

DEPARTMENTAL INPUT
CONTRACT/PROJECT MEASURE ANALYSIS AND RECOMMENDATION

Rev 1

<input checked="checked" type="checkbox"/> New contract	<input type="checkbox"/> OTR	<input type="checkbox"/> CO	<input type="checkbox"/> SS	<input type="checkbox"/> BW	<input type="checkbox"/> Emergency	Previous Contract/Project No.
<input type="checkbox"/> Re-Bid	<input type="checkbox"/> Other					

LIVING WAGE APPLIES: __YES X NO

Requisition/Project No: RFP 820

TERM OF CONTRACT: TBD year with TBD options-to-renew

Requisition/Project Title:- Development of Commercial Site on Landmark Property

Description: Development of Commercial Site on Landmark Property

User Department(s): ITD – Real Estate

Issuing Department: ITD –PMS

Contact Person: Andrew Zawoyski, CPPO

Phone: 305-375-5663

Estimated Cost: No Cost

Funding Source: N/A

REVENUE GENERATING: X

ANALYSIS

Commodity/Service No: 925-61		SIC:	
Trade/Commodity/Service Opportunities			
Contract/Project History of Previous Purchases For Previous Three (3) Years Check Here <input type="checkbox"/> if this is a New Contract/Purchase with no Previous History			
EXISTING		2ND YEAR	3RD YEAR
Contractor:			
Small Business Enterprise:			
Contract Value:			
Comments:			
Continued on another page (s): ____ Yes ____ No			

RECOMMENDATIONS

SBE	Set-Aside	Sub-Contractor Goal	Bid Preference	Selection Factor
		%		
		%		
		%		
		%		

Basis of Recommendation:

Signed: *Andrew Zawoyski, CPPO*

Date to SBD: 6-15-12

Date Returned to ITD-PMS: _____

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2.0 SCOPE OF SERVICES

2.1 Background

On August 27, 1963, the County conveyed the entirety of the Landmark property to the State of Florida, Board of Commissioners of State Institutions, with a deed restriction limiting the use of the property to the development of the Suniland Training Center. From 1963 to 2005, the property was owned and managed by the State of Florida, Department of Children and Families (or Department of Health and Rehabilitative Services), as a community for persons with mental disabilities, including developmental disabilities and mentally retarded children. As a community, the State of Florida maintained on the property an administration building, a medical facility, a school, a gymnasium, a cafeteria/auditorium, an in-ground swimming pool, a church, two (2) large warehouses, a garden/nursery, a guardhouse, several small office buildings, and thirty-six (36) cottages that served as living quarters for residents living in the community. The State of Florida facility held several names during the State's ownership of the property, including the Suniland Training Center, The Landmark Community, and the Landmark Learning Center. Currently, only approximately one-half (1/2) of the entire Landmark property is developed, as heretofore described, and the remaining portion exists in its natural undeveloped state. The developed portion of the property fronts Northwest 47th Avenue, and contains sixty (60) structures, most all of which previously served as the State's facilities for the various functions mentioned above. The only exception is the Honey Hill fire station, which was leased by the State of Florida to the County, and which remains fully operational, serving the Opa Locka, and Miami Gardens communities. On September 30, 2005, the State of Florida conveyed the property back to the County.

The development of the Site presents a unique opportunity for a developer to consider a variety of uses, including, but not limited to retail, medical, institutional, and/or office.

In 2007, the County, based upon the results of several Town Hall type meetings with community residents, created a plan for how the Landmark property could look in the future. A copy of the plan is attached hereto, and marked as Attachment 2. It must be noted that the attached plan, although prepared by the County, is included for reference purposes only, and is not intended to promote or bear any resemblance to any development plan.

In 2008, the County began the process of amending the land use designation for the Landmark property, as part of the County's Comprehensive Development Master Plan ("CDMP"). The County prepared an application to amend the land use designation, but, ultimately, withdrew this application. A copy of the application to amend the land use designation is attached hereto and marked as Attachment 3. The attached document is included for reference purposes only, and is not intended to replace any such work that might be required by the Selected Developer(s). Further, to the extent possible, the former application is intended to provide additional general information about the Landmark property.

