

COUNTY OF CHARLOTTE

Board of County Commissioners

18500 Murdock Circle

Port Charlotte, FL 33948

www.CharlotteCountyFL.gov

County Commissioners

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County Attorney

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Clerk of the Circuit Court

Roger D. Eaton

AGENDA

CHARLOTTE HARBOR COMMUNITY REDEVELOPMENT AGENCY

January 23, 2018, 10:00 AM (or soon thereafter)

18500 Murdock Circle, Commission Chambers, Room #119

Charlotte Harbor Community Redevelopment Agency does not discriminate on the basis of disability. This nondiscrimination policy involves every aspect of the County's functions, including access to and participation in meetings, programs and activities. FM Sound Enhancement Units for the Hearing Impaired are available at the Front Security Desk, Building A of the Murdock Administration Complex. Anyone needing other reasonable accommodation or auxiliary aids and services please contact our office at 941.743.1381, TDD/TTY 941.743.1234, or by email to David.Lyles@charlottecountyfl.gov.

SHOULD ANY AGENCY OR PERSON DECIDE TO APPEAL ANY DECISION MADE BY THE BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING, A RECORD OF THE PROCEEDING, AND FOR SUCH PURPOSE, A VERBATIM RECORD OF THE PROCEEDING IS REQUIRED, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

Call to Order of the Charlotte Harbor Community Redevelopment Agency and Roll Call

CITIZEN INPUT - AGENDA ITEMS ONLY

Anyone wishing to address the Board during this portion of the meeting must fill out a card, state their name for the record, and state which agenda item(s) will be addressed. Remarks shall be limited to 3 minutes (max) and shall be addressed to the Commission as a body, and not to individual members. There will not be any discussion.

Agenda Items

1. Approval of 30-day Notice of Intent to Dispose of Property

RECOMMENDED ACTION:

Approve Resolution authorizing the publication of a thirty (30) day Notice of Intent to Dispose of Property, as required by Section 163.380 (3)(a), Florida Statutes.

****Change, added 30 Day Notice and Resolution, 1/18/18****

2. Set a Meeting of the Charlotte Harbor CRA to be held on February 27, 2018

RECOMMENDED ACTION:

Set a meeting of the Charlotte Harbor CRA for February 27, 2018 at 10 am, or soon thereafter.

Agenda Items

Community Redevelopment Agency Agenda Item Summary

1 DEPARTMENT MAKING REQUEST

Charlotte Harbor Community Redevelopment Agency

2 MEETING DATE

1/23/2018 10:00:00 AM

3 REQUESTED MOTION/ACTION

Approve Resolution authorizing the publication of a thirty (30) day Notice of Intent to Dispose of Property, as required by Section 163.380 (3)(a), Florida Statutes.

****Change, added 30 Day Notice and Resolution, 1/18/18****

4 AGENDA

5 IS THIS ITEM BUDGETED (IF APPLICABLE) -

Budget Action

No action needed. Revenue will be deposited into the Charlotte Harbor Redevelopment fund.

Financial Impact Summary Statement

Detailed Analysis Attached - No

Budget Officer-

6 BACKGROUND (Why is this Action Necessary, and What Action will be accomplished)

ATTACHMENTS:

Name:	Description:	Type:
Letter_of_Interest.pdf	Letter of Interest	Backup Material
30-day_NOI_Resolution_January_23_2018.pdf	Resolution	Backup Material
30_Day_Notice_Sunseeker_v11818_January_23_2018.pdf	30 Day Notice	Backup Material

SUNSEEKER FLORIDA, INC.
1201 N. Town Center Dr.
Las Vegas, NV 89144

January 17, 2018

Charlotte Harbor Community Redevelopment Agency
c/o Lucienne Pears
Director, Economic Development Office
18501 Murdock Circle, Suite 302
Port Charlotte, Florida 33948

Re: Letter of Interest concerning acquisition of lands within Charlotte Harbor Community Redevelopment Area, Charlotte County, Florida

Dear Ms. Pears:

This Letter of Interest is provided to memorialize the interest of Sunseeker Florida, Inc. (hereinafter "Sunseeker") to acquire and redevelop two parcels of real property owned by the Charlotte County Community Redevelopment Agency ("the CRA") located within the Charlotte Harbor Community Redevelopment Area in conjunction with Sunseeker's larger planned development within the CRA.

The objective of this Letter of Interest is to exchange fundamental information necessary for a definitive Purchase and Sale Agreement between the CRA and Sunseeker (the "Definitive Agreement").

