

RESOLUTION NO.

A RESOLUTION OF THE CHAIRPERSON AND MEMBERS OF THE MIAMI BEACH REDEVELOPMENT AGENCY ("RDA"), APPROVING THE RDA'S JOINDER TO THE LEASE AGREEMENT ("LEASE") BETWEEN THE CITY OF MIAMI BEACH ("CITY") AND MB MARINA PARK, LLC, AN AFFILIATE OF SUNTEX MARINA INVESTORS, LLC (THE "LESSEE"), OF THE CITY-OWNED PROPERTIES LOCATED AT 300-390 ALTON ROAD, (FOLIO NOS. 02-4203-009-9210, 02-4203-000-0010, AND 02-4203-009-9250), AN APPROXIMATELY 3.51 ACRE SITE (THE "LEASED PROPERTY"), APPROVED PURSUANT TO CITY COMMISSION RESOLUTION 2020-_____, FOR THE OPERATION OF THE MIAMI BEACH MARINA, WITH SUCH JOINDER SOLELY TO THE EXTENT THE RDA IS AFFECTED OR OBLIGATED BY THE TERMS THEREOF, AND BY REASON OF CERTAIN LEASES, LICENSES OR PERMITS HELD BY THE RDA WITH RESPECT TO THE MARINA, INCLUDING, WITHOUT LIMITATION, THE SUBMERGED LANDS AREA LEASED TO THE CITY AND RDA BY THE BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENTS TRUST FUND OF THE STATE OF FLORIDA, AS MAY BE AMENDED (BOT FILE NO. 130765469); FURTHER, PROVIDING THAT THE LEASE SHALL BE SUBJECT TO AND CONTINGENT UPON APPROVAL BY A MAJORITY OF THE VOTERS VOTING IN A CITY-WIDE REFERENDUM PURSUANT TO SECTION 1.03(B)(1) OF THE CITY CHARTER.

WHEREAS, the City is the owner of the properties located at 300-390 Alton Road, the current location of the Miami Beach Marina, Folio Nos. # 02-4203-000-0010, 02-4203-009-9210 and 02-4203-009-9250 (the "Development Site"); and

WHEREAS, on or about April 28, 2010, the City and the RDA entered into a Sovereignty Submerged Lands Lease with the Board of Trustees of the Internal Improvements Trust Fund of the State of Florida, as more fully described in BOT File No. 130765469) (the "Submerged Lands Lease"), for the lease to the City and RDA of the submerged lands where the Miami Beach Marina boat slips and related docking facilities are located ("Area 2") (collectively, the Development Site and Area 2, the "Miami Beach Marina"); and

WHEREAS, since 1983, the Miami Beach Marina has been leased to Miami Beach Marina Associates, Ltd. ("Current Lessee"), for use solely as a boat port, marina and recreation facility offering dockage, mooring and other marina related services for use by the general public. (the "Existing Marina Lease"); and

WHEREAS, on June 15, 1983, via Resolution 14-83, the RDA approved the joinder of the RDA to the Existing Marina Lease, to the extent affected or obligated by the Existing Marina Lease, and by reason of any control of the RDA pursuant to the provisions of the

Fla. Stat. 163 (the "Community Redevelopment Act") with respect to the former South Pointe Redevelopment Area; and

WHEREAS, Marina Park Residential, LLC, f/k/a Alton Road Mixed Use Investments, LLC ("Marina Park Residential") and an affiliate thereof, Marina Park Commercial, LLC ("Marina Park Commercial, LLC") (jointly and severally, the "Developer"), along with Suntex Marina Investors, LLC, an affiliate of the Current Lessee, are proposing a public-private partnership with the City for the purpose of developing and constructing a project on the Development Site ("Project"); and

WHEREAS, on July 29, 2020, via Resolution No. 2020-_____, the Mayor and City Commission approved a Development Agreement for the Marina Park Project; and

WHEREAS, on July 29, 2020, via Resolution No. 2020-_____, the Mayor and City Commission approved a new lease agreement for the Miami Beach Marina, between the City and MB Marina Park, LLC, an affiliate of Suntex Marina Investors, LLC (the "New Lessee"), with a term of ninety-nine (99) years ("New Lease"), which New Lease is included as Exhibit "5" to the Consolidated Commission Memorandum for the Marina Park Project (Agenda Item R7A) on the July 29, 2020 City Commission Agenda; and

WHEREAS, in order to effectuate the terms of the New Lease in connection with the Miami Beach Marina Project, the New Lease requires the RDA's joinder to the New Lease to the extent that the RDA is affected or obligated by the terms of the New Lease, and by reason of certain leases, licenses and permits held by the RDA with respect to the Miami Beach Marina, including, without limitation, the Submerged Lands Lease ("Joinder"); and

WHEREAS, the New Lease, and the RDA's Joinder thereto, shall be subject to and contingent upon approval of the New Lease by a majority of the voters voting in a City-wide referendum pursuant to Section 1.03(b)(1) of the City Charter.

WHEREAS, for the reasons outlined in the RDA Memorandum accompanying this Resolution and the Commission Memorandum accompanying Agenda Item R7A on the July 29, 2020 City Commission Agenda, which RDA Memorandum and Commission Memorandum (and exhibits thereto) are incorporated by reference as if fully set forth herein, the Executive Director recommends approval of this Joinder.

NOW, THEREFORE, BE IT RESOLVED BY THE CHAIRPERSON AND MEMBERS OF THE MIAMI BEACH REDEVELOPMENT AGENCY ("RDA"), that the Chairperson and Members of the RDA hereby approve RDA's joinder to the Lease Agreement ("Lease") between the City of Miami Beach ("City") and MB Marina Park, LLC, an affiliate of Suntex Marina Investors, LLC (the "Lessee"), of the City-owned properties located at 300-390 Alton Road, (Folio Nos. 02-4203-009-9210, 02-4203-000-0010, and 02-4203-009-9250), an approximately 3.51 acre site (the "Leased Property"), approved pursuant to City Commission Resolution 2020-_____, for the operation of the Miami Beach Marina, with such joinder solely to the extent the

RDA is affected or obligated by the terms thereof, and by reason of certain leases, licenses or permits held by the RDA with respect to the marina, including, without limitation, the submerged lands area leased to the City and RDA by the Board of Trustees of the Internal Improvements Trust Fund of the State of Florida, as may be amended (BOT File No. 130765469); further, providing that the Lease shall be subject to and contingent upon approval of the Lease by a majority of the voters voting in a City-wide referendum pursuant to Section 1.03(b)(1) of the City Charter.

PASSED AND ADOPTED this _____ day of July, 2020.

ATTEST:

Dan Gelber, Chairperson

Rafael E. Granado, Secretary

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION
John P. ... 07/23/2020
fm Redevelopment Agency Date
General Counsel RAP