



**BEFORE THE CITY COMMISSION  
CITY OF STUART, FLORIDA**

**RESOLUTION NO. 43-2021**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE ASSIGNMENT OF THE AMENDED LEASE AGREEMENT PREVIOUSLY ENTERED INTO BETWEEN THE CITY OF STUART AND MULLIGANS STUART ACQUISITION, LLC FOR LEASE OF THE PROPERTY AT 131 SW FLAGLER AVENUE TO S & C RESTAURANT GROUP, LLC FOR THE BALANCE OF THE LEASE TERM WHICH IS SET TO EXPIRE ON APRIL 30, 2038; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

\* \* \* \* \*

**WHEREAS**, the City of Stuart, Florida entered into an original Lease Agreement on May 1, 2018, as well as an Amended Lease on November 25, 2020 with Mulligans Stuart Acquisition, LLC, for the property located at 131 SW Flagler Avenue, Stuart, Florida 34994 for a period of twenty years (20) with an expiration date of April 30, 2038.

**WHEREAS**, the Amended Lease executed on November 25, 2020 replaced the original Lease executed on February 13, 2013 by former Tenant, Spoto's Oyster Bar and the original Lease executed on May 1, 2018 by Mulligan's Stuart Acquisition, LLC.

**WHEREAS**, Section 10 of the Amended Lease provides that the Lessor may not assign the Lease without the consent of the City of Stuart, which consent shall not be unreasonably withheld.

**WHEREAS**, Mulligans Stuart Acquisition, LLC desires to enter into an Assignment and Assumption of Lease Agreement with S & C Restaurant Group, LLC, which plans to continue operating as a restaurant at this location for the remainder of the lease with an effective date of April 12, 2021.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA** that:

**SECTION 1:** The City Commission authorizes the Mayor to execute an Authorization of the Assignment and Assumption of Lease Agreement pursuant to Section 10 of the Amended Lease. The Assignment shall be contingent upon the following conditions:

- A. Receipt of all necessary information (including information about the financial and experience ability of the assignee to perform under this Amended Lease.
- B. The City Commission, in its reasonable discretion, must be satisfied that the assignee intends to use the Leased Property in a manner that is consistent with uses allowed by this Amended Lease.
- C. The City Commission must be satisfied, in its reasonable discretion that the assignee possesses the financial capacity, a good reputation, and sound managerial ability to operate the restaurant successfully on the Leased Property.

**SECTION 2:** This resolution shall take effect upon adoption.

Commissioner \_\_\_\_\_ offered the foregoing resolution and moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and upon being put to a roll call vote, the vote was as follows:

EULA R. CLARKE, MAYOR  
MERRITT MATHESON, VICE MAYOR  
BECKY BRUNER, COMMISSIONER  
TROY MCDONALD, COMMISSIONER  
MIKE MEIER, COMMISSIONER

YES	NO	ABSENT	ABSTAIN

ADOPTED this \_\_\_\_\_ day of April, 2021.

Resolution No. 43-2021  
Assignment of Lease for 131 Flagler Ave.

ATTEST:

\_\_\_\_\_  
MARY R. KINDEL  
CITY CLERK

\_\_\_\_\_  
EULA R. CLARKE  
MAYOR

APPROVED AS TO FORM  
AND CORRECTNESS:

\_\_\_\_\_  
MICHAEL J. MORTELL, ESQ.  
CITY ATTORNEY