



## Legislation Details (With Text)

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<b>File created:</b>	3/24/2014	<b>In control:</b>		City Manager	
<b>On agenda:</b>	7/20/2017	<b>Final action:</b>		7/20/2017	
<b>Title:</b>	Lot # 10 Status Report (B)				

This is a request for the City Commission to hear a status report on Lot #10.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 130847A\_3-10-14 Appraisal Lot10\_20140417.pdf, 2. 130847B\_Resolution for Lot 10\_20140417.pdf, 3. 130847C\_Exhibit A to Resolution\_20140417.pdf, 4. 130847D\_Exhibit B to Resolution\_20140417.pdf, 5. 130847C-MOD\_Exhibit A - Legal Description for Lot 10\_20140417.pdf, 6. 130847\_Resolution\_20140417.pdf, 7. 130847A\_Horizon Hospitality Mgmt Proposal\_20150305.pdf, 8. 130847B\_Horizon Hospitality Mgmt Artist Rendering\_20150305.pdf, 9. 130847C\_Horizon Hospitality Mgmt\_Sample Hotel Conceptual Planning Efforts\_20150305.pdf, 10. 130847D\_Horizon Hospitality Mgmt Gainesville Hotel Oral Ppt Presentation\_20150305.pdf, 11. 130847E\_Horizon Hospitality Mgmt Economic Impact Analysis\_20150305.pdf, 12. 130847F\_Horizon Hospitality Mgmt Prototype siteplan drawings\_20150305.pdf, 13. 130847G\_Bedford Lodging Proposal\_20150305.pdf, 14. 130847H\_Bedford Lodging Ppt Presentation\_20150305.pdf, 15. 130847i\_FINAL ADD #1\_20150305.pdf, 16. 130847j\_FINAL RFP\_20150305.pdf, 17. 130847K\_Oral Eval Evaluator #1 #2 and #3\_20150305.pdf, 18. 130847L\_Written Eval Evaluator #1 #2 and #3\_20150305.pdf, 19. 130847M\_Lot #10-BID TAB\_20150305.pdf, 20. 130847N\_Proposal Eval Summary\_20150305.pdf, 21. 130847o\_Memo to City Commission dated 02-12-15\_Recordings of Lot 10 RFP Evaluation Proceedings\_20150305.pdf, 22. 130847N\_MOD\_Proposal Eval Summary\_20150305.pdf, 23. 130847A\_Lot#10 Term Sheet\_20150806.pdf, 24. 130847B\_Letter\_20150806.pdf, 25. 130847\_MOD\_Lot#10 Term Sheet\_20150806.pdf, 26. 130847B-MOD\_Email\_20150806.pdf, 27. 130847A\_Lot 10 Sale Contract\_20150820.pdf, 28. 130847B\_Lot 10 License Agreement for Parking (Horizon Hospitality)\_20150820.pdf, 29. 130847C\_Lot #10 Visuals\_20150820.pdf, 30. 130847A\_Interlocal Agreement\_20150903.pdf, 31. 130847B\_2nd Amendment to Interlocal\_20150903.pdf, 32. 130847A\_2nd Amendment to Interlocal\_20150903.pdf, 33. 130847B\_Interlocal Agreement\_20150903.pdf, 34. 130847C\_AC 8-10-15 Commission Mtg Minutes\_20150903.pdf, 35. 130847D\_AC 8-20-15 Special Mtg Agenda\_20150903.pdf, 36. 130847\_Order\_20150903.pdf, 37. 130847\_agreement\_20150903.pdf, 38. 130847B\_Parking Garage Financial Trends 383 space revised\_20151119.pdf, 39. 130847A\_Lot 10 License Agreement for Parking\_20160121.pdf, 40. 130847B\_Parking Garage Financial Trends 383 space revised\_20160121.pdf, 41. 130847C\_First Amendment to Contract - Lot 10\_20160121.pdf, 42. 130847D\_Lot10 License for Parking Agreement\_Ppt\_20160121.pdf, 43. 130847E\_Executed Contract for Purchase HHM\_20160121.pdf, 44. MOD\_130847\_Dec 31, 2015 Email RE New Contract Amendments\_20160121.pdf, 45. 130847\_AppraisalofLot#10\_20161020.pdf, 46. 130847\_Amended and Restated Contract for Sale and Purchase\_20161020.pdf, 47. 130847\_Amended and Restated Contract for Lot 10\_20170202.pdf, 48. 130847A\_Demand Letter to HHM\_20170202.pdf, 49. 130847B\_HHM Letter of Intent 1\_20170202.pdf, 50. 130847C\_HHM Letter of Intent 2\_20170202.pdf, 51. 130847D\_City Response to HHM\_20170202.pdf, 52. 130847E\_HHM Response to City\_20170202.pdf, 53. 130847F\_City Letter to HHM regarding Request for Hearing\_20170202.pdf, 54. 130847\_MOD\_COG-Telephone Log Emails for Project Mobilization-11-30-2016.20170202pdf.pdf, 55. 130847G\_Letter\_20170202.pdf, 56. 130847A\_Second Amendment to License Cancellation and Termination Agreement\_20170216.pdf, 57. 130847\_First Amendment to Amended and Restated Contract\_20170216.pdf, 58. 130847A-MOD\_Lot 10 1st Amendmt to Amended and Restated

