

## **LETTER OF AUTHORIZATION**

The City of Fort Lauderdale ("Owner") is the owner in fee simple of the uplands containing 7.64 acres, more or less, and, the owner by leasehold, of approximately 4.45 acres of adjacent submerged sovereign land all as more particularly described on Exhibit A attached hereto and located at 240 E. Las Olas Circle, Fort Lauderdale, Florida 33316 (collectively "Property") which Property was conveyed or leased, as applicable to the Owner by the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida ("T.I.I.T.F"). The Owner hereby authorizes David Filler on behalf of Suntex Marina Investors, LLC, (the "Applicant"), to negotiate (with any agreement being expressly subject to the approval of the Owner) on behalf of Owner with representatives of T.I.I.T.F., and none other, a modified rental obligation from that which is currently set forth in that certain Release of Deed Restriction and Reverter dated October 24, 1989, Deed No. 90047196, recorded in the Official Records Book 7136, Page 645 of the Public Records of Broward County, Florida. Nothing herein shall prohibit the authorized individuals of the Applicant to bring with them other members of their development team to meetings or have other members of their development team participate in telephone calls with T.I.I.T.F so long as one of the referenced individuals is directly leading the call or meeting on behalf of the Applicant.

With respect to the authorization granted herein, the Applicant shall comply with Florida's and the Owner's Public Records, Ethics, Disclosure, Lobbying, and Public Meeting laws, rules, regulations, statutes, resolutions and ordinances and Suntex Marina Investors, LLC ("Indemnitor") shall protect, defend, indemnify and hold harmless the Owner from penalties, damages, judgments, settlements, claims, losses, liability, costs, charges, expenses of all kind, including reasonable attorney's fees and costs arising from its failure to comply with said laws, statutes, rules, regulations resolutions and ordinances. This indemnity shall survive expiration or earlier termination of this Authorization.

The Applicant shall provide periodic reports relating to the status of the negotiations to the Owner's designee, Jonathan Luscomb, and shall copy (either by e-mail, US mail or other customary delivery service) the Owner's designee on all written communication with TIITF and shall, to the maximum extent possible, include the Owner's designee in all meetings, communications and conversations with representatives of TIITF.

The Applicant shall coordinate its meetings, discussions and negotiations with TIITF with the Owner's representatives, Jonathan Luscomb, and in his absence, Ryan Henderson.

This Letter of Authorization is effective as of the date of the notary set forth in the notary acknowledgement and shall expire 180 days from the Effective Date, unless extended in writing by the Owner. The Owner reserves the right to terminate this Letter of Authorization at any time, with or without cause.

Further, nothing in this Authorization shall create a partnership, agency, joint venture or other joint relationship.

**SIGNATURE PAGE AND NOTARY ACKNOWLEDGMENT**  
**LETTER OF AUTHORIZATION**

By: \_\_\_\_\_

Name: Lee Feldman

Company: City of Fort Lauderdale

Title: City Manager

STATE OF \_\_\_\_\_ )  
 ) ss.:  
COUNTY OF \_\_\_\_\_ )

On the \_\_\_\_\_ day of \_\_\_\_\_ in the year 2017, before me, the undersigned, personally appeared Lee Feldman, as City Manager of the City of Fort Lauderdale, a Florida municipal corporation personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he executed the same in his capacity(ies), and that by his signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

\_\_\_\_\_  
(signature and office of individual taking acknowledgment)

**ACKNOWLEDGED AND AGREED TO BY:**

SUNTEX MARINA INVESTORS, LLC,  
a Delaware limited liability company

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

## EXHIBIT A

Legal Description of Uplands and Submerged Lands  
Owned or Leased by City and located at 240 E. Las Olas Circle

(See Attached)

