

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 WITH NOTBYCHANCE, INC., FOR USE OF THE PUBLIC RIGHT-OF-WAY FOR PARKING AT 1321 SOUTH 30th AVENUE, BASED ON A FOUR YEAR TERM AND FIRST YEAR ANNUAL FEE OF \$6,876.43, PAYABLE QUARTERLY IN ADVANCE, INCLUDING AN ANNUAL ESCALATION IN THE AMOUNT OF THE LICENSE PLUS AN INCREASE OF THREE PERCENT.

WHEREAS, Notbychance, Inc. operates a commercial retail store at 1321 South 30th Terrace and has maintained a Right-of-Way License Agreement (License) with the City since 2001 for use of the right-of-way to provide parking for its customers and employees; and

WHEREAS, the subject right-of-way consists of 17 parking spaces; and

WHEREAS, the existing agreement expires on October 1, 2018 and Notbychance, Inc. has requested a new License for the continued use of the right-of-way; and

WHEREAS, the attached agreement provides for a four year term based on a first year annual fee of \$6,876.43 (17 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; 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 the foregoing “WHEREAS” clauses are ratified and confirmed as being true and correct and are incorporated in this Resolution.

Section 2: That it approves and authorizes the execution, by the appropriate City officials, of the attached Right-of-Way License Agreement with Notbychance, Inc., with such non-material changes as may subsequently be agreed to by the City Manager and approved as to form and legal sufficiency by the City Attorney.

NOTBYCHANCE, INC. - RIGHT-OF-WAY LICENSE AGREEMENT

Section 3: That this Resolution shall be in full and effect immediately upon its passage and adoption.

PASSED AND ADOPTED this _____ day of _____, 2018.

JOSH LEVY, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC
CITY CLERK

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

DOUGLAS R. GONZALES
CITY ATTORNEY