

**CITY OF HOLLYWOOD
INTEROFFICE MEMORANDUM**

TO: Mayor and Commissioners **DATE:** May 20, 2014

FROM: Jeffrey P. Sheffel, City Attorney

SUBJECT: Proposed Right of Way Occupancy Permit with Peoples Jewelers, Inc. ("Owner") for the encroachment into the Broadwalk public right-of-way of an awning overhang structure located at 707 North Surf Road #2 .

I have discussed the above Agreement with the participating Department/Office, and the proposed general business terms and other significant provisions are as follows:

- 1) Department/Division involved – Public Works/City Engineer
- 2) Type of Agreement – Right of Way Occupancy Permit
- 3) Method of Procurement (RFP, bid, etc.) – n/a
- 4) Term of Contract
 - a) initial – n/a
 - b) renewals (if any) – n/a
 - c) who exercises option to renew – n/a
- 5) Contract Amount –n/a
- 6) Termination rights – In the event that Owner fails to keep the structures in good and safe condition, City may after 30 days written notice remove the encroachment and Owner shall be liable for costs;
- 7) Indemnity/Insurance Requirements – Yes, as to indemnity.
- 8) Scope of Services – City will allow Owner to have an awning overhang structure projecting across the frontage of the proposed "Sapore Di Mare" restaurant within the Broadwalk right-of-way.
- 9) Other significant provisions – The awning will encroach into the public property, however, in the event the City desires to use the Broadwalk for any purpose requiring the removal of the awning, the Owner agrees that the removal and reinstallation of this or any other encroachment into the Broadwalk is the Owner's responsibility. If the owner fails to remove, then the City shall do so and the Owner will be liable for all costs.

cc: Cathy Swanson-Rivenbark, City Manager