

RESOLUTION NO. 2024-R-3

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL
OF THE CITY OF NORTH MIAMI, FLORIDA, APPROVING
THE TENTH AMENDMENT TO THE LEASE AGREEMENT
BETWEEN THE CITY OF NORTH MIAMI AND OLETA
PARTNERS, INC.; AUTHORIZING THE CITY MANAGER
AND CITY ATTORNEY TO NEGOTIATE AND EXECUTE
THE AMENDMENT; PROVIDING FOR AN EFFECTIVE
DATE AND ALL OTHER PURPOSES.**

WHEREAS, the City of North Miami (“Landlord”) and Oleta Partners, Inc. (“Tenant”) entered into that certain Lease, dated as of May 29, 2012, that certain First Amendment to Lease (“First Amendment”), dated as of June 21, 2012, that certain Second Amendment to Lease (“Second Amendment”), dated as of July 31, 2012, that certain Third Amendment to Lease (“Third Amendment”), dated May 2, 2014, that certain Fourth Amendment to Lease, dated March 2, 2015, (“Fourth Amendment”), that certain Fifth Amendment to Lease, dated October 30, 2015 (the “Fifth Amendment”), that certain Sixth Amendment to Lease, dated January 26, 2017, (the “Sixth Amendment”), that certain Eighth Amendment to Lease, dated September 3, 2021, (the “Eighth Amendment”), that certain Ninth Amendment to Lease, dated April 15, 2022, (the “Ninth Amendment”), and all collectively (the “Lease”) pursuant to which the Tenant is leasing the Premises (as such term is defined in the Lease) from Landlord; and

WHEREAS, Section 28.4 of the Lease permits a modification of the Lease if it is in writing and signed by all the parties to be bound thereby; and

WHEREAS, Section 34.1 of the Lease currently provides that Tenant shall provide the 7.45 acre site within the current Premises to the Landlord with a contribution of Two Million and 0/100 Dollars (\$2,000,000.00) to be used solely by the Landlord for the Community Center and Active Park improvements; and

WHEREAS, due to the Landlord’s acquisition of the Scott Galvin Center, the Landlord no longer intends to build a 20,000 square foot community center at the Premises and the Tenant prefers to build out open park areas within the Premises instead of a single larger active park at the Premises; and

WHEREAS, Tenant has agreed to release Landlord of its obligations regarding the community center and park in Section 35.1 and 34.3 in exchange for Landlord releasing Tenant of its obligations regarding the requirement to build a 7.45 acre Active Park in Sections 35.1 and 34.1 in addition to a contribution of Three Million and 0/100 Dollars (\$3,000,000.00) from Tenant within sixty (60) days of execution of this Tenth Amendment; and

WHEREAS, as a consequence of the foregoing, Landlord and Tenant desire to further amend the Lease as provided for herein; and

WHEREAS, the Mayor and City Council believe that it is in the best interests of the residents and City to consent to the Tenth Amendment of the Lease Agreement.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA:

Section 1. Authorization to execute the Tenth Amendment to the Lease Agreement. The Mayor and City Council of the City of North Miami, Florida, hereby approve the execution of the Tenth Amendment to the Lease Agreement, in substantially the attached form, (see Exhibit "A").

Section 2. Authorization of City Manager and City Attorney. The Mayor and City Council of the City of North Miami, Florida, hereby authorize the City Manager and City Attorney to do all things necessary to effectuate the terms of the Tenth Amendment to the Lease Agreement, in accordance with the direction provided to City Administration, without the necessity of further action by the Mayor and City Council.

Section 3. Effective Date. This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED by a 5 - 0 vote of the Mayor and City Council of the City of North Miami, Florida, this 23rd day of January, 2024.



ALIX DESULME, ED.D.
MAYOR

ATTEST:


VANESSA JOSEPH, ESQ.
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:


JEFF P. H. CAZEAU, ESQ.
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: Galvin

Seconded by: Charles

Vote:

Mayor Alix Desulme, Ed.D. X (Yes) _____ (No)

Vice-Mayor Mary Estimé-Irvin X (Yes) _____ (No)

Councilman Scott Galvin X (Yes) _____ (No)

Councilwoman Kassandra Timothe, MPA X (Yes) _____ (No)

Councilman Pierre Frantz Charles, M.Ed. X (Yes) _____ (No)