

RESOLUTION NO. 18-268

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING AN AMENDMENT TO THE DECLARATION OF RESTRICTIVE COVENANTS RESPECTING THE SEBASTIAN SITE; AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE THE AMENDMENT; MAKING CERTAIN FINDINGS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Fort Lauderdale and Barefoot Contessa LLC, a Delaware limited liability company ("Predecessor") entered into a Land Swap and Development Agreement on the 20th day of December, 2016, which resulted in KT SEABREEZE ATLANTIC, LP, a Florida limited partnership (the "Developer"), as successor in interest to the Predecessor, acquiring ownership of the property located at 3000 Alhambra Street, Fort Lauderdale, Florida 33304 (hereinafter, the "Sebastian Site"); and

WHEREAS, concurrent with entering into the Land Swap Agreement, the Predecessor and City entered into a Declaration of Restrictive Covenant Respecting the Sebastian Site (the "Declaration"), as recorded on September 6, 2017 under Instrument #114601921 of the Public Records of Broward County, Florida in which the parties agreed to permit the continued use of the Sebastian Site by the City for public parking purposes, with the City retaining all revenues associated with the public parking operations and the Developer furthermore committed, at its own cost, to replace and build the existing seventy-seven (77) public parking spaces, plus associated handicapped spaces, within Developer's Development Project on the Sebastian Site; and

WHEREAS, the City Commission finds there is a need for public parking in this zoning district and public parking at the Sebastian Site is an ideal location; and

WHEREAS, the City Commission finds that the public parking spaces provided by the Developer serves a valid public purpose and provides a public benefit; and

WHEREAS, subsequent to closing on the Sebastian Site, Developer acquired additional property which is located within the same block of the Lauder Del Mar Plat (Plat Book 7, Page 30) as the Sebastian Site and commonly known as the Maynard Condominium (hereinafter, the "Maynard Property"); and

WHEREAS, Developer and City agree to amend the Declaration of Restrictive Covenants Respecting the Sebastian Site to add the Maynard Property, to protect the benefit to the public and to further effectuate the terms and conditions of the Declaration;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

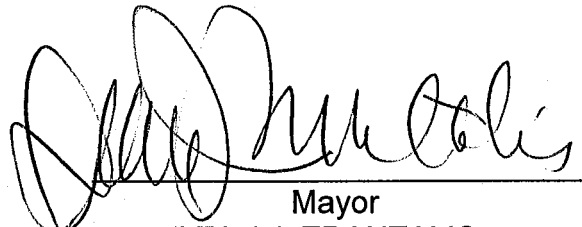
SECTION 1. The Recitals are true and correct and incorporated herein.

SECTION 2. The City Commission hereby approves the Amendment to Declaration of Restrictive Covenants Respecting the Sebastian Site attached hereto. That the proper City Officials are authorized to execute and deliver the Amendment.

SECTION 3. That the office of the City Attorney shall review and approve as to form all documents prior to their execution by City Officials.

SECTION 4. That this Resolution shall be in full force and effect upon final passage.

ADOPTED this the 18th day of December, 2018.

  
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Mayor  
DEAN J. TRANTALIS

ATTEST:



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City Clerk  
JEFFREY A. MODARELLI