**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 50 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°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°46'51" East, a distance of 190.17 feet; thence South 05°23'38" East, a distance of 19.75 feet; thence South 02°43'00" East, a distance of 63.17 feet; thence South 01°21'24" East, a distance of 154.66 feet; thence South 04°35'16" West, a distance of 19.98 feet; thence South 07°25'12" West, a distance of 90.81 feet; thence South 07°36'31" West, a distance of 52.66 feet; thence South 07°09'00" West, a distance of 214.39 feet to an intersection with the arc of a curve concave to the Northwest and whose radius point bears North 49°02'29" 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 59°53'33", an arc distance of 15.68 feet to the point of tangency; thence North 79°08'56" West, along the North right-of-way line of East Las Olas Boulevard, as described in Official Records Book 3465, Page 622 of said Public Records, a distance of 347.33 feet; thence North 08°12'14" East, along the existing bulkhead line as described in City of Fort Lauderdale Ordinance No. C-1421 and recorded in Official Records Book 1282, Page 182 of said Public Records, a distance of 650.86 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°50'21", an arc distance of 155.20 feet to a point of tangency; thence North 89°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 68, Page 27 of said Public Records; thence South 89°02'35" West, along the existing bulkhead line as described in said City of Fort Lauderdale Ordinance C-1421, a distance of 135.83 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 99°09'39", an arc distance of 190.38 feet to a point of tangency; thence North 08°12'14" East, and continuing along said bulkhead line, a distance of 192.70 feet; thence South 79°08'56" East, along the South right-of-way line of East Las Olas Boulevard as described in said Official Records Book 3465, 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 5, 1958 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°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.

Sheet 1 of 3  
DER/ss  
Job No. C162J  
89012.DR4

Return to Real Estate Office  
Public Works Department  
City of Fort Lauderdale  
P. O. Drawer 14260  
Fort Lauderdale, FL 33302

Exhibit "B"

BK 17136PG0651

UTILITY EASEMENT

**P A R C E L**  
**LAS OLAS DEL MAR**  
**(PLAT BOOK 147, PAGE 20)**

**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 Parcels 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°24'38" West, on the North right-of-way line of Las Olas Boulevard, a distance of 9.44 feet to the Point of Beginning NO.1; thence North 79°14'14" West, on the said North right-of-way line, a distance of 152.00 feet to a point, said point bearing North 40°51'50" West, a distance of 38.73 feet from Monument IWBW-120, as shown on U.S. Army Engineer District Map, Intracoastal Waterway Map, Sheet 16 of 20, File No. 88-24,258, last dated July 17, 1963; thence North 08°28'41" East, a distance of 120.99 feet; thence North 00°31'29" West, a distance of 460.86 feet; thence North 10°48'48" East, a distance of 202.04 feet; thence South 79°11'12" East, a distance of 272.34 feet; thence South 16°44'43" East, a distance of 25.57 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°46'34", an arc distance of 124.36 feet to a point of tangency, said point of tangency bearing North 78°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°28'39" West, on the said wet face, a distance of 640.27 feet; thence South 29°42'22" West, on the said wet face, a distance of 10.84 feet to the Point of Beginning No.1

