

POMPANO BEACH COMMUNITY REDEVELOPMENT AGENCY

Meeting Date: March 15, 2016

Agenda Item 2

REQUESTED CRA BOARD ACTION:

Resolution(s) Consideration Approval Other

SHORT TITLE OR MOTION: A RESOLUTION OF THE POMPANO BEACH COMMUNITY REDEVELOPMENT AGENCY APPROVING AND AUTHORIZING THE PROPER OFFICIALS TO EXECUTE A TERMINATION OF SUBLEASE AGREEMENT BETWEEN THE POMPANO BEACH COMMUNITY REDEVELOPMENT AGENCY AND BRANDON SYLVESTER SMITH D/B/A BOJO'S SEAFOOD KITCHEN RELATING TO PROPERTY LOCATED AT 731 HAMMONDVILLE ROAD, UNIT C; PROVIDING AN EFFECTIVE DATE.

Summary of Purpose and Why:

This termination agreement for Unit C is a companion item to the Sublease Agreement for Unit F. CRA staff seeks approval of a Sublease Agreement between the Pompano Beach Community Redevelopment Agency and Brandon Sylvester Smith d/b/a Bojo's Seafood Kitchen, for Unit "F" in the commercial building located at 731 Hammondville Road (Martin Luther King, Jr. Blvd.) and a Termination Agreement for Unit "C". These companion items will enable the tenant to move from the take-out space (Unit C) to the full restaurant space (Unit F) so that this homegrown business can increase operations and provide a fast casual restaurant option for the neighborhood. CRA staff recommends approval of this item.

QUESTIONS TO BE ANSWERED BY ORIGINATING DEPARTMENT:

- (1) Origin of request for this action: Staff
- (2) Primary staff contact: Adriane Esteban Ext. 7841
- (3) Expiration of contract, if applicable: 3 months from effective date
- (4) Fiscal impact and source of funding: N/A

DEPARTMENTAL COORDINATION	DATE	DEPARTMENTAL RECOMMENDATION	AUTHORIZED SIGNATURE OR ATTACHED MEMO NUMBER

- CRA Executive Director
- CRA Attorney
- Finance Director


Claudia M. McKenna

S. Sublet

ACTION PREVIOUSLY TAKEN BY CRA BOARD:

Resolution Results:	Consideration Results:	Other Results:

CRA

POMPANO BEACH

P. O. Drawer 1300
Pompano Beach, FL 33060

Phone: (954) 786-5535
Fax: (954) 786-7836

MEMORANDUM

Date: March 15, 2016

To: Pompano Beach CRA Board

From: Adriane Esteban, Project Manager

Subject: 731 Hammondville Rd. (MLK Blvd.) Unit F Sublease and Unit C Termination Agreement- Bojo's Seafood Kitchen

I. Issue

CRA staff seeks approval of a Sublease Agreement between the Pompano Beach Community Redevelopment Agency and Brandon Sylvester Smith d/b/a Bojo's Seafood Kitchen, for Unit "F" in the commercial building located at 731 Hammondville Road (Martin Luther King, Jr. Blvd.) and a Termination Agreement for Unit "C". These are companion items to enable the tenant to move from the take-out space (Unit C) to the full restaurant space (Unit F) so that this homegrown business can increase operations and provide a fast casual restaurant option for the neighborhood.

II. Recommendation

CRA staff recommends approval of the Resolution.

III. Background

The CRA completed construction of the commercial building located at 731 Hammondville Road (Martin Luther King, Jr. Blvd.) in March 2015. The project consisted of constructing a 4,140 SF new commercial building, 41 parking spaces, landscape, hardscape and tenant improvements including providing restaurant equipment on the unified property. The Grand Opening was celebrated in May 2015, and tenants began operations soon thereafter.

Bojo's Seafood Kitchen (Bojo's) currently occupies Unit C, the take-out space, and has received great feedback and customer loyalty from the neighborhood. When the opportunity to occupy Unit F, the full scale restaurant, became available, Bojo's expressed interest. Bojo's would like to operate a fast casual restaurant in Unit F where customers can order food at the counter and eat at the tables provided similar to other successful fast casual concepts in the market. Bojo's feels that this is their chance to grow their catering arm as well as have additional space for customers looking to dine at the location. In order to move to Unit F, Bojo's would terminate

CRA

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their Unit C Sublease and enter into a Sublease Agreement for Unit F. These documents provide Bojo's three months to transition from Unit C to Unit F. The rent for Unit F would then incrementally increase to the established rate. The approval of this Unit F Sublease Agreement and Unit C Termination Agreement will fill a vacancy and allow for a new small business to generate economic activity on Martin Luther King Jr. Boulevard in Downtown Pompano.

