CITY OF HOLLYWOOD
INTEROFFICE MEMORANDUM

TO: Mayor and Commissioners   **DATE**: December 7, 2016

FROM: Jeffrey P. Sheffel, City Attorney

SUBJECT: Proposed Lease Agreement with Florida Department of Transportation ("FDOT") for Use of Rights-of-way for Sidewalk Cafes and/or Valet Parking Queues

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      I have reviewed the above-captioned agreement for form and legality, and the general business terms and other significant provisions are as follows:

1) Department/Office involved – Development Services/Engineering

2) Type of Agreement – Lese Agreement and Addendum

3) Method of Procurement (RFP, bid, etc.) – n/a

4) Term of Contract
      a) initial – 5 yrs.
      b) renewals (if any) – For an additional 5 yrs.
      c) who exercises option to renew – City (renewal is subject to rent adjustment)

5) Contract Amount – a) City is required to reimburse FDOT $7,950.00 for the appraisal fee incurred by FDOT. and b) Rent – For the initial 5-yr. term, City will pay rent based upon $3.00/sq. ft. for each permitted sidewalk café and valet parking queue on Young Circle, paid semiannually. The annual amount is $10,180.00. This rental is contingent upon the number of sidewalk cafes and valet parking queue permits issued by the City in a 12-mth period. The rental amount for the following year will be adjusted accordingly.

6) Termination rights – The lease may be terminated by either party without cause by giving 30 days' notice. Termination or expiration of the lease will automatically terminate any sidewalk café or valet parking queue permits issued by the City.

7) Indemnity/Insurance Requirements – None.

8) Scope of Services – FDOT will allow the use of its rights-of-way for the purpose of sidewalk cafes and valet parking queues.

9) City's prior experience with Vendor – Yes.

10) Other significant provisions – The City is required to perform periodic inspections of the leased premises for compliance with all requirements set forth in the lease and submit an annual report by June 1 of each year..

cc: Wazir A. Ishmael, Ph.D., City Manager