

**RESOLUTION 2024-04-10**

**A RESOLUTION OF THE DOWNTOWN INVESTMENT AUTHORITY (“DIA”) REGARDING RESTORATION OF THE THREE BUILDINGS COLLECTIVELY REFERRED TO AS THE “LAURA TRIO” (AND INDIVIDUALLY KNOWN AS THE FLORIDA NATIONAL BANK BUILDING, THE BISBEE BUILDING AND THE FLORIDA LIFE INSURANCE BUILDING), AND ASSOCIATED NEW CONSTRUCTION MULTIFAMILY AND HOTEL; FINDING THAT THE PROPOSAL SUBMITTED BY THE DEVELOPER ON MARCH 30, 2024 IS UNTENABLE AND RECOMMENDING THAT NO FURTHER ACTION BE TAKEN ON SAID PROPOSAL; ENCOURAGING THE CEO TO INVESTIGATE FURTHER ALL POSSIBLE OPPORTUNITIES TO SAVE AND RESTORE THE LAURA TRIO; AUTHORIZING THE CHIEF EXECUTIVE OFFICER TO FORWARD THIS RESOLUTION TO THE MAYOR AND CITY COUNCIL AND OTHERWISE TAKE ALL NECESSARY ACTION IN CONNECTION THEREWITH TO EFFECTUATE THE PURPOSES OF THIS RESOLUTION; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS,** Laura Trio, LLC, is the owner of three (3) historic buildings collectively referred to as the “Laura Trio” a/k/a “Laura Street Trio” and individually known as the Florida National Bank Building, the Bisbee Building and the Florida Life Insurance Building”; and

**WHEREAS,** Ordinance 2023-876 was filed in late 2023 and proposed a variety of incentives to support renovation of the Laura trio and facilitate the proposed new construction multifamily and hotel; and

**WHEREAS,** Ordinance 2023-876 was discussed by City Council following presentations by the Developer, City staff, and DIA on January 4, 2024; and

**WHEREAS,** in light of the many concerns raised by the City’s Office of general Counsel, the City’s CFO, the Council Auditors and DIA staff, City Council directed DIA to work with Mr. Stephen Atkins and Mr. Jason Gabriel, his attorney, to as quickly as possible consider other potential funding solutions to save the historic buildings and return to Council with those recommendations; and

**WHEREAS,** the Council President did not impose a deadline of April but suggested that we should have a response by April; and

**WHEREAS,** Mayor’s Office did establish a deadline of the April DIA Board meeting for DIA Board approval of any proposal; and

**WHEREAS,** in early January, the DIA staff , in consultation with the CFO and Office of General Counsel (“OGC”), developed three options to fund restoration of the historic buildings that OGC found to be legally permissible, and the CFO agreed would be financially possible for the City if approved by City Council; and

**WHEREAS**, on January 10, 2024, DIA staff requested the opportunity to meet and present such options and begin a productive dialogue, followed up by multiple attempts to schedule a meeting; and

**WHEREAS**, on February 1, 2024 a meeting was held in DIA offices at which DIA reiterated that the Capital One proposal pending before Council, or variations thereof wherein the City guaranteed the private development debt, were not on the table for consideration, and at which we presented three alternatives, each of which fully funded the construction cost of the historic renovations as identified by the Turner Construction data provided to DIA, but contemplated different ownership and finance structures; and

**WHEREAS**, in an email dated February 15, 2024, Mr. Atkins indicated that options 1 (pursuant to which the City would purchase the property at appraised value and fund the restoration) and 3 (pursuant to which the City would purchase the property and lease the building back for restoration) were “non-starters” for him; and

**WHEREAS**, in the same email, Mr. Atkins indicated a desire to continue to consider option 2, (in which he retained ownership of the historic properties and the City funded restoration partially by grant and partially with a loan) but only in conjunction with obtaining financing for the larger new construction projects which were not part of the City’s proposal; and

**WHEREAS**, after nearly three months had elapsed since the Jan. 4<sup>th</sup> meeting and following deadlines established by the Mayor’s Office, and Council direction, DIA requested a meeting and response the last week of March that could be taken to our Board for April consideration; and

**WHEREAS**, at a meeting held on March 29<sup>th</sup> in DIA offices, Mr. Atkins presented a proposal and delivered multiple term sheets, including a financing proposal from Goldman Sachs for the multifamily portion of the project, but also included an only slightly modified proposal from Capital One (that required an unconditional City guaranty) as the financing source for the hotel new construction; and

**WHEREAS**, Mr. Atkins expressed several times during the March meeting his unwillingness to proceed without inclusion of the hotel component; and

**WHEREAS**, OGC maintains that the modified Capital One proposal presented to DIA on March 29<sup>th</sup> does not eliminate previous constitutional concerns; and

**WHEREAS**, many of the same financial concerns expressed in January also remain as part of the Capital One term sheet; and

**WHEREAS**, considering all aforementioned concerns, DIA staff cannot recommend a term sheet to the Board for consideration at its April meeting and is instead presenting this Resolution for consideration by the Board and delivery to the Mayor and City Council.

**NOW THEREFORE, BE IT RESOLVED**, by the Downtown Investment Authority:

**Section 1.** The DIA finds that the recitals set forth above are true and correct and are incorporated herein by this reference.

**Section 2.** The DIA has in good faith offered three financing solutions that are legally permissible and would fund the restoration of the historic buildings.

**Section 3.** The Developer has not accepted any of those alternatives as presented.

**Section 4.** The Developer has provided an alternative proposal, inclusive of a Capital One term sheet, that DIA cannot consider based on the advice of OGC and the CFO; and as of March 29, 2024, the Developer was unwilling to proceed on any basis without inclusion of the Capital One financing alternative presented at that meeting.

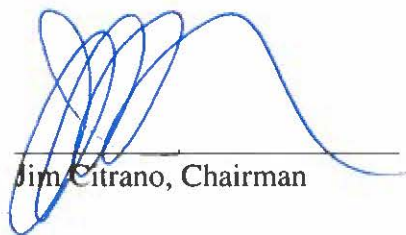
**Section 5.** The DIA therefore forwards to the Mayor and City Council its recommendation that the Developer proposal presented March 29, 2024, is unacceptable and be rejected..

**Section 6.** The DIA remains willing and able to evaluate future alternative financing structures that exclude the unconditional Guaranty of the City and are otherwise legally permissible as determined by the City's Office of General Counsel.

**Section 7.** The Effective Date of this Resolution is the date upon execution of this Resolution by the Chair of the DIA Board.

WITNESS:

**DOWNTOWN INVESTMENT AUTHORITY**

  
Jim Citrano, Chairman

4/19/24  
Date

VOTE: In Favor: 5 Opposed: 0 Abstained: 1