

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE FINANCE AND ECONOMIC RESILIENCY COMMITTEE AT ITS SEPTEMBER 23, 2020 MEETING, PURSUANT TO INVITATION TO NEGOTIATE (ITN) 2019-099-KB, FOR THE DEVELOPMENT OF THE COLLINS PARK ARTIST WORKFORCE HOUSING PROJECT (THE "PROJECT"), AND APPROVING THE TERM SHEET FOR THE PROJECT ATTACHED AS AN EXHIBIT TO THE COMMISSION MEMORANDUM ACCOMPANYING THIS RESOLUTION; FURTHER, DIRECTING THE ADMINISTRATION TO NEGOTIATE A DEVELOPMENT AGREEMENT WITH SERVITAS, LLC, AND GROUND LEASE WITH COMMUNITY FINANCE CORP., CONSISTENT WITH THE TERM SHEET, WITH THE FINAL AGREEMENTS SUBJECT TO THE PRIOR APPROVAL OF THE MAYOR AND CITY COMMISSION; AND FURTHER, REFERRING THE PROPOSED PROJECT AND THE FOREGOING AGREEMENTS TO THE PLANNING BOARD FOR REVIEW, IN ACCORDANCE WITH THE REQUIREMENTS OF THE CITY CHARTER AND CITY CODE.

WHEREAS, on September 14, 2016, the Mayor and City Commission adopted Resolution No. 2016-29547, selecting The Concourse Group to identify public-private partnership (P3) opportunities for the development of workforce/affordable housing projects on City property, including preparation of a Design Criteria Package for the Project, located on surface lot P51, at 224 23rd Street; and

WHEREAS, on December 14, 2016, the Mayor and City Commission adopted Resolution No. 2016-29679, approving a height waiver for the Project, to authorize a height of up to 75 feet, finding that the waiver was necessary in order to provide optimal development and to allow for maximum capacity for artist/workforce housing; and

WHEREAS, on January 18, 2019, the City issued ITN 2019-099-KB for the Project; and

WHEREAS, on July 17, 2019, the Mayor and City Commission adopted Resolution No. 2019-30908, authorizing simultaneous negotiations with both ITN proposers; following withdrawal from the process of Atlantic Pacific Communities, LLC, the City Commission directed negotiation with the sole remaining proposer, Servitas, LLC ("Servitas"); and

WHEREAS, Servitas and the Administration negotiated a term sheet dated September 17, 2020 (the "Term Sheet"), which is attached as an Exhibit to the Commission Memorandum accompanying this Resolution; and

WHEREAS, pursuant to the Term Sheet, Servitas proposes a 7-story building designed by Shulman & Associates and PGAL Architects, with ground floor space for either commercial retail or artist studios, a dormitory on the second floor for use by the Miami City Ballet, and approximately 80 workforce housing units on the remaining five

floors; and

WHEREAS, as proposed, the City will enter into a long-term ground lease for the entire property (the "Ground Lease") with a nonprofit 501(c)(3) organization, Community Finance Corporation (the "Ground Lessee"), which would finance the design and construction of the Project with tax exempt bond financing (which would be non-recourse to the City, with principal and interest payable solely from Project revenues); and

WHEREAS, in addition to the Ground Lease, the City will enter into a development agreement with Servitas to govern the development of the Project; and

WHEREAS, on September 23, 2020, the Finance and Economic Resiliency Committee provided guidance on the Project and the Term Sheet, and unanimously recommended that the Administration negotiate a Ground Lease and Development Agreement consistent with the Term Sheet, for the City Commission's consideration; and

WHEREAS, pursuant to Section 1.03(b)(4) of the City Charter governing leases of ten years or longer of City-owned property, the Ground Lease requires approval by a majority 4/7 vote of all members of the Planning Board, and a 6/7 vote of the City Commission; and

WHEREAS, pursuant to the favorable recommendation of the Finance and Economic Resiliency Committee, the Administration recommends that the City Commission adopt this Resolution, and direct the Administration to negotiate a Development Agreement and Ground Lease, consistent with the Term Sheet, with the final agreements subject to prior approval of the City Commission.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby accept the recommendation of the Finance and Economic Resiliency Committee at its September 23, 2020 meeting, pursuant to Invitation to Negotiate (ITN) 2019-099-KB, for the development of the Collins Park Artist Workforce Housing Project (the "Project"), and approve the term sheet for the Project attached as an Exhibit to the Commission Memorandum accompanying this Resolution; further, directing the Administration to negotiate a development agreement with Servitas, LLC, and ground lease with Community Finance Corp., consistent with the Term Sheet, with the final agreements subject to prior approval of the City Commission; and further, refer the proposed Project and the foregoing agreements to the Planning Board for review, in accordance with the requirements of the City Charter and City Code.

PASSED and ADOPTED THIS ____ day of October, 2020.

ATTEST:

RAFAEL E. GRANADO, CITY CLERK

DAN GELBER, MAYOR **APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**

Dan Gelber 10-6-20

City Attorney *RAP* Date