In 2012, the County, through its Urban Design Center, created a site plan illustration, which outlined the Site, and recommended where other uses should be situated on the Landmark property. A copy of the site plan illustration is attached hereto and marked as Attachment 4. The site plan illustration offers viable ideas as to how the Site can be developed. The site plan illustration does not require how the Site should be developed or otherwise laid-out. The Selected Developer(s) will be bound only by the approved proposal(s), and the zoning and land use requirements on the Site.

2.2 Objective

It is the County's objective to address the following goals for any development of the Site:

1. Create a profitable commercial corridor, which successfully fosters businesses, and will catalyze private sector investments, accelerate job creation, and serve the needs and interests of the surrounding neighborhood residents including potentially a recreational/open space component for the benefit of the neighborhood residents.
2. The development project should address any and all existing environmental challenges of the Site to create an area that is safe, ecologically responsible, and economically viable.
3. The County prefers to have one (1) Selected Developer develop the Site. The County, however, reserves the right to select more than one Proposer to serve as a Selected Developer for the Site whereby each Selected Developer will develop a section or selected area of the Site. Should more than one (1) Selected Developer be chosen by the County, then the Selected Developers will be required to work together to develop the Site.

The responsibilities of the Selected Developer(s) include: 1) A final development plan for the Site; 2) Coordination with the County, the local community, and other stakeholders to ensure that the final plan for the Site is both viable and acceptable; and 3) Providing overall and ongoing management and maintenance for the Site, and for any and all commercial sub-tenants and/or anchor occupants on the Site.

2.3 Condition of the Site

2.3.1 Public Infrastructure

All existing water, sewer, and storm drain systems on the Site were installed more than forty (40) years ago. The water system consists of a single series system, which includes water for the buildings and the various fire hydrants on the property all on one (1) water line, and a sewer system that is primarily made of clay pipes.

There is an overhead electrical utility line system running throughout the Landmark property which was also installed more than forty (40) years ago, and is no longer being serviced or maintained by Florida Power & Light ("FPL"). FPL supplies power to an electric transformer on the Site.

2.3.2 Zoning and Comprehensive Selected Development Plan

Within the County's CDMP, the land use designation for the entire Landmark property is currently listed as: Institution, Utilities and Communications ("Institutional"). The Institutional designation accommodates a wide variety of uses, such as hospitals, medical complexes, colleges, universities, regional water supply, antenna fields, radio and television broadcast towers, wastewater and solid waste utility facilities, major government office centers, and military installations. Also permitted are offices, and internally integrated business areas smaller than five (5) acres in size, or up to ten (10%) percent of the total floor area of an institutional, public facility, or office building.

Any proposed use that is inconsistent with the current land use designation would require an amendment to the CDMP. Policy LU-8E of the Land Use Element of the CDMP requires applicants requesting changes or amendments to the CDMP to be evaluated according to factors such as the proposed development's ability to satisfy a deficiency in the CDMP Land Use Plan map to accommodate projected population or economic growth in the County, impacts to the County services, compatibility with abutting and nearby land uses, impacts to environmental and historical resources, and the extent to which the proposed CDMP land use would promote transit ridership and pedestrian travel.

The Site has an overall zoning designation of: Agriculture ("AU"). Depending on the proposed development zoning changes and/or variances or amendments to the current zoning on the Site, may be necessary.

As previously mentioned, the foregoing land use and zoning information is provided for convenience and informational purposes only, and should not be relied upon by anyone submitting a response to this Solicitation. (Proposers may submit any questions they may have concerning these matters to the Contracting Officer.)

2.3.3 Demolition of existing structures

Demolition shall be conducted in accordance with the County's Regulatory and Economic Resources Department ("RERD") regulations, and performed in a safe and workmanlike manner. There are fourteen (14) existing structures on the Site. Any demolition of any of these structures shall not include any type, or use of, explosives, or any type of open flame.

Deconstruction is the new approach to demolition of a structure which is performed with the goal of recycling, or reuse, of as much of the materials and/or products from the structure as possible, and then reutilizing the materials and products either in the new structure on the site, or at some other construction site. Deconstruction is highly preferred, as it reduces the rising cost of landfill improvements, and is more economical for the project. Further, this type of reuse can result in several Leadership in Energy and Environmental Design ("LEED") credits for items such as material reuse, and diverting waste from landfills. There is a further environmental savings by reducing the number of dump trucks required for transporting waste. Hereinafter, the term "demolition" shall include deconstruction, as it is expected that the Selected Developer(s) shall utilize every means available to deconstruct any and all structures on the Site prior to performing any other necessary demolition.