This Letter of Interest is provided in order to initiate the process of consummating the Definitive Agreement with the understanding that it is nonbinding and subject to the drafting, approval and consummation of the Definitive Agreement.

Sunseeker:

Sunseeker is a subsidiary of Allegiant Travel Company, the parent company of Allegiant Airlines. Sunseeker's leadership includes John Redmond, the president of Allegiant Airlines. Mr. Redmond is the former CEO of MGM Grand Resorts, LLC. Mr. Redmond has led the development of many large-scale resort and mixed-use projects in multiple venues across the United States and internationally.

The Project:

Sunseeker has acquired 25 parcels of real property located along the waters of Charlotte Harbor within the CRA comprising approximately 25 acres as more particularly illustrated on Exhibit "A"

hereto (the "Project Site"). Sunseeker intends to develop a mixed-use development on the Project Site including hotel, condominium, marina, retail, restaurant, entertainment and related uses under the tradename Sunseeker Resort (the "Project"). A general depiction of the planned Project improvements is set forth on Exhibit "B." The Project may include all uses permitted under the Charlotte Harbor Riverwalk zoning district including without limitation condominium, hotel, timeshare, retail, dining, and entertainment and is presently anticipated to include approximately 277 hotel rooms, 842 condominium-hotel units, a marina, restaurant, entertainment, retail and related components.

Subject Property:

Sunseeker desires to enter into a definitive agreement for the acquisition and redevelopment of the following CRA owned parcels located within the CRA:

Two parcels located at the intersection of Tamiami Trail and Melbourne Street known as 5000 and 5054 Tamiami Trail and more particularly depicted on Exhibit "C" hereto (the "Subject Property").

In connection with the development of the Project, Sunseeker plans to construct a condominium-hotel building on the Subject Property along with commercial and marina improvements on the Subject Property and the adjacent submerged lands.

Consideration for Conveyance of the Subject Property:

As consideration for the conveyance of the Subject Property, Sunseeker will agree to construct Project improvements of public benefit that are in excess of existing Charlotte County ("County") standards and requirements to include the following:

- a. a seawall abutting the entire shoreline of the Project along the waters of Charlotte Harbor at an anticipated cost of **\$2,300,000** (the "Seawall");
- b. An enhanced, elevated boardwalk ("Riverwalk") adjacent to the Seawall open and accessible to the public and connecting the Bayshore Live Oak Point Park to the Live Oak Point Park at the northern end of the US 41 northbound bridge through the Riverwalk at an anticipated cost of **\$715,000**;
- c. a pedestrian bridge across Tamiami Trail connecting the Riverwalk to the Melbourne Parcel, Bayshore Live Oak Park, and the pedestrian walkways on the northbound and southbound Tamiami Trail Bridges at an anticipated cost of **\$6,500,000**;

- d. Expanded seawall along Bayshore Park from Main Street east to the Project site (the "Bayshore Park Seawall") at an anticipated cost of \$1,100,000;
- e. Public Parking Garage east of Main Street in Bayshore Park (the "Parking Garage") at anticipated cost of \$5,700,000.

(All of the foregoing are hereafter referred to as the "Beneficial Improvements")

Under the Definitive Agreement, Sunseeker will commit and agree to construct the Beneficial Improvements as part of the construction and development of the Project.

Conveyance of the Subject Property and Right of Reverter:

No later than 40 days following execution of the Definitive Agreement, subject to satisfaction of all conditions set forth in the Definitive Agreement, CRA shall convey the Subject Property to Sunseeker. The instrument of conveyance shall include a right of reverter in favor of the County such that all title to the Subject Property shall revert to the County if either (a) Sunseeker has not commenced construction of the Beneficial Improvements on or before June 1, 2020 or (b) Sunseeker has not completed construction of the Beneficial Improvements by June 1, 2025 (hereafter the "Reverter Right").

Public Private Partnership Agreement

Sunseeker's construction of the Bayshore Park Seawall and the Parking Garage shall be subject to and in accordance with a Public Private Partnership Agreement with the County setting forth specific terms relative to the construction, maintenance, and operation of the Parking Garage.

County and CRA commitments:

Sunseeker shall seek approval and permitting of a marina facility within the submerged lands adjacent to the Subject Property. County and the CRA shall support and assist Sunseeker's permitting efforts and, where needed, joined as a co-applicant(s) on all necessary permitting applications.

