

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, APPROVING AND AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE THE ATTACHED REINSTATEMENT OF, AND AMENDMENT TO, THE REAL ESTATE LEASE BETWEEN FDG FLAGLER STATION II, LLC AND THE CITY OF HOLLYWOOD FOR PARKING, BEAUTIFICATION, AND SIGNAGE FOR A TWO (2) YEAR PERIOD IN THE AMOUNT OF \$26,258.02.

WHEREAS, on March 15, 2006, the City Commission passed and adopted Resolution No. R-2006-076 which approved a three year Real Estate Lease ("Lease") between the Florida East Coast Railway, LLC ( FECR) and the City of Hollywood with the option to renew for additional one (1) year terms; and

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

WHEREAS, in accordance with the City's Purchasing Ordinance, the City Manager approved the first three renewals of the lease agreement; and

WHEREAS, in accordance with Section 38.48(C)(1) of the City's Purchasing Ordinance, the City Commission approved the subsequent renewals of the lease pursuant to Resolution Nos. R-2012-077, R-2013-039, R-2014-044, and R-2015-039; and

WHEREAS, in 2016, the lease agreement was not renewed by the parties due to the implementation of Brightline rail construction project, and the potential reduction of the Lease area due to new railroad uses; and

WHEREAS, due to the aforementioned, FDG has provided the City with the attached Reinstatement of and Amended Real Estate Lease ("Lease") which provides that the term of the lease will be dated retroactively to January 21, 2017, and the rental provision is being amended to reflect the rental payments due and owing as well as going forward; and

WHEREAS, based upon the rental payment provision, the rent for the period of March 19, 2016 to January 20, 2017 shall be \$11,346.21, the rent for the period of January 20, 2017 to March 18, 2017 shall be \$1930.66, and rent for the period of March 19, 2017 to March 18, 2018 shall be \$12,981.15; and

WHEREAS, the City Engineer and the Parking Division Manager recommend that the City Commission authorize the execution of the Reinstatement of and Amended Real Estate Lease between FDG Flagler Station II, LLC and the City of Hollywood, for parking, beautification, and signage; 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 execution, by the appropriate City Officials, of the attached Reinstatement of and Amended Real Estate Lease between FDG Flagler Station II, LLC and the City of Hollywood, together with such non-material changes as may be acceptable to the City Manager and approved as to form and legality by the City Attorney.

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

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
JOSH LEVY, 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.

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JEFFREY P. SHEFFEL, CITY ATTORNEY