

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO RENEW THE ATTACHED REAL ESTATE LEASE BETWEEN FDG FLAGLER STATION II, LLC AND THE CITY OF HOLLYWOOD FOR PARKING, BEAUTIFICATION, AND SIGNAGE FOR A 12 MONTH RENEWAL TERM.

WHEREAS, on March 15, 2006, by Resolution Number R-2006-76, the City Commission approved a three year Real Estate Lease (Lease) between the Florida East Coast Railway, LLC (FECR) and the City of Hollywood; and

WHEREAS, the lease provided for the option to renew for additional one year terms; and

WHEREAS, Section 38.40(C)(1) of the Code of Ordinances provides that when a contract that provides for one or more renewals by affirmative action of the City which was approved by the City Commission and the annual cost does not exceed \$50,000.00, the City Manager has the authority to approve the first three renewals and subsequent renewals require City Commission approval; and

WHEREAS, in accordance with Section 38.40(C)(1) of the Code of Ordinances, the City Manager approved the first three renewals of the lease agreement; and

WHEREAS, the City Commission approved the renewal of the lease agreement in 2012 pursuant to Resolution No. R-2012-077, in 2013 pursuant to Resolution No. R-2013-039, and again in 2014 pursuant to Resolution No. R-2014-044; and

WHEREAS, the leased property is used to provide public parking along the east side of the railroad tracks from north of Taft Street to Plunkett Street, beautification along 21st Avenue and Dixie Highway, and entryway signs at the intersections of Dixie Highway and Sheridan Street and North 21st Avenue and Pembroke Road; and

WHEREAS, the lease is set to expire on March 18, 2015 and provides for a 12 month Renewal Term, provided that the City is not in default under the lease; and

WHEREAS, under the lease, rent for the Renewal Term shall be increased to equal the greater of the (i) rental rate then prevalent for similar properties or (ii) the rate for the term immediately preceding the Renewal Term increased by five percent (5%); and

WHEREAS, rent for the Renewal Term shall be \$12,806.00 a five percent (5%) increase over the preceding term; and

WHEREAS, FECR assigned the lease to FDG Flagler Station II, LLC; and

WHEREAS, the Acting Director of the Office of Parking and Intergovernmental Affairs recommends that the City Commission authorize the renewal of the Real Estate lease between FDG Flagler Station II, LLC and the City of Hollywood for parking, beautification, and signage; and

WHEREAS, either party may, in its discretion, for any reason whatsoever, terminate the lease at any time by giving thirty (30) days advance written notice to the other party; and

WHEREAS, to the extent permitted by law, the City agrees to indemnify, defend, and hold harmless FDG Flagler Station II, LLC from and against any and all liability for any loss, injury or damage as more specifically described in the lease; and

WHEREAS, funding is available from the Parking Enterprise Fund;

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

Section 1: That it hereby approves and authorizes the appropriate City Officials to renew the attached Real Estate lease between FDG Flagler Station II LLC and the City of Hollywood, together with such non material changes as may be subsequently agreed to by the City Manager and approved as to form and legality by the City Attorney.

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RESOLUTION FOR REAL ESTATE LEASE WITH FDG FLAGER STATION II, LLC

Section 2: That this resolution shall be in full force and effect immediately upon its passage and adoption.

PASSED AND ADOPTED this _____ day of _____ 2015.

PETER BOBER, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC, CITY CLERK

APPROVED AS TO FORM AND LEGALITY
for the use and reliance of the
City of Hollywood, Florida, only.

JEFFREY P. SHEFFEL, CITY ATTORNEY