Disposition is subject to Community Redevelopment Act:

Sunseeker acknowledges that it is familiar with Part III, Chapter 163, Florida Statutes (the "Community Redevelopment Act"), and specifically Section 163.380 concerning the disposition of property in a community redevelopment area. Accordingly, Sunseeker understands that any agreement developed will, if ultimately satisfactory to the CRA, by law necessitate a thirty (30)

Charlotte Harbor Community Redevelopment Agency

c/o Lucienne Pears

January 8, 2018

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day published notice inviting other proposals and making the public aware that the CRA is prepared to consider not only Sunseeker's proposal, but other proposals, the financial ability of the persons making such a proposal to carry them out; and, that the CRA may accept any such proposal, or none, as it deems to be in the public interest and in furtherance of the purposes of the Community Redevelopment Act.

Procuring Cause:

Sunseeker understands that the CRA is under no circumstances agreeing to pay any commission or finder's fee and that the County shall not be obligated under any circumstance to any party as a procuring cause for the purchase and sale of the any lands within the Charlotte Harbor Community Redevelopment Area. Sunseeker and the CRA acknowledge that there is no third party as "Procuring Cause" and that no broker or other party is entitled to a finder's fee, commission or broker's fee as the result of the consummation of this contemplated transaction.

Due Diligence Materials and Representations:

Sunseeker acknowledges that both the CRA and County are a governmental entity and cannot and does not make any warranty or representation relative to the title of the subject property, its condition, or the completeness of any information or disclosure of information. Sunseeker understands that although the County may provide information in its possession, that the provision of such information is done so essentially on the basis of providing readily available public information; and, that all due diligence is and must be done exclusively and independently by Sunseeker and that any conveyance of the subject property is on a "where is" and "as is" basis without any representation or warranties, expressed or implied, whatsoever.

Letter of Interest is Non-Binding:

Sunseeker acknowledges that this Letter of Interest is for informational purposes and is non-binding. No agreement with the CRA is binding unless and until there is compliance with the Community Redevelopment Act and a subsequent enforceable agreement is executed by and between the CRA and Sunseeker. Sunseeker understands that the CRA is under no obligation to expend funds or resources to negotiate with Sunseeker or to negotiate exclusively with Sunseeker.

PROPOSED AGREEMENT FOR THE ACQUISITION OF THE SUBJECT PROPERTY:

General terms:

Subsequent to the 30-day Public Notice Period as described in the Community Redevelopment Act, Sunseeker and CRA, will enter into a definitive Purchase and Sales Agreement that will be prepared by Sunseeker's attorney in cooperation with CRA's attorney. The Purchase and Sale Agreement will describe the obligation and responsibilities of the parties and conditions of purchase, including but not limited to the following:

- A. Title and Survey: Within thirty (30) days following the Effective Date of the Agreement, Sunseeker will obtain, at Sunseeker's expense, a title commitment that discloses all legal information on the Property issued by a reputable Florida title insurance company and a survey prepared by a duly registered surveyor licensed to do business in the State of Florida ("Survey").
- B. Due Diligence Investigation. Within thirty (30) days following the Effective Date of the Agreement, Sunseeker will conduct and obtain, at Sunseeker's expense, such due diligence investigations, site assessments, inspections and other investigations as Sunseeker may deem necessary or appropriate to determine the suitability of the Subject Property for its intended purposes.
- C. Sunseeker Commitment and Obligation to Construct the Beneficial Improvements. The Purchase and Sale Agreement shall set forth and establish Sunseeker's obligation to construct the Beneficial Improvements in conjunction and concomitantly with the construction and development of the Project and shall require incorporation of the Reverter Right into the instrument of conveyance. Sunseeker's commitment to construct the Bayshore Park Seawall and the Parking Garage shall be subject to the negotiation and execution of the Public Private Partnership Agreement for the Parking Garage.
- D. County and CRA Commitments. County and CRA will agree to support Sunseeker's efforts to entitle and permit the contemplated marina facility on the submerged lands adjacent to the Subject Property and, as applicable, join as a co-applicant.
- D. Closing. Closing under the Purchase and Sale Agreement and conveyance of title to the Subject Property shall occur within 15 days of the satisfaction or Sunseeker's sooner waiver of the time period for Title and Survey and Due Diligence as set forth above.
- E. Closing Costs. Sunseeker shall pay the cost of the Survey, Owner's title Insurance Policy and documentary stamp tax due on the Deed of conveyance, if applicable and the cost to record the Deed.

Charlotte Harbor Community Redevelopment Agency
c/o Lucienne Pears
January 8, 2018
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Sunseeker Florida, Inc., looks forward to working with the EDO, the CRA and the County in completing this transaction and working to develop this extraordinary Project. Please contact me if you should have questions or comments with respect to this Letter of Interest.

