



COMMISSION AGENDA ITEM
DOCUMENT ROUTING FORM

RUSH

Today's Date: 10/22/18

DOCUMENT TITLE: Consent to Assignment of Lease Agreement – Lots 18 and 19 (FXE) – BOF FL 2001 NW 64, LLC

COMM. MTG. DATE: 10/9/18 CAM #: 18-1039 ITEM #: CR-10 CAM attached: YES NO

Routing Origin: CAO Router Name/Ext: Shaniece Louis / Ext. 5036

CIP FUNDED: YES NO

Capital Investment / Community Improvement Projects defined as having a life of at least 10 years and a cost of at least \$50,000 and shall mean improvements to real property (land, buildings, or fixtures) that add value and/or extend useful life, including major repairs such as roof replacement, etc. Term "Real Property" include: land, real estate, realty, or real.

2) City Attorney's Office # of originals attached: 4 Approved as to Form: YES NO

Date to CCO: 10/23/18 LS
Initials

3) City Clerk's Office: # of originals: 4 Routed to: Gina Ri/CMO/X5013 Date: 10/23/18

4) City Manager's Office: CMO LOG #: Oct-88 Date received from CCO: 10/23/18

Assigned to: L. FELDMAN S. HAWTHORNE C. LAGERBLOOM
L. FELDMAN as CRA Executive Director

APPROVED FOR LEE FELDMAN'S SIGNATURE N/A FOR L. FELDMAN TO SIGN

PER ACM: S. HAWTHORNE (Initial/Date) C. LAGERBLOOM
(Initial/Date) PENDING APPROVAL (See comments below)

Comments/Questions: _____

Forward 4 originals to Mayor CCO Date: 10/24/18

5) Mayor/CRA Chairman: Please sign as indicated. Forward 4 originals to CCO for attestation/City seal (as applicable) Date: 10/22

INSTRUCTIONS TO CLERK'S OFFICE

City Clerk: Retains 1 original and forwards 3 original(s) to: Shaniece Louis / CAO / Ext. 5036 (Name/Dept/Ext)

Attach certified Reso # YES NO Original Route form to CAO

CONSENT TO ASSIGNMENT OF LEASE AGREEMENT
(Lots 18 and 19)

THIS IS A CONSENT TO ASSIGNMENT OF LEASE AGREEMENT entered into on October 23, 2018, among:

CITY OF FORT LAUDERDALE, a municipal corporation of the State of Florida, hereinafter referred to as "Lessor",

and

BOF FL 2001 NW 64 LLC, a Delaware limited liability company, hereinafter referred to as "Assignor",

and

FL LLC JPTMR Holdings, LLC, a Florida limited liability company, hereinafter referred to as "Assignee".

WHEREAS, pursuant to Resolution No. 18-215, adopted at its meeting of October 9, 2018, the City Commission of the City of Fort Lauderdale authorized the City Manager to enter into this Consent to Assignment of Lease Agreement; and

WHEREAS, Assignor is the lessee of Lots 18 and 19 at Fort Lauderdale Executive Airport by virtue of that certain lease dated March 1, 1999, effective as of March 1, 1998, by and between Lessor and Southern Facilities Development, Inc. ("SFDI"), which lease was assigned to Cypress Concourse A, LLC, a Delaware limited liability company ("Cypress"), pursuant to that certain Assignment and Assumption of Lease [Parcel A] dated as of March 1, 1999 from SFDI to Assignor, with consent of Lessor pursuant to that certain Consent to Assignment of Lease dated March 7, 2000 among Cypress, SFDI and Lessor, which lease was further assigned to Assignor pursuant to that certain Assignment and Assumption of Ground Lease dated as of January 25, 2018 from Cypress to Assignor, with consent of Lessor pursuant to that certain Consent to Assignment of Lease Agreement and Mortgage of Leasehold Interest (Lots 18 and 19) dated as of January 3, 2018 among Assignor, Cypress, Piedmont Lending II, LLC, and Lessor (as so amended and assigned, the "Lease Agreement"); and

WHEREAS, Assignor wishes to assign the Lease Agreement to Assignee; and

WHEREAS, pursuant to Section 18 of the Lease Agreement, an assignment of the Lease Agreement requires the written consent of Lessor; and

WHEREAS, at its meeting on September 27, 2018, the City of Fort Lauderdale Aviation Advisory Board recommended approval of this Consent to Assignment of Lease Agreement.

