

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE THE ATTACHED RIGHT-OF-WAY LICENSE AGREEMENT, BETWEEN GREG SALSBURG D/B/A PENN DUTCH FOOD CENTER (LICENSEE) AND THE CITY OF HOLLYWOOD (LICENSOR), FOR USE OF THE PUBLIC RIGHT-OF-WAY FOR PARKING AT 3950 NORTH 28<sup>th</sup> TERRACE, BASED ON A FOUR YEAR TERM AND FIRST YEAR ANNUAL FEE OF \$6,067.44, PAYABLE QUARTERLY IN ADVANCE, WITH AN ANNUAL INCREASE OF THREE PERCENT (3%).

WHEREAS, Greg Salsburg d/b/a Penn Dutch Food Center (Penn Dutch) operates a retail food market at 3950 North 28<sup>th</sup> Terrace and have maintained a Right-of-Way License Agreement (License) with the City since 1996 for use of the right-of-way to provide parking for its employees and customers; and

WHEREAS, the subject right-of-way consists of fifteen parking spaces; and

WHEREAS, the existing agreement expired on May 20, 2016 and Penn Dutch has requested a new License for the continued use of the right-of-way; and

WHEREAS, the attached agreement provides for a four (4) year term based on a first year annual fee of \$6,067.44 (fifteen parking spaces at \$31.80/space/month plus six percent tax), payable annually in advance, and includes an annual escalation in the amount of the license plus an increase of three percent (3%); and

WHEREAS, in addition to the annual fee and maintenance costs, the attached License contains the required liability insurance coverage and indemnification for the City;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF HOLLYWOOD FLORIDA:

Section 1: That it hereby approves and authorizes the execution, by the appropriate City Officials, of the attached Right-of-Way License Agreement between Greg Salsburg d/b/a Penn Dutch Food Center (Licensee) and the City of Hollywood (Licensor), together with such non-material changes as may subsequently be agreed to by the City Manager and approved as to form and legality by the City Attorney.

GREG SALSBURG D/B/A PENN DUTCH FOOD CENTER - RIGHT-OF-WAY LICENSE AGREEMENT

Section 2: That this resolution shall be in full and effect immediately upon its passage and adoption.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
JOSH LEVY, MAYOR

ATTEST:

\_\_\_\_\_  
PATRICIA A. CERNY, MMC  
CITY CLERK

APPROVED AS TO FORM AND LEGALITY  
For the use and reliance of the  
City of Hollywood, Florida, only.

\_\_\_\_\_  
ALAN FALLIK, ACTING CITY ATTORNEY