

RESOLUTION NO. 20-

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 100 SE 1 STREET AND 155 SE 2 STREET, FORT LAUDERDALE, FLORIDA, 33301 COMMONLY KNOWN AS RIVERWALK CENTER, PURSUANT TO SECTION 8.09 OF THE CITY CHARTER FOR A TERM NOT TO EXCEED FIFTY (50) YEARS PLUS FIVE (5) YEARS, AS DETERMINED BY THE CITY COMMISSION TO COMPLETE CONSTRUCTION OF CAPITAL IMPROVEMENTS; DECLARING SUCH LANDS ARE NOT NEEDED FOR 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.

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WHEREAS, the City of Fort Lauderdale owns certain land and improvements described herein which was formerly known as City Shoppes; and

WHEREAS, the lands are located at 100 SE 1 Street and 155 SE 2 Street, Fort Lauderdale, Florida, 33301, commonly known as Riverwalk Center, (hereinafter "the Property"); and

WHEREAS, the Property consists of a 2,148-space parking garage and features approximately 98,700 leasable square feet of potential retail space on the first floor of the parking garage that has been used for commercial and retail purposes since approximately 1982; and

WHEREAS, the vision for the Riverwalk District Plans strives to bring life and activity to the Riverwalk Center by Improving the physical appearance and updating amenities of the property including enhancement of Riverwalk Center with new design and programming concepts by providing a lively, safe, and comfortable public space to increase foot activity near the New River; and

WHEREAS, Proposers shall provide descriptions of all intended renovations and amenities added to the Property. This includes, but it is not limited to design and programming

concepts for short-term and long-term uses; and

WHEREAS, Colliers International South Florida, LLC, on behalf of the City, will manage the sealed proposals, rank bidders and recommend top ranked proposals to the City Manager with final recommendations to be presented to the City Commission for approval; 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 100 SE 1 Street and 155 SE 2 Street, Fort Lauderdale, Florida, 33301 commonly known as Riverwalk Center, which lands lie within Fort Lauderdale, Broward County, Florida, 33301 more particularly described on Exhibit "A", attached hereto and made a part hereof.

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 plus such length of time, not to exceed five (5) years, determined by the City Commission to be reasonably necessary to complete construction of improvements proposed for the Property. 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 September 17, 2020, to the City of Fort Lauderdale Procurement Services, Attn: James Hemphill, Bid #12406-209, 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 at least ten (10%) percent of the first-year rental payments to the City.

SECTION 5. That the City Commission will meet on October 20, 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.

SECTION 8. EFFECTIVE DATE. That this Resolution shall be in full force and effect upon final passage.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2020.

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Mayor  
DEAN J. TRANTALIS

ATTEST:

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City Clerk  
JEFFREY A. MODARELLI

**EXHIBIT A**

EXHIBIT A

LEGAL DESCRIPTION

Lots 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17 less areas taken or deeded for street right-of-ways, in Block "B" of Stramahan's Subdivision of Lots 13 to 18, inclusive, in Block 14 of the Town of Fort Lauderdale, according to the Plat thereof, recorded in Plat Book 5, at page 10 of the Public Records of Dade County, Florida; and

Lots 18, 19, 20, 21, 22, 23, 24 and 25, less areas taken or deeded for street right-of-ways, of Eva A. Oliver's Subdivision of Block 28 of the Town of Fort Lauderdale, according to the Plat thereof, recorded in Plat Book 1, at page 37 of the Public Records of Dade County, Florida.

EXHIBIT A

LEGAL DESCRIPTION

A portion of Block "B" - "Stranahan's Subdivision of Lots 13 to 18 inclusive, Block 14, Town of Fort Lauderdale," as recorded in Plat Book 3, Page 10 of the Public Records of Dade County, Florida - Together With: -

Portion of that certain 10 foot alley, lying within said Block "B" and being all more fully described as follows:

Commencing at the N.E. corner of Lot 17 of said Block "B"; thence S.0°00'19"E., along the East line of said Lot 17, a distance of 5 feet to the point of beginning; thence S.89°53'00"W., along the line 5 feet South and parallel with the North line of said Block "B", a distance of 115.10 feet; thence S.45°03'20"W., a distance of 28.31 feet; thence S.0°00'19"E., along a line 10 feet East of and parallel with the West line of said Block "B", a distance of 245 feet; thence S.44°56'40"E., a distance of 28.25 feet; thence S.89°53'00"E., along a line 10 feet North of and parallel with the South line of said Block "B" a distance of 240.28 feet; thence N.45°03'20"E., a distance of 28.31 feet; thence S.0°00'19"W., along a line 10 feet West of and parallel with the East line of said Block "B", a distance of 245 feet; thence S.44°56'40"W., a distance of 28.25 feet; thence S.89°53'00"W., along a line 5 feet South of and parallel with the North line of said Block "B", a distance of 125.18 feet to the point of beginning. - Together With -

Portions of Lots 18, 19, 20, 21, 22, 23, 24 and 25, Block 28, "Eva A. Oliver's Subdivision of Block 28, Town of Fort Lauderdale," as recorded in Plat Book 1, Page 37 of the Public Records of Dade County, Florida, - Together With -

That certain 10 foot alley lying between the above said Lots and being all more fully described as follows:

Commencing at the S.E. corner of said Lot 19; thence S.89°53'00"W., along the South line of said Lot 19, a distance of 10 feet to the point of beginning; thence S.0°00'19"W., along the line 10 feet West of and parallel with the East line of said Block 28, a distance of 170.04 feet; thence S.44°56'40"W., a distance of 28.25 feet; thence S.89°53'00"W., along a line 10 feet South of and parallel with the North line of said Block 28, a distance of 240.28 feet; thence S.45°03'28"W., a distance of 28.31 feet; thence S.0°00'19"E., along the line 10 feet East of and parallel with the West line of said Block 28, a distance of 169.96 feet; thence S.89°53'00"E., along the South line of said Lots 18 and 19 and the extension thereof, a distance of 280.28 feet to the point of beginning.