

STAFF REPORT REGULAR MEETING

AGENDA DATE: October 3, 2023

DEPARTMENT: Leisure Services

TITLE:

Third Amendment to Retail Lease with NuStart, Ltd., the current tenant/assignee.

SUMMARY:

This amendment authorizes the assignment of the NuStart, Ltd. Retail Lease to RTT - Benny's on the Beach, Inc. DBA Benny's on the Beach Oceanwalk ("Benny's") due to the assignment of the NuStart, Ltd. business to Benny's sole shareholder, LL Beach, LLC.

BACKGROUND AND JUSTIFICATION:

On March 19, 2012, the City entered into a Retail Lease with Shore Restaurants of Lake Worth, LLC ("Shore") for the lease of Units #7 and #8 of the Lake Worth Beach Municipal Casino Building ("Lease"). On January 21, 2016, the City and Shore entered into the First Amendment to the Lease which allowed the assignment of the lease to Mulligans Lake Worth Acquisitions, LLC ("Mulligans"). On July 14, 2020, the parties entered into the Second Amendment to the Lease which authorized the assignment of the Lease to NuStart, Ltd. DBA Viva la Playa ("NuStart").

The general and limited partners of NuStart, Ltd. have assigned all their interests in NuStart to LL Beach, LLC, the sole shareholder of RTT-Benny's on the Beach, Inc. For this reason, NuStart wishes to assign the Lease to RTT-Benny's on the Beach, Inc. DBA Benny's on the Beach Oceanwalk for use as an American-themed family restaurant and bar, retail sales, and other incidental uses. Pursuant to the terms of the Lease, NuStart will pay \$2,200.00 (administrative fee and attorney fees) for this assignment within five (5) business days of the execution of the amendment by the City, and NuStart, Ltd. will be released from any further obligations under the Lease.

MOTION:

Move to approve/disapprove the Third Amendment to the Retail Lease with NuStart, Ltd.

ATTACHMENT(S):

Fiscal Impact Analysis
Third Amendment to Retail Lease

FISCAL IMPACT ANALYSIS

Five Year Summary of Fiscal Impact:

Fiscal Years	2024	2025	2026	2027	2028
Inflows					
Current Appropriation	0	0	0	0	0
Program Income	0	0	0	0	0
Grants	0	0	0	0	0
In Kind	0	0	0	0	0
Outflows					
Operating	0	0	0	0	0
Capital	0	0	0	0	0
Net Fiscal Impact	0	0	0	0	0
No. of Addn'l Full-Time Employee Positions	0	0	0	0	0

Contract Award - Existing Appropriation	
	Revenues
Department	Leisure Services
Division	Beach Fund
GL Description	Leased Properties
GL Account Number	
Project Number	N/A
Requested Funds	N/A