

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AFFIRMING THE CITY MANAGER'S CONSENT TO A CHANGE OF OPERATOR OF THE MIAMI BEACH MARINA FROM RCI MARINE, INC. AND ROBERT CHRISTOPH ("CURRENT OPERATORS") TO MBM MARINA MANAGER, LLC AND SMI CONCIERGE SERVICES, LTD. ("PROPOSED OPERATORS"), AS REQUIRED UNDER SECTION 2.27 OF THE LEASE AGREEMENT, DATED JUNE 24, 1983, BETWEEN THE CITY AND MIAMI BEACH MARINA ASSOCIATES, LTD. ("LESSEE").

WHEREAS, on June 15, 1983, the Mayor and City Commission passed Resolution No. 83-17385, approving and authorizing the execution of a lease agreement (the "Marina Lease") with Carner-Mason Associates, Ltd. for the construction and management of a marina and dry storage facility (the "Marina") in the South Shore development area (generally lying south of 6th Street) and the Marina Lease was subsequently signed on June 24, 1983; and

WHEREAS, on October 17, 1989, pursuant to a judgment of foreclosure of the Marina leasehold interest, Tallahassee Building Corporation, a Delaware corporation, a wholly owned subsidiary of Heller Financial, Inc., acquired the interest of Carner-Mason in the Marina Lease; and

WHEREAS, thereafter, the Marina Lease was amended four times, as follows: 1) First Amendment, which consisted of the parties' agreement to a "Modified Lease", dated October 23, 1991; 2) Second Amendment, dated August 11, 1994; 3) Third Amendment, dated May 27, 1997, which also included the adoption of Resolution No. 97-22398, where the City consented to the assignment of the Lease from Tallahassee Building Corporation to the current lessee, the Miami Beach Marina Associates, Ltd., a Florida Limited Partnership (Lessee); and 4) Fourth Amendment (and most recent), dated April 15, 1998; and

WHEREAS, the Miami Beach Marina Associates, Ltd ("Lessee") met with the Administration to discuss a change of operator of the Marina and, as required under Section 2.27 of the First Amendment, subsequently submitted a formal request for approval letter dated October 9, 2017; and

WHEREAS, as stated in the request letter, in reviewing the Marina operations, and as part of the Christoph family's estate planning, the Lessee determined it would be in the best interest of the Lessee, the Christoph family and the City to re-establish a single purpose entity as the manager of the Miami Beach Marina; and

WHEREAS, the Lessee has created a new entity, MBM Marina Manager, LLC, a Florida limited liability company, for that purpose; and

WHEREAS, since this new entity is a wholly owned subsidiary of RCI Marine, this change will have no effect on the first class nature of the property or quality of services being provided; and

WHEREAS, the principals of MBM Marina Manager are Robert Christoph, Sr. and Robert Christoph, Jr., who have been operating the Marina for the last 23 years, so there will be continuity of operations; and

