

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, LOCATED AT 2941 NW 19 STREET, 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; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Fort Lauderdale owns certain land and improvements described herein which were donated by Broward County to the City in 2011; and

WHEREAS, the lands are located at 2941 NW 19th Street, Fort Lauderdale, Florida, (hereinafter "the Property"); and

WHEREAS, the Property is improved with an abandoned building formerly used as a day care center; and

WHEREAS, the Property is not presently needed for other governmental purposes, and

WHEREAS, the City Commission deems it to be in the best interest of the City that such Property be declared not presently needed by the City for a governmental purpose and advertise such Property as available for lease under the provisions of Section 8.09 of the City Charter, subject to certain conditions, limitations and restrictions, and that the lease be further subject to termination upon proper notice in the event the Property is needed for a superior municipal purpose; 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.

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 2941 NW 19 Street, Fort Lauderdale, Florida, 33311, which lands lie within Fort Lauderdale, Broward County, Florida, more particularly described as:

Section 29, Township 49 South, Range 42 East, commencing at the SE corner of the SW $\frac{1}{4}$, west along the south line 1,661.77 feet, north 40.02 feet to the point of beginning, thence, westerly 125.46 feet, northwesterly 35.85 feet, north 99.34 feet, easterly along the south line of a 20 foot alley for 151.18 feet, and south 125.07 feet, to the point of beginning; as recorded in the Public Records of Broward County, Florida, said land situate, lying and being in Broward County, Florida, containing $\pm 18,567$ square feet or 0.43 acres.

SECTION 3. That the Property 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 fifty (50) years. The terms and conditions of the Lease may include, but not limited, to the following subject matter areas:

- A. Duration
- B. Rent
- C. Escalation Clause
- D. Permitted Use
- E. Termination of Lease
- F. No Subordination or encumbrance of City interest
- G. Operation of Lands and Improvements
- H. Termination for Failure to Commence Operations
- I. Leasehold Improvements – Generally
- J. Leasehold Improvements – Specifically
- K. Leasehold Improvements – Minimum Investment

- L. Period for completion of Leasehold Improvements
- M. Commencement of Rent Obligation
- N. Capital Replacement Reserve Account
- O. Off Street parking
- P. Indemnification and Hold Harmless
- Q. Insurance
- R. Easements
- S. Taxes and Utilities
- T. Maintenance, Repairs and Upkeep
- U. Substitution of Personnel
- V. Subcontractors
- W. Payment and Performance Bond
- X. Force Majeure
- Y. Damage to Public or Private Property
- Z. Safety
- AA. Building and Site in "AS IS" Condition
- BB. Assignment and Subleases
- CC. Triple Net Lease
- DD. Compliance with Codes and Regulations
- EE. Other terms and conditions
- FF. Approval of City Attorney

SECTION 4. That all bids shall be delivered in a sealed envelope no later than 2:00 p.m. on January 17, 2020, to the City of Fort Lauderdale Procurement Services, Attn: James Hemphill, #12350-209, 100 North Andrews Avenue, Fort Lauderdale, Florida 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 February 18, 2020, at 6:00 p.m., or as soon thereafter as can be heard, in City Hall at 100 North Andrews Avenue, Fort Lauderdale, Florida, 33301 for the purpose of reviewing and evaluating 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. SEVERABILITY. That if any clause, section or other part of this Resolution shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Resolution shall not be affected thereby but shall remain in full force and effect.

Approved this 19th day of November, 2019.

Mayor
DEAN J. TRANTALIS

ATTEST:

City Clerk
JEFFREY A. MODARELLI