NOW THEREFORE, in consideration of the mutual promises, covenants and agreements, and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the parties agree as follows:

1. The foregoing recitals are correct and are incorporated into this Consent to Assignment of Lease Agreement.

2. Lessor does hereby consent to an assignment of the Lease Agreement from Assignor to Assignee.

3. Assignor and Assignee acknowledge and agree that the Lease Agreement shall control, despite any provision which is or may appear to be contrary in the assignment between Assignor and Assignee. Under no circumstances shall any consent provided in this consent document be construed to allow any subordination by any person of the fee simple title interest of Lessor in and to the premises leased.

4. By the consent and approval contained in this document, Lessor relies upon the representations of Assignor and Assignee that no other person, natural, corporate or otherwise, will be adversely affected by the consent and approval contained in this document. In the event of a claim by any such third person that Lessor's Consent to Assignment of Lease Agreement adversely affects any such person, Assignee agrees to indemnify and hold harmless Lessor completely from any such claim and shall provide Lessor a complete legal defense for any such claim, at no cost or expense whatsoever to Lessor.

5. The Assignor understands and agrees that its obligations under the Lease Agreement continue and do not expire or terminate as a result of this Consent to Assignment.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]
[SIGNATURE PAGES FOLLOW]

IN WITNESS OF THE FOREGOING, the parties have set their hands and seals the day and year first written above.

LESSOR:

CITY OF FORT LAUDERDALE

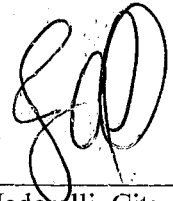
By:



LEE R. FELDMAN, City Manager

(CORPORATE SEAL)

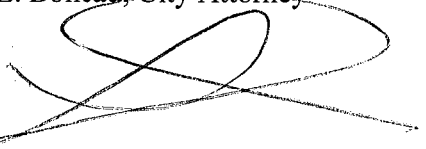
ATTEST:



Jeffrey A. Modarelli, City Clerk

Approved as to form:
Alain E. Boileau, City Attorney

By:





Lynn Solomon, Assistant City Attorney

ASSIGNOR:

BOF FL 2001 NW 64 LLC, a Delaware limited liability company


WITNESSES:


Print Name: Lauren Overstreet


Print Name: LOREODANA GULIA

By: BOF JV Office Portfolio LLC, a Delaware limited liability company, its sole and managing member

By: Bridge Office Fund GP LLC, a Delaware limited liability company, its manager

By: 
John R. Ward, its Manager

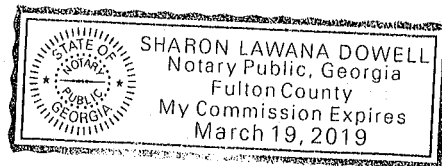
STATE OF Georgia
COUNTY OF Fulton

The foregoing instrument was acknowledged before me on ~~14~~ October 16 ^{SP}, 2018 by John R. Ward, the manager of Bridge Office Fund GP LLC, a Delaware limited liability company, which is the manager of BOF JV Office Portfolio LLC, a Delaware limited liability company, which is the sole and managing member of **BOF FL 2001 NW 64 LLC**, a Delaware limited liability company, on behalf of the limited liability company, who is [] personally known to me or [] who has produced as identification.

Name: Sharon Dowell

NOTARY PUBLIC, State of Georgia

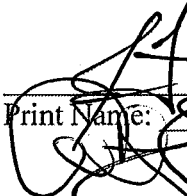

My Commission Expires: March 19, 2019




ASSIGNEE:

FL LLC JPTMR HOLDINGS, LLC, a
Florida limited liability company

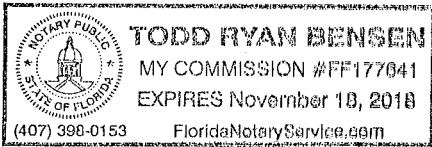
WITNESSES:

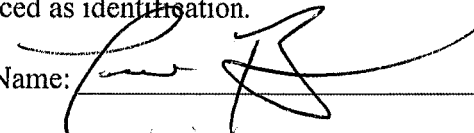

Print Name: JESSICA FAGEN

Print Name: Curtis Herbert

By: 
Name: Thomas Brock
Title: Manager

STATE OF Florida
COUNTY OF Broward

The foregoing instrument was acknowledged before me on October 16, 2018,
by Thomas Brock, the Manager of FL LLC JPTMR HOLDINGS, LLC, a
Florida limited liability company, on behalf of the limited liability company, who is ~~[]~~
personally known to me or [] who has produced as identification.



Name: 
NOTARY PUBLIC, State of FL
My Commission Expires: _____