SUNSEEKER FLORIDA, INC., a Florida
corporation



Print Name: Robert H. Bernntsson
Title: Attorney / Agent for Sunseeker Florida, Inc.
Dated: 1-17-18

EXHIBIT "A"



EXHIBIT "B"



EXHIBIT "C"
Subject Property
Parcel IDs: 402236255002, 402236255003



RESOLUTION
NUMBER 2018-

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, ACTING EX-OFFICIO AS THE GOVERNING BOARD OF THE CHARLOTTE HARBOR COMMUNITY REDEVELOPMENT AGENCY AUTHORIZING PUBLICATION OF A THIRTY (30) DAY NOTICE OF INTENT TO DISPOSE OF TWO (2) LOTS, 5000 TAMIAMI TRAIL, PORT CHARLOTTE, FLORIDA 33980 AND 5054 TAMIAMI TRAIL, PORT CHARLOTTE, FLORIDA 33980 CONSISTING OF APPROXIMATELY 3.6 ACRES, OF CRA OWNED PROPERTY LOCATED WITHIN SECTION 36, TOWNSHIP 40, RANGE 22 EAST, CHARLOTTE COUNTY, FLORIDA, AS REQUIRED BY SECTION 163.380(3), FLORIDA STATUTES; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RECITALS

WHEREAS, the Board of County Commissioners of Charlotte County, Florida, acting Ex-Officio as the governing board of the Charlotte Harbor Community Redevelopment Agency, owns certain property in the Charlotte Harbor Community Redevelopment Area located in Section 36, Township 40 South, Range 22 East, Charlotte County, Florida; and

WHEREAS, the Charlotte Harbor Community Redevelopment Agency has received a proposal from Sunseeker Florida, Inc., to add to their existing footprint so they will be able to provide retail and commercial employment opportunities within the gateway district within the redevelopment area; and

WHEREAS, Section 163.380(3)(a), Florida Statutes, requires that prior to disposition of any real property or interest therein in a community redevelopment area, any county, municipality, or community redevelopment agency shall give public notice of

such disposition by publication in a newspaper having a general circulation in the community, at least 30 days prior to the execution of any contract to sell, lease, or otherwise transfer real property and, prior to the delivery of any instrument of conveyance with respect thereto under the provisions of this section, invite proposals from, and make all pertinent information available to, private redevelopers or any persons interested in undertaking to redevelop or rehabilitate a community redevelopment area of any part thereof; and

WHEREAS, the Board of County Commissioners of Charlotte County, Florida, acting Ex-Officio as the governing board of the Charlotte Harbor Community Redevelopment Agency deems it appropriate to further this objective by approving the publication of the statutory notice of intent to dispose of the Property in accordance with Florida law.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Charlotte County, Florida, acting Ex-Officio as the governing board of the Charlotte Harbor Community Redevelopment Agency, that:

1. The Board of County Commissioners of Charlotte County, Florida, acting Ex-Officio as the governing board of the Charlotte Harbor Community Redevelopment Agency, authorizes the publication of a thirty (30) day Notice of Intent to Dispose of Property, as required by Section 163.380(3)(a), Florida Statutes, for the disposition of two (2) lots, 5000 Tamiami Trail, Port Charlotte, Florida 33980 and 5054 Tamiami Trail, Port Charlotte, Florida 33980 consisting of approximately 3.6 acres, of CRA owned property in the Charlotte Harbor Community Redevelopment Area located within the

redevelopment area of Section 36, Township 40 South, Range 22 East, Charlotte County, Florida.

2. This Resolution is effective upon adoption.

PASSED AND DULY ADOPTED this 23rd day of January, 2018.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA
ACTING EX-OFFICIO AS THE GOVERNING
BOARD OF THE CHARLOTTE HARBOR
COMMUNITY REDEVELOPMENT AGENCY

By: _____
Kenneth W. Doherty, Chairman

ATTEST:
Roger D. Eaton, Clerk of the Circuit
Court and ex-officio Clerk of the
Board of County Commissioners

By _____
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

By: _____
Janette S. Knowlton, County Attorney
LR 2018-0131



NOTICE CONCERNING DISPOSITION OF PROPERTY IN THE CHARLOTTE HARBOR COMMUNITY REDEVELOPMENT AREA

Notice of an Invitation for Proposals is hereby given and responses will be received until 5:00 p.m. EST on February 26, 2018 by the Charlotte County Economic Development Office, 18501 Murdock Circle, Suite 302, Port Charlotte, Florida 33948 for the purpose of facilitating the disposition of certain real property located in Charlotte County, Florida.

