marina Investors LLC, in which the sole principals are Suntex Marina Investors LLC and Edgewater Resources, LLC, the Las Olas Marina and a portion of the Parking Lot (as described in Exhibit "A" attached hereto) **less** that portion of the Parking Lot reserved for construction of a parking garage and less that portion of

the Parking Lot which shall remain as open space/park/parking lot, subject to negotiation and preparation of an acceptable lease and any ancillary documents and subject to approval of the Board of Trustees of the Internal Improvement Fund of the State of Florida ("TIIF"):

SECTION 4. The City Commission reserves the right to reject the Lease if the terms and conditions are not acceptable in its sole discretion or if the terms and conditions imposed by TIIF are not acceptable.

SECTION 5. Said Lease, shall comply with the City Charter and shall not exceed fifty years (50) plus such length of time (not to exceed five (5) years) to complete the construction of the improvements on Las Olas Marina and a portion of the Parking Lot.

SECTION 6. That the City Commission will meet on **Tuesday, February 21, 2017** at 6:00 p.m., or as soon thereafter as can be heard, or such other date as it may designate, in City Hall at 100 North Andrews Avenue, Fort Lauderdale, Florida for the purpose of reviewing the terms and conditions of the Lease.

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 acceptance of the lease; the first publication to be not less than ten (10) days before said date of acceptance of the lease, and the second publication to be one week following the first publication.

SECTION 9. That the Effective Date of this Resolution is the date of adoption.

Approved this the _____ day of _____, 2016.

Mayor
JOHN P. "JACK" SEILER

ATTEST:

City Clerk
JEFFREY A. MODARELLI

EXHIBIT "A"

LEGAL DESCRIPTION

SUBMERGED LAND LEASE
BIRCH/LAS OLAS NEW DOCKS
CITY OF FORT LAUDERDALE,
BROWARD COUNTY, FLORIDA

A portion of submerged land lying in New River Sound in Section 12, Township 50 South, Range 42 East, and being West of Parcel A and B, LAS OLAS DEL MAR I, according to the plat thereof, recorded in Plat Book 147, Page 20, of the public records of Broward County, Florida, and being all more fully described as follows:

Commencing No. 1 at the Southwest corner of said Parcel "A", thence North $78^{\circ}24'38''$ West, on the North right-of-way line of Las Olas Boulevard, a distance of 8.44 feet to the Point of Beginning No. 1; thence North $79^{\circ}44'17''$ West, on the said North right-of-way line, a distance of 152.08 feet to a point, said point bearing North $40^{\circ}31'50''$ West, a distance of 38.73 feet from Monument WSW-120, as shown on U.S. Army Engineer District Map, Intracoastal Waterway Map, Sheet 1B of 20, File No. 85-24258, last dated July 27, 1983; thence North $08^{\circ}28'41''$ East, a distance of 120.98 feet; thence North $00^{\circ}31'29''$ West, a distance of 450.66 feet; thence North $10^{\circ}45'46''$ East, a distance of 202.04 feet; thence South $79^{\circ}11'12''$ East, a distance of 272.34 feet; thence South $16^{\circ}44'43''$ East, a distance of 25.67 feet to a point on curve and a point on the wet face of an existing bulkhead; thence Southwesterly on a curve to the left, whose tangent is perpendicular to the last mentioned course and on the said wet face of an existing bulkhead, with a radius of 110.00 feet and a central angle of $64^{\circ}45'54''$, an arc distance of 124.36 feet to a point of tangency, said point of tangency bearing North $78^{\circ}05'08''$ West, a distance of 8.07 feet from the offset Permanent Reference Monument marking the Westerly point of curvature on the West boundary of said Parcel "A"; thence South $08^{\circ}28'39''$ West, on the said wet face, a distance of 640.27 feet; thence South $28^{\circ}42'22''$ West, on the said wet face, a distance of 10.84 feet to the Point of Beginning No. 1.

TOGETHER WITH:

Commencing No. 2 at the Northwest corner of said Parcel B; thence North $09^{\circ}04'20''$ West, a distance of 19.21 feet to the Point of Beginning No. 2; thence North $17^{\circ}28'19''$ West, on the wet face of an existing bulkhead, a distance of 12.19 feet; thence North $78^{\circ}18'20''$ West, a distance of 152.51 feet to a point, said point bearing South $30^{\circ}26'53''$ West, a distance of 82.70 feet from said Monument WSW-120; thence South $08^{\circ}46'53''$ West, a distance of 63.08 feet; thence South $10^{\circ}40'38''$ East, a distance of 264.42 feet; thence North $89^{\circ}28'31''$ East, a distance of 131.32 feet, to a point on a curve, and to a point on the wet face of an existing bulkhead; thence Northwesternly on a curve to the right and on said wet face, whose tangent bears North $53^{\circ}12'54''$ West, with a radius of 111.14 feet and a central angle of $60^{\circ}57'29''$, an arc distance of 116.25 feet to a point, said point bearing North $55^{\circ}52'42''$ West, from the Permanent Reference Monument marking the point of curvature on the west line of said Parcel "B"; thence North $08^{\circ}31'08''$ East, on the said wet face, a distance of 179.02 feet to the Point of Beginning No. 2.

