

RESOLUTION NO. 19-

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 THE 5700-6000 BLOCK OF NW 31ST AVENUE, FORT LAUDERDALE, FLORIDA, PURSUANT TO SECTION 8.09 OF THE CITY CHARTER; DECLARING SUCH LANDS ARE NOT NEEDED FOR PUBLIC OR GOVERNMENTAL PURPOSES; AUTHORIZING ISSUANCE OF AN INVITATION TO BID; SETTING FORTH GENERAL TERMS AND CONDITIONS FOR THE LEASE; REQUIRING PUBLICATION OF NOTICE OF THE DATE WHEN THE CITY COMMISSION WILL EVALUATE BIDS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Fort Lauderdale owns certain land and improvements described herein which were donated to the City in 1982 and used as part of the City's potable water wellfields since acquisition and leased as a parking area since 1994; and

WHEREAS, the lands are located within the Plat of PALM AIRE VILLAGE 4th SECTION, as recorded at Plat Book 96, Page 36 of the Public Records of Broward County, generally located between the 5700-6000 block of NW 31st Avenue, Fort Lauderdale, Florida (hereinafter "the Property"); and

WHEREAS, the lands are located within an easement area for ingress, egress, utility and potable water wellfield uses which are dedicated on the face of the Plat ("Specified Dedications"); and,

WHEREAS, any use of such lands are subordinate and inferior to the superior Specified Dedications; and

WHEREAS, by virtue of the Specified Dedications which the lands must be preserved for, any use of the lands must be subordinate to the Specified Dedications, but the lands can be used for any other purpose not inconsistent with the Specified Dedications; and

WHEREAS, other than the Specified Dedications, the lands are not presently needed for other governmental purposes, provided, however, that superior municipal interests may arise in the future with respect to the Specified Dedications that might require that the lands

again be devoted in whole or in part for superior municipal interests with respect to the Specified Dedications; and

WHEREAS, the City Commission deems it to be in the best interest of the City that such lands be declared not presently needed by the City for a governmental purpose other than the Specified Dedications and advertise such lands as available for lease under the provisions of Section 8.09 of the City Charter, subject to certain conditions, limitations and restrictions, including that the lease be subject and subordinate to the Specified Dedications and that the lease be further subject to termination upon proper notice in the event the lands are needed for a superior municipal purpose respecting the Specified Dedication, or if the lands are used in any manner inconsistent with the City's superior Specified Dedications; 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 of the City of Fort Lauderdale to seek bids from interested persons for a lease of the property generally located at the 5700-6000 block of NW 31st Avenue, Fort Lauderdale, Florida;

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 the property located at the 5700-6000 block of NW 31st Avenue, which lands lie within Fort Lauderdale, Broward County, Florida, to wit:

A portion of Tract "B", PALM AIRE VILLAGE 4th SECTION, according to the Plat thereof recorded in Plat Book 96, Page 35, of the Public Records of Broward County, Florida being more particularly described as follows: Commencing at the Southeast Corner of said Tract "B"; thence N 1° 29' 21" W along the East line of said Tract "B", a distance of 47.83 feet to the point of beginning of this description; thence continue N 1° 29' 21" W along the last described course, a distance of 446.00 feet; thence S 88° 30' 39" W, a distance of 15.00 feet; thence S 1° 29' 21" E, along a line parallel with and 15.00 feet West of as measured at right angles to the East line of said Tract "B", a distance of 446.00 feet; thence N 88° 30' 39" E, a distance of 15.00 feet to the point of beginning. Said lands situate

lying and being in Broward County, Florida containing 6690 square feet more or less.

SECTION 3. That the property, if any, shall be leased upon the terms and conditions specified in this Resolution, and reviewed by the City Commission in connection with the adoption of this Resolution calling for sealed bids for this lease. Notwithstanding, the term of the Lease shall not exceed five (5) years, with a three (3) percent annual rent increases, and a five (5) year option to renew. 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 **June 10, 2019** 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 **June 18, 2019** 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.

Approved this Resolution the ____ day of _____ 2019.

Mayor
DEAN J. TRANTALIS

ATTEST:

City Clerk
JEFFREY A. MODARELLI