



CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING

#18-1035

TO: Honorable Mayor & Members of the
Fort Lauderdale City Commission

FROM: Lee R. Feldman, ICMA-CM, City Manager

DATE: September 25, 2018

TITLE: Resolution Authorizing the City Manager Consent to Assignment of Lease Agreement, as amended, and an Assignment of Parking Facility Management Agreement from One Broward Blvd Holdings, LLC. to 1 East Broward Owner, LLC and a Recognition, Attornment and Assent to Mortgage in favor of SunTrust Bank

Recommendation

It is recommended that the City Commission adopt a resolution authorizing the City Manager to execute a Consent to Assignment of Lease, as amended, and an Assignment of Parking Facility Management Agreement from One Broward Blvd Holdings, LLC (the "Seller" or the "Tenant") to 1 East Broward Owner, LLC (the "Purchaser") and a Recognition, Attornment and Assent to Mortgage in favor of SunTrust Bank.

Background

On May 1, 2018 Commission approved the First Amendment to Amended and Restated Lease Agreement with One Broward Blvd Holdings, LLC. and a Parking Facility Management Agreement at the City Hall Garage at 200 NE 2nd Street.

The Seller intends to sell and convey its rights under the Amended and Restated Lease Agreement, as amended (the "Lease") to 1 East Broward Owner, LLC (the "Purchaser").

In connection with the sale, the Seller is seeking consent from the City to transfer Seller's interest in the Lease and in the Parking Facility Management Agreement to Purchaser. In accordance with Section 20(A) of the Lease, the Seller hereby requests the City's consent to such assignment by the City's execution of the Joinder and Consent to the Assignment of Lease and Assignment of Parking Facility Management Agreement. Additionally, in accordance with Section 28 of the Lease, the Tenant hereby requests the City's execution and return of the enclosed Tenant Estoppel Certificate addressed to the Purchaser.

Furthermore, the Purchaser is obtaining mortgage loan financing in which SunTrust Bank has requested approval and execution of a Recognition, Attornment and Assent Agreement between the City and the Purchaser as a condition of loan financing. The agreement provides for certain protections of the leasehold mortgage in favor of SunTrust Bank.

Resource Impact

There is no new fiscal impact associated with this action.

Strategic Connections

This item is a Press Play Fort Lauderdale Strategic Plan 2018 initiative, included within the Internal Support Cylinder of Excellence, specifically advancing:

- Goal 12: Be a leading government organization, managing resources wisely and sustainably.
- Objective 1: Ensure sound fiscal management.

This item advances the *Fast Forward Fort Lauderdale 2035 Vision Plan: We Are Prosperous*.

Attachments

Exhibit 1 – Letter from Kapp Morrison, LLP

Exhibit 2 – Recognition, Attornment and Assent to Mortgage

Exhibit 3 – Assignment of Parking Facility Management Agreement

Exhibit 4 – Assignment of Lease

Exhibit 5 – Resolution

Prepared by: Julie Leonard, Transportation and Mobility

Department Director: Julie Leonard, Transportation and Mobility