RESOLUTION NO. _____

POMPANO BEACH COMMUNITY REDEVELOPMENT AGENCY

A RESOLUTION OF THE POMPANO BEACH COMMUNITY REDEVELOPMENT AGENCY APPROVING AND AUTHORIZING THE PROPER OFFICIALS TO EXECUTE A TERMINATION OF SUBLEASE AGREEMENT BETWEEN THE POMPANO BEACH COMMUNITY REDEVELOPMENT AGENCY AND BRANDON SYLVESTER SMITH D/B/A BOJO'S SEAFOOD KITCHEN RELATING TO PROPERTY LOCATED AT 731 HAMMONDVILLE ROAD, UNIT C; PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE POMPANO BEACH COMMUNITY REDEVELOPMENT AGENCY THAT:

SECTION 1. The Termination of Sublease Agreement between the Pompano Beach Community Redevelopment Agency and Brandon Sylvester Smith d/b/a Bojo's Seafood Kitchen, relating to property located at 731 Hammondville Road, Unit C, Pompano Beach, Florida (the Termination Agreement), a copy of which Agreement is attached hereto and incorporated by reference as if set forth in full, is hereby approved.

SECTION 2. The proper officials are hereby authorized to execute the Termination Agreement, together with such other documents as may be required to effectuate the Termination Agreement.

SECTION 3. This Resolution shall become effective upon passage.

PASSED AND ADOPTED this _____ day of _____, 2016.

LAMAR FISHER, CHAIRPERSON

ATTEST:

MARGARET GALLAGHER, SECRETARY

TERMINATION OF SUBLEASE AGREEMENT

THIS TERMINATION OF SUBLEASE AGREEMENT (Termination Agreement) is made between the Pompano Beach Community Redevelopment Agency (CRA) and Brandon Sylvester Smith d/b/a Bojo’s Seafood Kitchen (Sublessee).

WHEREAS, the parties entered into a Sublease Agreement relating to property located at 731 Hammondville Road, Unit C, Pompano Beach, Florida (the Property), which Sublease Agreement was approved by Resolution No. 2015-61; and

WHEREAS, the parties desire to terminate the Sublease Agreement.

NOW THEREFORE, the parties agree as follows:

1. The above recitals are true and correct.
2. The effective date of this Termination Agreement shall be the date three months from the date executed by the later of the CRA or Sublessee (the Effective Date).
3. The Security Deposit shall be returned to Sublessee upon receipt of an invoice for the Security Deposit from Sublessee.
4. Sublessee shall leave the Property in broom clean condition and shall have the grease trap cleaned and ready for health inspection.
5. The parties agree that the Sublease Agreement shall be terminated as of the Effective Date and of no further force and effect.

IN WITNESS WHEREOF, the parties have executed this Agreement on the dates shown below.

Signed, sealed and witnessed
in the presence of:

Print Name: _____

Print Name: _____

Print Name: _____

“CRA”

**POMPANO BEACH COMMUNITY
REDEVELOPMENT AGENCY**

By: _____
Lamar Fisher, Chairman

Date: _____

ATTEST:

Margaret Gallagher, Secretary

EXECUTIVE DIRECTOR:
Redevelopment Management Associates, LLC
a Florida limited liability company

By: MetroStrategies, Inc., a Florida corporation,
a managing member

By: _____
Kim Briesemeister, President

STATE OF FLORIDA
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this ____ day of _____, 2016, by LAMAR FISHER as Chairman of the Pompano Beach Community Redevelopment Agency, who is personally known to me.

NOTARY PUBLIC, STATE OF FLORIDA

(Name of Acknowledger typed, printed or stamped)

Commission number

STATE OF FLORIDA
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this ____ day of _____, 2016 by MARGARET GALLAGHER, Secretary of the Pompano Beach Community Redevelopment Agency, who is personally known to me.

NOTARY PUBLIC, STATE OF FLORIDA

(Name of Acknowledger typed, printed or stamped)

Commission number

STATE OF FLORIDA
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this ____ day of _____, 2016, by KIM BRIESEMEISTER, President of MetroStrategies, Inc., as Managing Member of Redevelopment Management Associates, LLC, on behalf of the limited liability company. She is personally known to me or has produced _____ (type of identification) as identification.

NOTARY PUBLIC, STATE OF FLORIDA

(Name of Acknowledger typed, printed or stamped)

Commission number

Signed, sealed and witnessed
in the presence of:

**BRANDON SYLVESTER SMITH D/B/A
BOJO'S SEAFOOD KITCHEN**

By: _____

Print Name: _____

Date: _____

Print Name: _____

STATE OF FLORIDA
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this ____ day of _____,
2016, by **BRANDON SYLVESTER SMITH D/B/A BOJO'S SEAFOOD KITCHEN**. He is personally
known to me or has produced _____ (type of identification) as identification.

NOTARY PUBLIC, STATE OF FLORIDA

(Name of Acknowledger typed, printed or stamped

Commission number