Before any demolition of the existing structure on the Site occurs, the necessary pre-demolition steps must be performed by the Selected Developer(s), including, but not limited to, securing any and all necessary permits and/or licenses, including the cost of such, for asbestos abatement, lead-based paint abatement, disconnecting any and all utility lines, rodent baiting, and notification to near-by residents, at the Selected Developer(s)'s sole cost and expense. Further, the Selected Developer(s) shall secure the Site, and ensure safe practices on the Site prior to and during demolition.

During demolition, the Selected Developer(s) shall make every effort to control any dust emanating from the Site. Reasonable amounts of building debris may be allowed to accumulate if stored in a safe location and in a manner that does not cause damage to the Site and/or the adjacent Landmark property and shall be removed when the quantity is sufficient to be economically transported. At all times, all debris must be maintained in a manner so as not to cause any type of unsafe or unsanitary condition.

After demolition, the Selected Developer(s) shall fully cleanup the Site, disposing any such materials or items not otherwise recycled in an approved landfill, or other authorized solid waste dumpsite or facility. The Selected Developer(s) shall remove and properly dispose of any and all hazardous materials consistent with all federal, state, county and local safety guidelines and regulations. Removed items, unused materials, rubble and/or debris shall not be burned or buried on the Site.

2.3.4 Burrowing Owls

Burrowing Owls may be present on the Site. The Burrowing Owl is a "species of special concern" established by the Florida Fish and Wildlife Conservation Commission. It is a protected bird by the State of Florida, and such birds cannot be captured, pursued, hunted, or relocated without a permit. Also the burrows, nests, and the owl's eggs are also protected from harassment and/or disturbance by state law. The Burrowing Owls are also protected under the Federal Migratory Bird Treaty Act. This is a responsibility of the Selected Developer(s).

2.3.5 Native and Exotic Trees

There may be several species of exotic trees on the Site. One type of species of exotic trees that has been identified on the Landmark property, and which may or may not be on the Site, is the Australian Pine tree (*Casuarina equisetifolia*). The invasive Australian Pine tree is the type of vegetation that crowds out native plants and trees, and therefore is required to be removed whenever property in the County is being developed. The Selected Developer(s) shall comply with any and all federal, state or local requirements pertaining to any exotic trees, protected as well as invasive.

There may be several species of native (specimen/non-exempt) trees that have exceeded the height and diameter threshold for removal and/or relocation without a permit, and as a result, if present, a permit is needed in order to remove or relocate such trees from the Site. Section 24.49 of the County Code mandates the protection of County's tree and forest resources. Tree removal permits are required for the cutting down, bulldozing, removal or relocation of any tree in the County. This is a responsibility of the Selected Developer(s).

2.3.6 Existing Social Service Organizations on the Landmark property

Currently, there are three (3) not-for-profit social service organizations that maintain short-term leases on the Landmark property, and each operate to serve the needs of children in Miami-Dade County. Each of the organizations have expressed a sincere desire to remain on the Landmark property (not on the Site), and the County has expressly agreed to permit them to stay on the Landmark property (not on the Site), although not necessarily in the same configuration, space, or manner that they currently operate. The three (3) social services organizations are the following: His House, Inc., The ARC of South Florida, and The Center for Family and Child Enrichment. See Attachment 4 to view the current proposed future locations of the three not-for-profit social services organizations.

Each of the organizations will work with the Selected Developer(s) and the County in determining when and where that organization will be exactly located in the future on the Landmark property (not on the Site), and to the extent that the organization's presence is currently situated on the Site, the Selected Developer(s) and the County shall work together to provide that organization(s) with a schedule to relocate them from the Site, so that the organization's presence will not interfere with the timely commencement of the development project.

2.3.7 Concurrency

Concurrency is a measure derived from Florida's Growth Management Act (Chapter 163, *Florida Statutes*), that mandates that infrastructure such as schools, roads, water, and waste treatment facilities needed to support additional population be in place before new development is allowed. Strategies or improvements must be in place at the time of development, or built as part of the development project, or a financial commitment by the developer must be in place to complete the necessary improvements within a designated time period.

