

RESOLUTION 2021 - 06

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE HERITAGE HARBOR COMMUNITY DEVELOPMENT DISTRICT (“DISTRICT”), A LOCAL UNIT OF SPECIAL PURPOSE GOVERNMENT CREATED PURSUANT TO CHAPTER 190, FLORIDA STATUTES; DETERMINING THAT THE DISTRICT’S RESTAURANT SHOULD BE SUBLEASED TO A PRIVATE OPERATOR; MAKING FINDINGS RELATED TO THE PROPOSED SUBLEASE TO MCMULLEN GROUP, LLC; AUTHORIZING AND APPROVING THE SUBLEASE TO MCMULLEN GROUP, LLC; AUTHORIZING THE CHAIR OR VICE CHAIR OF THE BOARD OF SUPERVISORS (“BOARD”) OF THE DISTRICT TO EXECUTE THE SUBLEASE; AND AUTHORIZING ALL SUCH FURTHER ACTION NECESSARY TO EFFECT THE SUBLEASE.

WHEREAS, the District owns and operates a public golf course (“**Golf Course**”) and restaurant (“**Restaurant**”) within the boundaries of the District;

WHEREAS, the facilities utilized for operation of the Restaurant are currently in possession of the District, pursuant to a Commercial Lease from Heritage Harbor Golf & Country Club Community Association, Inc. (“**HOA**”) to the District, and the current sublease to Olympian Restaurant and Bar, Inc. expires on June 30, 2021;

WHEREAS, it is in the best interests of the residents of the District that the Restaurant remain open, and that food and beverage services on the District’s Golf Course are available to support and sustain Golf Course business;

WHEREAS, the Board of Supervisors (“**Board**”) has solicited and considered restaurant proposals for the purpose of reletting the Restaurant, together with a concession for food and beverage service on the District’s Golf Course (“**Golf Concession**”), and determined that acceptance of the proposal received from the McMullen Group, LLC, is in the best interests of the District;

WHEREAS, the Board has negotiated acceptable business terms for a Sublease with McMullen Group, LLC (“**Subtenant**”), including requirements for construction of certain restaurant improvements by the District, the HOA, and the Subtenant, respectively, and directed its legal counsel to prepare a Sublease Agreement and Golf Course Concession (“**Sublease**”), the proposed form of which is attached hereto as **Exhibit “A”**, embodying the agreed upon business terms and other conditions necessary to protect the interests of the District;

WHEREAS, the Board finds that it is in the best interests of the District to sublet the Restaurant and Golf Concession to the Subtenant, and the Subtenant desires to sublease the Restaurant from the District and service the Golf Concession; and

WHEREAS, the District has obtained or will obtain approval for the Sublease from the HOA prior to execution of the Sublease.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE HERITAGE HARBOR COMMUNITY DEVELOPMENT DISTRICT:

1. The Sublease for the Restaurant and the Golf Concession to McMullen Group, LLC, d/b/a Double Bogeys, as Subtenant, attached hereto as Exhibit "A", is hereby approved in substantial form; and

2. The Chair or Vice Chair of the Board are authorized and directed to execute the Sublease with the Subtenant on behalf of the District, subject to (i) receipt of Sublease approval from the HOA; and (ii) further modification required by either party thereto, with the approval of either of the aforesaid officers and the District's legal counsel; and

3. The aforesaid officers are authorized and directed to take any such action and execute such other documents as may be necessary or required to comply with the terms of the Sublease and to carry out the intent of the foregoing.

PASSED AND ADOPTED THIS 22nd DAY OF APRIL, 2021.

Attested By:

**Heritage Harbor
Community Development District**

Name: _____
Secretary / Assistant Secretary

Name: _____
Chair/ Vice Chair of the Board of Supervisors