RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE FINANCE AND CITYWIDE PROJECTS COMMITTEE, ON FIRST READING OF THIS RESOLUTION, AND APPROVING, AN AMENDMENT NO. 1 TO LEASE BETWEEN THE CITY AND MIAMI BEACH SENIOR CITIZENS HOUSING DEVELOPMENT CORPORATION, INC. (LESSEE), IN CONNECTION WITH THE CITY'S LEASE OF AIR RIGHTS FOR AFFORDABLE ELDERLY HOUSING AT COUNCIL TOWERS NORTH, LOCATED AT 1040 COLLINS AVENUE, MIAMI BEACH, FLORIDA, FOR A PERIOD OF FIFTY YEARS, COMMENCING JULY 9, 2026 AND ENDING JULY 8, 2076; FURTHER WAIVING THE COMPETITIVE BIDDING REQUIREMENT IN SECTION 82-39(A) OF THE CITY CODE, FINDING SUCH WAIVER TO BE IN THE BEST INTEREST OF THE CITY; AND SETTING A PUBLIC HEARING, AS REQUIRED PURSUANT TO SECTION 82-37(A)(2) OF THE CITY CODE, FOR SECOND (AND FINAL) READING AND PUBLIC HEARING.

WHEREAS, on or about July 8, 1976, the City Commission of the City of Miami Beach adopted Resolution No. No. 1976-15085, approving a Lease Agreement between the City and Senior Citizens Housing Development Corporation of Miami Beach ("Lease"), for certain air rights and easements to City-owned property located at 1040 Collins Avenue, for the construction and operation of a residential building for elderly housing ("Council Towers North" or the "Building"), and with the City retaining the rights to the management and operation of the municipal parking lot on the ground floor below the demised premises; and

WHEREAS, the Lease had an initial term of fifty (50) years, expiring on July 8, 2026; and

WHEREAS, the Building was completed in 1979, and includes approximately 125 residential dwelling units, providing quality affordable rental housing for low-income seniors; and

WHEREAS, on or about March 8, 1978, and in accordance with Section 34 of the Lease, the original lessee, Senior Citizens Housing Development Corporation of Miami Beach, assigned the Lease to Lessee, and such assignment was duly recorded in O.R. Book 9967, Page 271 of the public records of Miami-Dade County; and

WHEREAS, Lessee desires to obtain financing, either through a leasehold mortgage, low income housing tax credit equity providers, or other financing vehicles eligible for affordable/elderly housing projects such as the Building, for the purpose of constructing certain capital improvements or other renovations to the Building, including building systems, individual dwelling units, and common areas, with the intent for such improvements, as defined more fully in Section II of this Amendment No. 1, to improve security, safety, and the quality of living conditions for the Building's residents; and

WHEREAS, in order to obtain long-term financing for the Lessee's proposed renovations, Lessee requests an extension of the Term, for a period of fifty (50) years, following the expiration of the initial term on July 8, 2026; and

WHEREAS, in view of the City Commission's desire to support and incentivize affordable housing projects within the City of Miami Beach, including affordable elderly housing, the City

Commission desires to extend the term of the Lease, and waives the competitive bidding and appraisal requirements of Chapter 82-37 and 82-39 of the City Code, finding it in the best interests of the City to do so; and

WHEREAS, a lease of ten years or more of the 1040 Collins Avenue property is governed by the provisions of Section 1.03(b)(4) of the City Charter, and requires approval of a majority 4/7ths vote of all members of the Planning Board, and a 6/7ths vote of the City Commission; and

WHEREAS, on December 19, 2017, following consideration of the Planning Department analysis required pursuant to Section 82-38 of the City Code, the proposed lease extension was unanimously approved by the Planning Board; and

WHEREAS, on February 23, 2018, as required by Section 82-37 of the City Code, the Finance and Citywide Projects Committee reviewed the proposed lease, and unanimously recommended that the Mayor and City Commission approve the foregoing Amendment No. 1., a copy of which is attached to the Commission Memorandum accompanying this Resolution.

NOW THEREFORE, BE IT 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 Citywide Projects Committee, on first reading of this Resolution, and approve, an Amendment No. 1 to the Lease between the City and Miami Beach Senior Citizens Housing Development Corporation, Inc. (Lessee), in connection with the City's lease of air rights for affordable elderly housing at Council Towers North, located at 1040 Collins Avenue, Miami Beach, Florida, for a period of fifty years, commencing July 9, 2026 and ending July 8, 2076; further waiving the competitive bidding requirement in Section 82-39(a) of the City Code, finding such waiver to be in the best interest of the City; and setting a public hearing, as required pursuant to Section 82-37(a)(2) of the City Code, for second (and final) reading and public hearing.

PASSED AND ADOPTED this _____ day of _____2018.

_____
Dan Gelber, Mayor

ATTEST:

_____
Rafael E. Granado, City Clerk

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney RAT 2-26-18 Date