Contract\_20170302.pdf, 59. 130847B-MOD\_Lot 10 2nd Amendmt to License Cancellation and Termination\_20170302.pdf, 60. 130847C\_Memo March 16, 2017\_20170504.pdf, 61. 130847A\_N. Patel Email to E. Bredfeldt, 03012017\_20170504.pdf, 62. 130847B\_McGurn Email to E. Bredfeldt, 03162017\_20170504.pdf, 63. 130847A\_07-10-17 Letter\_HHM-Lot 10 Notice of Termination.pdf, 64. 130847B\_First Amendment to Amended and Restated Contract for Sale and Purchase\_20170720.pdf, 65. 150610\_ASO Radio Management Board\_20151110, 66. 130847\_Email Response To Horizon\_20151231

Date	Ver.	Action By	Action	Result
7/20/2017	15	City Commission	Approved, as shown above	Pass
5/4/2017	14	City Commission	Approved, as shown above	Pass
2/2/2017	11	City Commission	Approved as Recommended	Pass
10/20/2016	9	City Commission	Approved as Recommended	Pass
1/21/2016	7	City Commission	Approved as Amended	Pass
9/3/2015	6	City Commission	Approved as Recommended	Pass
8/20/2015	5	City Commission	Approved, as shown above	Pass
8/6/2015	4	City Commission	Approved as Amended	Pass
5/21/2015	3	City Commission	Heard	
3/5/2015	2	City Commission	Approved as Amended	Pass
4/17/2014	1	City Commission	Adopted (Resolution)	Pass

**Lot # 10 Status Report (B)**

**This is a request for the City Commission to hear a status report on Lot #10.**

On June 26, 2017, Horizon Hospitality Management, Inc. (HHM) was notified of a Failure of Performance under the terms of the First Amendment to the Amended and Restated Contract for Sale and Purchase regarding making an additional deposit of \$50,000 towards the purchase of Lot #10 within 30 days of the First Amendment Effective Date.

The Failure of Performance language is found in Section R of the First Amendment and that Section references associated terms.

The City Commission was copied on the Failure of Performance correspondence and it should be noted that HHM and local representatives were provided notice of the pending 30 day deadline and wiring instructions the week prior by electronic communication.

Since the passing of the June 26<sup>th</sup> deadline, no further communication has been received by staff from HHM or local representatives.

At the July 6<sup>th</sup> City Commission meeting the Commission voted to terminate the Lot #10 First Amendment and Amended and Restated Contract for Sale and Purchase with HHM and a notice of contract termination has been forwarded to their attention.

As a result of these circumstances, a scheduled November 30<sup>th</sup> closing on Lot #10 will likely not occur and as a result the License Cancellation Agreement and First Amendment with MCG Parking, LLC will expire as well.

Subsequent to June 26<sup>th</sup>, staff has received contact from several groups interested in potential future development of Lot #10.

Staff seeks direction from the City Commission on the following:

- Does the City Commission desire that Lot #10 be placed on the market through a competitive process?
- If so, under what specific terms if any, (the process will be subject to the City's established Real Estate Policies and Procedures) and is there any preference on the type of process to be utilized (i.e., Request for Proposal (RFP), Invitation to Negotiate (ITN))?

At this juncture, the original deposit of \$25,000 is subject to being retained as per the First Amendment and Amended and Restated Contract for Sale and Purchase.

The City Commission: 1) hear a brief presentation from staff; and 2) direct staff to initiate a competitive process for Lot #10 as per input of the City Commission and per the City's established Real Estate Policies and Procedures.