

RESOLUTION NO. 18-12-127

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA RATIFYING AND APPROVING THE GROUND LEASE AGREEMENT BETWEEN ISLAMORADA, VILLAGE OF ISLANDS AND HABITAT FOR HUMANITY OF THE UPPER KEYS, INC., FOR THE DEVELOPMENT OF SIXTEEN (16) AFFORDABLE HOUSING UNITS; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE GROUND LEASE AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE VILLAGE MAYOR TO EXECUTE THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Village Council of Islamorada, Village of Islands (the “Village”) expressed a desire to enter into a ninety-year (99) year Ground Lease Agreement with Habitat for Humanity of the Upper Keys, Inc. (“Lessee”) with the intent that the Village-owned property located at 84771 Overseas Highway on Windley Key within the Village and identified with Real Estate Number 00093980-000000 (the “Property”); be leased to Lessee and developed to provide sixteen (16) affordable housing units for the Village (the “Project”); and

WHEREAS, the attached Ground Lease Agreement (“Lease”) defines all terms and provisions of the ninety-nine (99) year Lease with Lessee, including development and financing of the Project and affordability restrictions on the Property; and

WHEREAS, the Village Council finds that approval of the Lease between the Lessee and the Village attached hereto is in the best interest of the Village.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The above recitals are true and correct and incorporated into this Resolution by this reference.

Section 2. Approval of Lease Agreement. The Village Council of Islamorada, Village of Islands hereby ratifies and approves the Ground Lease Agreement (the "Lease") between the Village and Habitat for Humanity of the Upper Keys, Inc., a copy of which is attached as Attachment "1," together with such non-material changes as may be acceptable to the Village Manager and approved as to form and legality by the Village Attorney.

Section 3. Authorization of Village Officials. The Village Manager and/or his designee and the Village Attorney are authorized to take all actions necessary to implement the terms and conditions of the Lease.

Section 4. Authorization of Fund Expenditure. Notwithstanding the limitations imposed upon the Village Manager pursuant to the Village's Purchasing Procedures Ordinance, the Village Manager is authorized to expend budgeted funds to implement the terms and conditions of the Lease.

Section 5. Execution of Lease Agreement. The Village Mayor is authorized to execute the Lease on behalf of the Village, to execute any required agreements and/or documents to implement the terms and conditions of the Lease, and to execute any extensions and/or amendments to the Lease, subject to the approval as to form and legality by the Village Attorney.

Section 6. Effective Date. This Resolution shall take effect immediately upon adoption.

The foregoing Resolution was offered by Vice Mayor Mike Forster, who moved for its adoption. This motion was seconded by Councilman Ken Davis, and upon being put to a vote, the vote was as follows:

FINAL VOTE AT ADOPTION

VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA:

Mayor Deb Gillis	YES
Vice-Mayor Mike Forster	YES
Councilman Ken Davis	YES
Councilwoman Cheryl Meads	YES
Councilman James Mooney	YES

PASSED AND ADOPTED THIS 13TH DAY OF DECEMBER, 2018.



DEB GILLIS, MAYOR

ATTEST:



KELLY TOTH, VILLAGE CLERK

APPROVED AS TO FORM AND LEGALITY
FOR THE USE AND BENEFIT OF ISLAMORADA,
VILLAGE OF ISLANDS ONLY:



ROGET V. BRYAN, VILLAGE ATTORNEY