

**RESOLUTION NO. 2020-R-11**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, APPROVING THE SEVENTH 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**, Landlord and 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”) 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 of the parties to be bound thereby; and

**WHEREAS**, The Landlord has need for a Community Center on the Tenant’s site consisting of a one (1) story, 20,000 square foot facility that includes an indoor basketball court and volleyball court, locker rooms, aerobics and weight room, an arts and crafts room, a game room, a computer lab, and a central gallery space. The facility shall be built to meet the requirements of a LEED Silver certified facility; and

**WHEREAS**, Tenant has complied with all Initial Development requirements as required under the Lease and is diligently pursuing the ongoing development of the Premises. However, the parties agree that certain components of the Lease do not compliment the Tenant’s ability to diligently, safely or efficiently pursue the development of the Premises for the benefit of Landlord and Tenant; 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 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 Seventh Amendment to the Lease Agreement.** The Mayor and City Council of the City of North Miami, Florida, hereby approve the execution of the Seventh 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 Seventh 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 14th day of January, 2020.

  
PHILIPPE BIEN-AIME  
MAYOR

ATTEST:

  
\_\_\_\_\_  
VANESSA JOSEPH, ESQ.  
CITY CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

  
\_\_\_\_\_  
JEFF P. H. CAZEAU, ESQ.  
CITY ATTORNEY

SPONSORED BY: COUNCILMAN GALVIN

Moved by: Galvin

Seconded by: Estimé-Irvin

**Vote:**

Mayor Philippe Bien-Aime  
Vice Mayor Alix Desulme, Ed.D.  
Councilman Scott Galvin  
Councilwoman Carol Keys, Esq.  
Councilwoman Mary Estimé-Irvin

X (Yes) \_\_\_\_\_ (No)  
X (Yes) \_\_\_\_\_ (No)  
X (Yes) \_\_\_\_\_ (No)  
X (Yes) \_\_\_\_\_ (No)  
X (Yes) \_\_\_\_\_ (No)