The Local Government Comprehensive Planning and Land Development Regulation Act, provides that local governments be involved in the concurrency determinations for their areas (see Section 163.3167, *Florida Statutes*). State law also provides that specific levels of service ("LOS") standards be adopted for roadways, mass transit, water, sewer, solid waste, local recreation open space and drainage, and that each of these services be defined and addressed in the local comprehensive plan. Further, the law dictates that no development orders be issued when the adopted levels of service would not be met.

The Miami-Dade County Service Concurrency Management Program as found in the County Code, Chapter 33G, outlines the agencies involved and the types of development orders that are reviewed for concurrency.

Regarding concurrency, while there are several factors that will need to be reviewed and considered for any potential development project on the Site, there are two (2) issues that present major obstacles, and they are Schools and Traffic Circulation.

2.3.7.1 Schools

School Currency Review – Enrollment in nearby elementary schools is already at or near the maximum level of capacity. Any anticipated increase in enrollment at nearby schools as a result of the Selected Developer(s)'s development project will need to be mitigated by the Selected Developer(s). Since it is not anticipated that there will be any residential development on the Site, it appears that a School Currency Review will not be necessary. Should the Proposer determine that the proposed development project include a residential component, and which may be of only senior or elderly housing, then a covenant will need to be filed with the County, which covenant will limit, or otherwise eliminate, any further school concurrency requirements and impacts regarding the senior or elderly residential component of the development project.

2.3.7.2 Traffic Circulation

East of the Site, on Northwest 47th Avenue, between Northwest 183rd Street (also known as Miami Gardens Drive) and N.W. 215th Street (County Line Road) is a two-lane roadway, owned and maintained by the State of Florida, Department of Transportation ("FDOT"). Preliminary analysis of Northwest 47th Avenue has determined that the roadway is at capacity (and already fails concurrency), and any development of the Site would trigger a requirement to widen Northwest 47th Avenue to at least a four-lane roadway (two-lanes in each direction). FDOT has considered transferring the roadway to the County for ownership and maintenance, but the cost of improving the roadway to the required standards stands as the pending impetus for inactivity.

Further preliminary analysis of Northwest 199th Street, west of Northwest 57th Avenue, which turns into Northwest 202nd Street, has revealed that the street, which transitions from a four-lane road to a two-lane road, should also be widen so that at least the entire street, from Northwest 57th Avenue to Northwest 67th Avenue is a four-lane roadway. Also, it is worthwhile to note that the northern one-half of N.W. 202nd Street is within the boundary of the City of Miramar, Broward County. It appears that any widening of the roadway will need to occur on the northern side of the road, within the City of Miramar, as a canal exists along the southern side of the roadway.

2.3.8 Platting

The Landmark property is neither platted nor otherwise sub-divided. The entire Landmark property is one (1) entire parcel of land, and it is foreseeable that the County will, even for a leasehold estate, require the Selected Developer(s) to plat all or a portion of the Landmark property, which may be limited to the Site, or possibly secure a waiver of plat, for its proposed use of the Site. Should the Selected Developer(s) seek to plat, or seek a waiver of plat, for all or a portion of the Landmark property, or the Site, or should such platting be required by the County, it shall be done at the Selected Developer(s)'s sole cost and expense. Should the Selected Developer(s) seek to purchase all or a portion of the Site, that Selected Developer(s) shall be solely responsible for any and all costs associated with such purchase including, but not limited to surveying, and platting the Site and/or the portion for the Site sought to be purchased.

2.3.9 Environmental Conditions

The Selected Developer(s) is responsible for all environmental conditions on the property. The presence of aluminum has been identified in the groundwater on the Landmark property. In 2006, sampling tests were performed in four (4) groundwater monitoring wells on the Landmark property. The groundwater sampling results indicated that aluminum concentrations in three (3) of the monitoring wells, according to the testing company, exceeded the acceptable secondary drinking water standards, as described in Chapter 62-777, *Florida Administrative Code* ("F.A.C."). A copy of the findings regarding the presence of aluminum, dated January 10, 2003, March 31, 2003, March 12, 2004, and January 12, 2007, are attached to this Solicitation as Attachment 5.

