

RESOLUTION NO. 16-214

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, DECLARING ITS NOTICE OF INTENT TO LEASE CERTAIN LANDS AND IMPROVEMENTS SITUATED THEREON, OWNED BY THE CITY OF FORT LAUDERDALE AND LOCATED AT XXX NE 10 STREET, DANIA BEACH, FLORIDA AND KNOWN AS DANIA FARMS PURSUANT TO SECTION 8.09 OF THE CITY CHARTER; DECLARING SUCH LANDS ARE NOT NEEDED FOR PUBLIC OR GOVERNMENTAL PURPOSES; AUTHORIZING ISSUANCE OF A REQUEST FOR PROPOSAL; SETTING FORTH GENERAL TERMS AND CONDITIONS FOR THE LEASE; REQUIRING PUBLICATION OF NOTICE OF THE DATE WHEN THE CITY COMMISSION WILL EVALUATE BIDS; REPEALING ALL RESOLUTIONS OR PARTS THEREOF IN CONFLICT HERewith; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City owns Dania Farms located at XXX NE 10th Street, Dania Beach, Florida (hereinafter referred to as the "Dania Farms"); and

WHEREAS, Dania Farms has been used by the City as a nursery and tree farm since on or around November 21, 1945; and

WHEREAS, the City Commission finds that Dania Farms is no longer needed for public or governmental purposes and deems it in the best interest of the City to advertise Dania Farms 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, deems it in the best interest of the citizens to seek bids from interested persons for a lease of Dania Farms;

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 of Fort Lauderdale does hereby declare and determine its intention to lease under competitive conditions Dania Farms, which lands lie within Dania Beach, Broward County, Florida, to wit:

The West ½ of the E ½ of the NE ¼ of the NE ¼, less the N. 35 feet and less the S. 100 feet thereof of Section 34, Range 42 E., Township 50 S., of the Public Records of Broward County, Florida.

**SECTION 3.** That Dania Farms and improvements thereon, if any, shall be leased upon the terms and conditions specified in this Resolution, reviewed by the City Commission in connection with the adoption of this Resolution calling for sealed bids for the leasing of Dania Farms. 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, if any. The terms and conditions of the Lease may include, but not limited, to the following subject matter areas:

- Duration
- Rent
- Escalation Clause
- Permitted Use
- Termination of Lease
- No Subordination or encumbrance of City 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 4. That all bids shall be delivered in a sealed envelope no later than 2:00 p.m. on **January 19, 2017** to City of Fort Lauderdale Procurement Services, Attn: AnnDebra Diaz, 100 N. Andrews Avenue, #619, Fort Lauderdale, FL 33301. The sealed bids must be accompanied by cash, cashier's check or certified check in an amount equal to ten (10%) percent of the first year rental payments to the City.

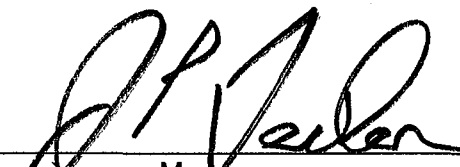
SECTION 5. That the City Commission will meet on **February 7, 2017** at 6:00 p.m., or as soon thereafter as can be heard, in City Hall at 100 North Andrews Avenue, Fort Lauderdale, Florida, for the purpose of reviewing all bids and determining the best proposal submitted. The City may reject any and all bids at any time. The City Commission may waive any minor irregularities contained in any proposal.

SECTION 6. 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 7. That any and all Resolutions or parts thereof in conflict herewith are hereby repealed.

SECTION 8. That the effective date of this Resolution is December 20, 2016.

ADOPTED this the 20th day of December, 2016.

  
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Mayor  
JOHN P. "JACK" SEILER

ATTEST:



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City Clerk  
JEFFREY A. MODARELLI