Notice is hereby given that the Charlotte Harbor Community Redevelopment Agency (the "Agency") is calling for proposals and will conduct a subsequent public meeting to consider proposals concerning the means and methods for disposition of certain property and use rights to-wit:

1. Disposition of approximately 3.6 acres now owned by the Agency (the "Subject Property") within the area known as the Charlotte Harbor Community Redevelopment Area (the "Redevelopment Area"). The Subject Property is also known as 5000 & 5054 Tamiami Trail (Parcel ID's 402236255002 & 402236255003) in Section 36, Township 40 South, Range 22 East in Charlotte County.

As soon as feasible, the Agency desires to embark upon a substantial redevelopment of the subject property located in unincorporated areas of Charlotte County pursuant to the Charlotte Harbor CRA Redevelopment Plan adopted by the County on January 24, 2006. Pursuant to Section 163.380, Florida Statutes, the Agency desires to sell, lease, dispose of, or otherwise transfer real property or any interest therein acquired by it for community redevelopment in a community redevelopment area to any private person or persons, or may retain such property for public use. Such disposition must be consistent with a community redevelopment plan for the area, subject to such obligations, covenants, conditions, and restrictions running with the land as the County deems is desirable to remedy blighted area conditions and carry out the redevelopment of the Redevelopment Area.

2. The Charlotte Harbor Community Redevelopment Plan represents the guiding principles for the redevelopment initiative. The Agency has negotiated with Sunseeker Florida, Inc. for an interest in the Subject Property, but has no commitment or obligation to accept such proposal. Copies of the Charlotte Harbor Community Redevelopment Plan, the draft proposal from Sunseeker Florida, Inc., and accompanying explanatory materials are available on the County's website at www.charlottecountyfl.gov or may be obtained from the **Charlotte County Economic Development Office at 18501 Murdock Circle, Suite 302, Port Charlotte, Florida, 33948.**

The Agency desires as a matter of good public policy, and is required by law to consider alternative proposals concerning the disposition of the Subject Property, and redevelopment proposals involving lands owned by and controlled by the Agency. The Agency encourages proposals from any interested and capable persons.

3. Responsible proposers must be able to demonstrate that they have the skill set, financial and legal ability to carry out any proposal made. Any proposal received will be subject to the determination made by the Agency that it is in the public interest and in the furtherance of the purposes of Part III of Chapter 163, Florida Statutes, relating to community redevelopment. All proposers are encouraged to carefully review Part III of Chapter 163, Florida Statutes, and particularly Section 163.380 thereof relating to disposition of property in a community redevelopment area. A responsible proposer must provide a written proposal to the Charlotte County Economic Development Office, on or before February 26, 2018 on or before **5:00 p.m.** All proposals received by the Agency will be evaluated in accordance with Section 163.380; as well as, the criteria and objective in this Notice.

It is anticipated that one or more proposers will be selected to negotiate and enter into an agreement which will achieve the Agency's objective of (a) accomplishing the Agency's community redevelopment vision, (b) best recovering the substantial costs incurred by the Agency in acquiring the lands involved, and (c) initiate redevelopment as soon as feasible. The Agency will consider all feasible alternatives which achieve the foregoing objectives, including alternatives which involve assisting the Agency in implementing the community redevelopment by further entitling and accomplishing the successful marketing of the subject property for community redevelopment purposes.

4. The Agency unequivocally reserves the right to reject any and all responses. This notice is additionally provided in order to comply with the requirements of Part III, Chapter 163, Florida Statutes. Questions or further inquiries may be directed to Lucienne Pears, Director Charlotte County Economic Development Office at (941) 764-4941.

Reference No.: CHCRA Proposal _____
Published: January ____, 2018

**Community Redevelopment Agency
Agenda Item Summary**

1 DEPARTMENT MAKING REQUEST

Charlotte Harbor Community Redevelopment Agency

2 MEETING DATE

1/23/2018 10:00:00 AM

3 REQUESTED MOTION/ACTION

Set a meeting of the Charlotte Harbor CRA for February 27, 2018 at 10 am, or soon thereafter.

4 AGENDA

5 IS THIS ITEM BUDGETED (IF APPLICABLE) -

Budget Action

Financial Impact Summary Statement

Detailed Analysis Attached -

Budget Officer-

6 BACKGROUND (Why is this Action Necessary, and What Action will be accomplished)

ATTACHMENTS:

Name:

Description:

Type:

No Attachments Available