

CITY COMMISSION AGENDA ITEM REPORT

DATE: July 10, 2024

SUBMITTED BY: Kimberly Dillon

ITEM TYPE: Resolution

TEMP. RESOLUTION NUMBER: TR14137

AGENDA SECTION: **CONSENT AGENDA**

TITLE: TR14137 - A Resolution of the City Commission of the City of Tamarac, Florida, approving a contract for sale and purchase, between Howard Steinholz, as Co-trustee under the Declaration of Appointment of Co-trustee dated April 13, 2016 of the Tamarac Land Trust agreement dated July 10, 2013 and EU International, LLC, a Florida Limited Liability Company, in substantially the same form attached hereto as Exhibit "1", for the sale of ±3.47-acres of vacant real property located at the ne corner and NW corner of NW 91st Avenue and West Commercial Boulevard for a purchase price of six million four hundred and fifty thousand (\$6.450,000) dollars to construct a mixed use development in accordance with section 6-156.2 of the City of Tamarac code of ordinances, authorizing the City Manager and City Attorney to take all necessary action to effectuate the disposition; providing for conflicts; providing for severability; and providing for an effective date

RECOMMENDATION: Staff recommend approval of the Contract for Sale and Purchase between Howard Steinholz, as Co-Trustee under the Declaration of Appointment of Co-Trustee dated April 13, 2016 of the Tamarac Land Trust Agreement dated July 10, 2013 and EU International LLC to sell ±3.47-acres of city-owned real surplus property of the Tamarac Village vacant parcels at NW 91st Avenue and Commercial Boulevard (Folios: 494108270040 and 494108270030) for \$6.450 Million in order to construct a mixed-use project containing restaurant, retail and multifamily uses with structured parking directly adjacent to the newly built Tamarac Village public park and amphitheater at the July 10, 2024 City Commission meeting .

BACKGROUND: At its June 28, 2023 City Commission meeting, the City Commission approved (R-2023-073) the Termination of

Ground Lease for the Tamarac Village Commercial Parcel between Howard Steinholz, as Co-Trustee under the Declaration of Appointment of Co-Trustee dated April 13, 2016, of the Tamarac Land Trust Agreement dated July 10, 2013, and JKM TV C, LLC.

Last year, Phase II construction of the public-private partnership Tamarac Village project was substantially completed which included opening six (6) new multi-family apartment buildings with 190-units, plus nearing completion of the new .75-acre public park with splash pad, public art installations and the new amphitheater that will be programmed by the City for community events/performances. Along with Phase I, that brings the total for the completed phases, Phase I and Phase II, of Tamarac Village to 13-apartment buildings with 401-units and the clubhouse, all now complete, along with the nearly finished new public park and public amenities.

With City Commission approval to terminate the Commercial Parcel ground lease with developer JKM last Summer, staff proceeded to issue a Request for Proposals/RFP 23-37R, issued along with the marketing brochure/ Offering Memorandum to seek qualified and experienced developers to submit development proposals and proposed purchase bids in order to develop the final ±3.47-acre commercial phase construction of the Tamarac Village project. At the February 24, 2024, City Commission meeting, the Commission rejected proposals received under the RFP/23-37R process.

Section 6-156.2 of the City of Tamarac Code of Ordinances, entitled, Surplus Real Property, provides that upon the City Commission determination, any parcel of real estate that is no longer necessary, appropriate, required for the use of, or profitable to the City, can be disposed of, provided a “recent” appraisal was prepared not more than twelve (12) months prior to the proposed date of sale or disposition.

Staff commission two appraisals dated, January, 2024 which appraised the parcels at \$5,435,000.00 Million.

The City has since received an unsolicited proposal (see Attachment)for the sale/purchase and development of the Property from EU International, LLC. EU International desires to purchase and the City desires to sell the Property for the development of a mixed-use project upon the terms and conditions set forth in the attached Contract for Sale and Purchase and future Development Agreement.

Purchase and Sale Agreement – Terms Summary

- \$6,450,000.00 Purchase Price
 - o \$5,450,000.00 Paid at Closing
 - o \$1,000,000.00 (Purchase Price Balance), Paid at Issuance of First Vertical Building Permit with Stipulations.
- Due Diligence Period (360 days)

- o 60 Days Inspection Period
- o 300 Days Approvals Period (e.g. Site Plan, Development Agreement)
- o 60 Days to submit Applications after Inspection Period
- Deposits:
 - o \$100,000 Initial Deposit (within 3 days of contract execution); refundable until Approvals received
 - o \$100,000 Second Deposit (post-inspection); refundable until Approvals received
 - o \$50,000 Extension Deposit (per 90 Day Approval Period extension granted); nonrefundable but credited towards the Purchase Price.
- Closing within 30 Days after Approvals received

The proposed Purchase Price is higher than the current appraised value for the Tamarac Village commercial parcels appraised at \$5,435,000 (appraisals updated January 2024; see Attachments).

Should the City Commission approve the sale of the Property to EU International LLC and authorize the Contract for Sale and Purchase, the next steps in the process are outlined in the Purchase and Sale Agreement. The developer will be required to obtain City Commission approval of their Site Plan and Development Agreement (to be presented concurrently) prior to closing on the city-owned land sale.

CONCLUSION: Staff recommend approval at the July 10, 2024 City Commission meeting to authorize the City Manager and City Attorney to do all things necessary and enter into an Agreement between Howard Steinholz, as Co-Trustee under the Declaration of Appointment of Co-Trustee dated April 13, 2016 of the Tamarac Village Land Trust Agreement dated July 10, 2013 and EU International, LLC to dispose of the ±3.47-acres of city-owned surplus real property at NW 91st Avenue and Commercial Boulevard in order to develop the final phase (Phase III) of Tamarac Village's Commercial Parcel constructing a mixed-use project with restaurant/retail, multi-family and structured parking.

ISSUE:

City Commission approval is necessary to sell surplus real estate to EU International, pursuant to Section 6-156.2 of the City of Tamarac Code of Ordinances.

ATTACHMENTS:

[TR14137 -MEMO~1.doc](#)

[TR14137_RESOLUTION \(1\).docx](#)

[Exhibit 1 - Tamarac Village.pdf](#)

[Unsolicited Proposal EU International LOI.pdf](#)

[TR14137 Appraisal Miller Tamarac Village Jan 2024.pdf](#)

[TR14137 Appraisal Gonzalez Tamarac Village Jan 2024.pdf](#)