It should be noted that the presence of aluminum was located in the vicinity of where the State of Florida had previously operated its paint wash station, and where the State of Florida had authorized the removal of approximately 22.71 tons of contaminated soil from the paint wash station (this is the most northern portion of the Site, near the building numbered 18). The purpose of the excavation of the soil, according to the testing company, was to prevent the potential leaching of iron and aluminum into the groundwater. At this time, particularly in light of the passage of time from when the last samples from the monitoring wells were tested, it is unknown if the level of aluminum in the groundwater has decreased, remained constant, or increased.

It shall be the sole responsibility of the Selected Developer(s) to determine the presence of any substance or contaminant in the air, soil, or groundwater on or about the Landmark property, including the Site, and to remediate such concern and/or toxic matter to the satisfaction of the appropriate governmental agencies and/or entities.

Further, as mentioned above, the findings regarding aluminum were made in 2006, and as a result, the information as provided herein is provided for reference purposes only, and the Selected Developer(s) shall undertake its own testing to determine the presence, extent, and/or levels of aluminum, or any other substance or contamination on or about the Landmark property, and the Site. The Selected Developer(s) will be solely responsible for making its own determinations with respect to environmental, structural, and/or any other conditions on or about the Site.

2.3.10 Acknowledgement of Responsibility for All Fees, Costs, and Expenses

The Selected Developer(s) is responsible for all costs associated with the development and operation of the Site. The Selected Developer(s) shall not seek from the County any waivers, exemptions, reimbursements, and/or discounts for such expenses. The Selected Developer(s) shall reimburse the County for all costs or expenses associated with any future

studies and/or applications should the County make payment or contract directly for such matters.

2.3.11 Effect of Failure or Delays in Securing Public Approvals

While the County will, in its capacity as landlord, work with the Selected Developer(s) to seek approvals for the proposed development project, Selected Developer(s) acknowledge that the County retains all of its sovereign prerogatives and rights as a county under Florida laws and shall in no way be estopped from withholding or refusing to issue any approvals of applications for building, zoning, planning, or development permits or authorizations under present or future laws and regulations of whatever nature applicable to the planning, design, construction, and development of the Site, or the operation thereof, or otherwise be liable for the same. The County shall not, by virtue of entering into a lease agreement with the Selected Developer(s), be obligated to grant the Selected Developer(s) any approvals of applications for building, zoning, planning, development and/or operation under any present or future laws applicable to the planning, design, construction, development, and/or operation of the Site.

2.3.12 As-Is Condition

The Site is being offered for development in its "as-is" "where is" condition, including its current environmental conditions, with any and all faults, including structures, substructures, and infrastructures of every kind or nature, and the Selected Developer(s) shall be responsible for any and all capital costs that are required for the development and/or improvement of the Site. The Selected Developer(s) will be solely responsible for any required clean-up or remediation of contamination found on the Site. Further, the Selected Developer(s) will be obligated to perform any and all maintenance and repair work on the Site throughout the duration of the lease agreement entered into with the County.

The Selected Developer(s) must conduct a Phase I, and in all likelihood a Phase II environmental assessment, and secure its own structural and sub-surface inspection reports. For purposes of responding to this Solicitation, it should be assumed that environmental contamination, if any, can be remediated or accepted by the appropriate governmental entities to permit the development of the Site and that such work, if required, can be accomplished within a reasonable amount of time. The County will treat the performance and cost of such work as an obligation of the Selected Developer(s).

2.4 Requirements of the Selected Developer(s)

This Selected Developer(s) shall ensure that the development project include structures of the highest construction quality and standards, and provide state-of-the-art "green building" features so that the improvements meet or exceed the sustainability requirements for the Leadership in Energy and Environmental Design ("LEED") silver level category. With the prior approval of the County, the "green building" features of the proposed development project can be designed to meet a set of green building requirements that are different from LEED. The architecture of the development project must exceed but also compliment the surrounding community.

The development project should draw on functional community designs and layouts, as well as architectural strengths to distinguish the development as a showcase or model for other communities to follow in and around the County. As a model, it should promote the interests of both community residents and residents of neighboring communities, and where possible, accommodate the diverse needs of each population.