**TOGETHER WITH:**

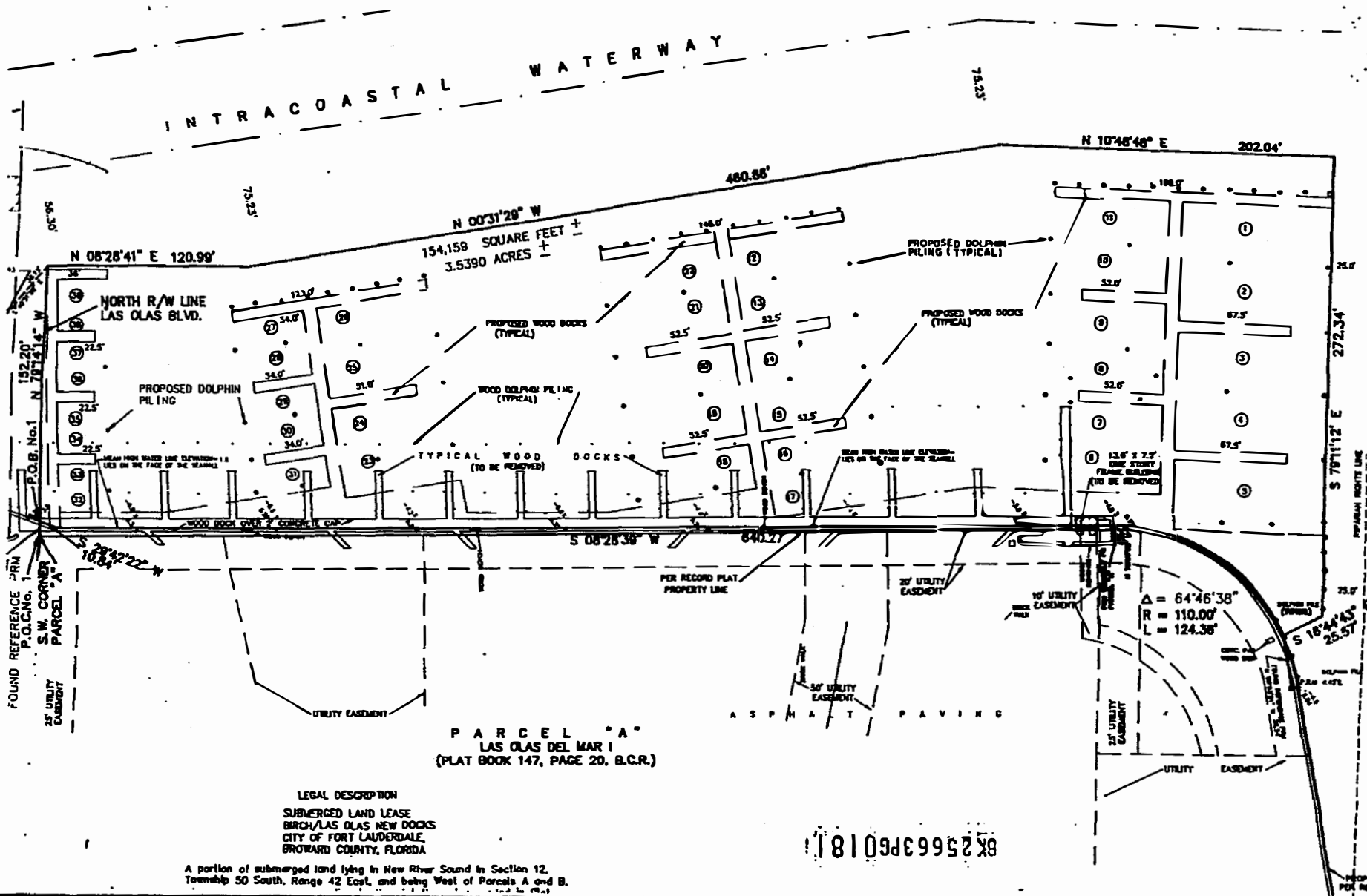
Commencing No.2 at the Northwest corner of said Parcel B; thence North 09°04'20" West, a distance of 19.21 feet to the Point of Beginning No.2; thence North 17°28'19" West, on the wet face of an existing bulkhead, a distance of 12.19; thence North 79°18'20" west, a distance of 152.61 feet to a point, said point bearing South 30°25'53" West, a distance of 82.70 feet from said Monument IWBW-120; thence South 08°46'53" West, a distance of 63.08 feet; thence South 10°40'38" East, a distance of 264.42 feet; thence North 89°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 Northwesterly on a curve to the right and on said wet face, whose tangent bears North 53°12'54" West, with a radius of 111.14 feet and a central angle of 60°57'29", an arc distance of 118.25 feet to a point, said point bearing North 55°52'42" West, from the Permanent Reference Monument marking the point of curvature on the west line of said, Parcel "B"; thence North 08°31'08" East, on the said wet face, a distance of 179.02 feet to the Point of Beginning No.2

Said lands situate, 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.

Attachment A  
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 SSL No. 060232076

FILE NO.: 95 - 3 - 31 "A"

Attachment A  
Page 9 of 15 Pages  
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CAM 17-0116  
Exhibit 1  
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