

RESOLUTION 2023-81

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, APPROVING THE FOURTH AMENDMENT TO THE GOLF COURSE DEVELOPMENT AND LEASE AGREEMENT, BY AMENDING SECTIONS 1.02 AND 2.04 OF THE LEASE AGREEMENT FOR THE AMELIA RIVER GOLF COURSE PROPERTY; PROVIDING FOR EXECUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in July 1994, the City entered into a lease agreement (the "Lease Agreement") with the Nassau Sound Land Co., L.L.C., for the Royal Amelia Golf Course property adjacent to the City's Airport; and

WHEREAS, in August 1995, the Lease Agreement was amended by a First Amendment, as evidenced by the Memorandum of Development and Lease Agreement; and

WHEREAS, in July of 1996, the Lease Agreement was assigned from the Nassau Sound Land Co., L.L.C. to Kingsley Creek Development Company; and

WHEREAS, in October of 2003, the Lease Agreement was assigned to The Summerton Inn, Inc., a wholly owned subsidiary of the National Bank of South Carolina, following the bankruptcy filing of Kingsley Creek Development Company; and

WHEREAS, in September, 2005, the Lease Agreement was assigned to the Amelia Island Company pursuant to City Resolution 2005-165 and the Assignment and Assumption of Lease; and

WHEREAS, in September, 2005, the Lease Agreement was modified to confirm the metes and bounds of the legal description of the leased premises; and

WHEREAS, in July, 2007, the Lease Agreement was amended by a Second Amendment, as evidenced in the "Second Amendment to Golf Course Development and Lease Agreement, as modified" to provide for the further development of the golf course; and

WHEREAS, in March, 2009 the Lease Agreement was modified, as evidenced in the Modification of Lease, to allow for an additional mortgage/lien against the leasehold interest and improvements to allow Amelia Island Company to reorganize its debt on the leasehold improvements at Royal Amelia and secure a loan that provides for a mortgage/lien against the leasehold interest and all leasehold improvements; and

WHEREAS, the Second Amendment, approved in July, 2007, modified Section 1.02(d) by stating "the City agrees that the Lessee may build a lodging facility on the leased premises."; and

WHEREAS, the Second Amendment, approved in July, 2007, also modified Section 1.04(a) by stating "Lessee shall develop appropriate plans for the construction of leasehold improvements. Said plans shall be submitted to the City for conceptual review by the City Commission."; and

WHEREAS, the Third Amendment, approved on April 7, 2009, clarified the term "lodging facility" to be in accordance with the City's Land Development Code, and approves Amelia Island Company's conceptual plans for leasehold improvements; and

WHEREAS, in August 2011, the Lease Agreement was assigned to Amelia River Golf, LLC pursuant to the City's Resolution 2011-110, and the Assignment and Assumption of Lease; and

WHEREAS, in October 2019, the Lease Agreement was assigned to Amelia River Holdings, LLC pursuant to the City's Resolution 2019-188, and the Assignment and Assumption of Lease; and

WHEREAS, the Fourth Amendment to the Lease Agreement amends Sections 1.02(e) and 2.04 to provide that Lessee is permitted to use the Leased Premises for a construction, installation and maintenance of a solar farm and aeronautical and non-aeronautical hangars in addition to the current uses of golf course and related facilities and a lodging facility.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, THAT:

SECTION 1. The City Commission hereby approves the Fourth Amendment to the Golf Course Development and Lease Agreement, attached hereto as Exhibit "A".

SECTION 2. The City Clerk and Interim City Manager are hereby authorized to execute said Fourth Amendment, upon review and approval by the City Attorney.

SECTION 3. This Resolution shall be effective immediately upon passage.

ADOPTED this 16th day of May, 2023.

CITY OF FERNANDINA BEACH

BRADLEY M. BEAN
Commissioner – Mayor

ATTEST:

CAROLINE BEST
City Clerk

APPROVED AS TO FORM AND LEGALITY:



TAMMI E. BACH
City Attorney