Said lands situated, lying and being in the City of Fort Lauderdale, Broward County, Florida and containing 193,772 square feet or 4.4484 acres more or less.

DESCRIPTION:

Portions of those certain lands of the New River Sound together with a portion of the AMENDED PLAT OF LAS OLAS BY THE SEA SUBDIVISION, according to the plat thereof, as recorded in Plat Book 1, Page 6 of the Public Records of Broward County, Florida, lying in Section 12, Township 60 South, Range 42 East, Broward County, Florida, being described as follows:

COMMENCE at the Northeast corner of Lot 6, Block 12, LAUDER DEL MAR, according to the plat thereof, as recorded in Plat Book 7, Page 30 of said Public Records; thence South $89^{\circ}02'35''$ West, along the North line of said Lot 6, and its Westerly extension, a distance of 239.92 feet to the POINT OF BEGINNING; thence South $03^{\circ}45'51''$ East, a distance of 190.17 feet; thence South $05^{\circ}23'38''$ East, a distance of 18.70 feet; thence South $02^{\circ}43'00''$ East, a distance of 83.17 feet; thence South $01^{\circ}21'24''$ East, a distance of 154.66 feet; thence South $04^{\circ}35'15''$ West, a distance of 19.68 feet; thence South $07^{\circ}25'12''$ West, a distance of 90.91 feet; thence South $07^{\circ}38'31''$ West, a distance of 82.65 feet; thence South $07^{\circ}05'00''$ West, a distance of 214.38 feet to an intersection with the arc of a curve concave to the Northwest and whose radius point bears North $49^{\circ}02'28''$ West from the last described point; thence Southwesterly and Westerly along the arc of said curve having a radius of 15.00 feet, a central angle of $85^{\circ}53'33''$, an arc distance of 15.68 feet to the point of tangency; thence North $79^{\circ}08'55''$ West, along the North right-of-way line of East Las Olas Boulevard, as described in Official Records Book 3466, Page 622 of said Public Records, a distance of 347.33 feet; thence North $08^{\circ}12'14''$ East, along the existing bulkhead line as described in City of Fort Lauderdale Ordinance No. O-1421 and recorded in Official Records Book 1282, Page 182 of said Public Records, a distance of 850.86 feet to a point of curvature of a curve concave to the Southeast; thence Northerly and Easterly along the arc of said curve and said bulkhead line, said curve having a radius of 110.00 feet, a central angle of $80^{\circ}50'21''$, an arc distance of 155.20 feet to a point of tangency; thence North $89^{\circ}02'35''$ East, and continuing along said bulkhead line, a distance of 181.31 feet to the POINT OF BEGINNING.

TOGETHER WITH:

BEGINNING at the Northwest corner of the "RESUBDIVISION OF LOTS 5, 7, 8, 9, 10, 11 and 12, MOONEY POINT" according to the Plat thereof, as recorded in Plat Book 88, Page 27 of said Public Records; thence South $89^{\circ}02'35''$ West, along the existing bulkhead line as described in said City of Fort Lauderdale Ordinance O-1421, a distance of 195.83 feet to a point of curvature of a curve concave to the Northeast; thence Westerly and Northerly along the arc of said curve and said bulkhead line, said curve having a radius of 110.00 feet, a central angle of $95^{\circ}09'39''$, an arc distance of 180.38 feet to a point of tangency; thence North $08^{\circ}12'14''$ East, and continuing along said bulkhead line, a distance of 192.70 feet; thence South $79^{\circ}08'55''$ East, along the South right-of-way line of East Las Olas Boulevard as described in said Official Records Book 3466, Page 622, a distance of 266.02 feet to an intersection with a line being the Northerly extension of the face of the bulkhead line as it existed on May 6, 1960 and shown on the City of Fort Lauderdale's Engineering plan entitled "Bulkhead Line and Fill Plan - Birch - Las Olas Parking Lot and Adjoining Area"; thence South $09^{\circ}05'17''$ West, along said bulkhead line and its Northerly extension, a distance of 267.42 feet to the POINT OF BEGINNING.

Subject to all easements, rights-of-way, and reservations of record.

Containing 7.64 acres, more or less.

Bearings described herein are relative to the Transverse Mercator Projection, Florida East Zone, Grid North.