In addition to other requirements, the Selected Developer(s) will be responsible for the preparation, and implementation, of a development plan for the Site. The development plan shall include, but not be limited to, the following:

- a. Assessment of all possible funding and/or financing for the development project;
- b. A financial plan, including, but not limited to a final pro forma, a statement of sources and uses;
- c. Securing the necessary funding and/or financing to complete the entire development project;
- d. A final development plan, including components such as retail, office, and commercial buildings, with adequate parking, along with recreational facilities and/or open space, if feasible, along with any and all other major improvements on the Site;
- e. Project Schedule for implementation of the development project;
- f. A land survey, if necessary;
- g. Environmental assessments and/or studies;
- h. Any and all plans for environmental clean-up and/or remediation;
- i. Geotechnical studies;
- j. Architectural and engineering studies, plans, drawings, and/or illustrations;
- k. Vehicular and pedestrian circulation paths and areas;
- l. Plan for securing all necessary building permits, licenses for the development project;
- m. Parking and traffic studies, including any such studies pertaining to the impact on concurrency and/or the impact on surrounding streets and roadways;
- n. Evaluation of any and all zoning and concurrency matters and possible impacts on nearby schools and traffic;
- o. Marketing, including but not limited to, research and advertising;
- p. Plan for leasing of all retail, office space or buildings, medical facility, and/or other commercial space (note, recreation and/or open space may be leased or managed by the County's Parks, Recreation and Open Spaces Department, as determined by the future negotiations between the Selected Developer(s) and the County);
- q. Overall management and maintenance of the Site;
- r. Public Outreach Plan regarding the proposed Site development plan, and provide any requested support or assistance to staff of the County regarding the development plan;
- s. Compliance with the Florida Building Code, this Solicitation, and the laws, regulations, and ordinances of the County.

2.5 Interested Parties

The County will release any information it may obtain of any interested commercial sub-tenants and/or anchor occupants, and other potential business firms/entities that are interested in being located on the Site, but that may not wish to undertake a development role.

2.6 Park and Recreation

In an effort to further advance the County's interests in parks and recreation, Selected Developer(s) are encouraged to provide public access and open space areas beyond that which is required by any zoning requirements. Such parks, recreational centers, and/or recreation areas may include a park (green space) or park-like areas (such as an activity space, like a domino or chess park) or a building any of which may be managed and maintained by the Selected Developer(s) or by the County's Parks, Recreation and Open Spaces Department.

2.7 Project Construction

The construction phase of the Project shall be completed in accordance with this Solicitation and applicable Miami-Dade County rules, regulations, ordinances, standards, and provisions of the Florida Building Code. The Selected Developer shall obtain and pay for certified, experienced, licensed and reputable architectural and engineering services, and construction services (including a general contractor, project manager, subcontractors as part of its stated Development Team). Applicable governmental regulations may include, but are not limited to:

- All applicable Occupational, Health and Safety Administration (OSHA) regulations.
- All applicable County construction regulations.
- All applicable local Small Business Program requirements pursuant to Sections 10-33.02 and 2-10.4.01 of the Code. See Section 1.8 Contract Measures.
- Florida Statutes Section 255.05.
- Florida Statutes Section 255.20.
- Florida Statutes Section 287.055.
- Miami-Dade County Art in Public Places (APP) fee requirement for new construction projects.

Works of art on the Site are required in accordance with the requirements of the County's Art in Public Places Program (see County Code of Ordinances, Section 2-11.15). The Selected Developer(s) shall gain the necessary approvals from the Miami-Dade County Art in Public Places Trust, for the works of art that the Selected Developer(s) desires to utilize on the Site, including the proposed location for the works of art. The Selected Developer(s) shall permanently install such approved work(s) of art on the Site, or in or on a building located on the Site, as approved by the County's Art in Public Places Trust.

2.8 Property Taxes

As a County-owned property, the Site is currently not subject to real estate taxes (ad valorem taxes). However, the tax exemption may not be available during or after completion of the Project. It is the responsibility of the Selected Developer to identify any and all tax consequences related to leasing the Site from the County, and/or for the development of the Project. The Selected Developer shall pay for any and all such taxes, fees, assessments, and/or impositions related to the Site. The County makes no representations or warranties as to the continued availability of any exemption or tax benefit, or to the Selected Developer's ability to receive any such exemption or benefit.

2.9 Schedule

The Project construction phase shall be completed, as evidenced by an issued Certificate of Use and/or Occupancy ("CO"), obtained within three (3) years of the date of execution of the ground lease. An exact schedule of completion, including milestones and any possible penalties for failure to adhere to the schedule shall be the subject of negotiation during the process of formulating a ground lease with the Selected Developer.