

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE THE ATTACHED LEASE AGREEMENT AND ADDENDUM THERETO ("LEASE") BETWEEN THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION ("LESSOR") AND THE CITY OF HOLLYWOOD ("LESSEE"), FOR THE PUBLIC PURPOSE OF FACILITATING COMMERCIAL END-USES WITHIN THE RIGHTS-OF-WAY ALONG THE WESTERN PERIMETER OF US1 / YOUNG CIRCLE.

WHEREAS, the Florida Department of Transportation (FDOT) maintains properties for public purposes for the citizens of the State of Florida; and

WHEREAS, FDOT is permitted by law to lease rights-of-way to other public entities to further accommodate the public needs of the State of Florida; and

WHEREAS, on June 4, 2003, the City Commission passed and adopted Resolution No. R-2003-164, which authorized the execution of a non-monetary lease between FDOT and the City for a period of 10 years with an option to renew for an additional 5 year period; and

WHEREAS, the non-monetary lease between FDOT and the City expired in 2013 City; and

WHEREAS, a policy change implemented by FDOT has been modified to assess a market value fee for any utilization of FDOT right-of-way that results in a commercial end-use; and

WHEREAS, because of this policy change, FDOT is requiring that both a new lease and an addendum to the lease be entered into by the City; and

WHEREAS, the addendum includes a modification to design standards, insurance requirements, and a market valuation for the use of FDOT's rights-of-way; and

WHEREAS, it is the City's desire to continue permitting sidewalk cafes within the rights-of-way along the western perimeter of US1 / Young Circle; and

WHEREAS, even with the exchange of consideration, it is in the best interest of the citizens of the State of Florida and the City to continue utilizing lands acquired for public purpose; and

WHEREAS, funding in the amount of \$5,881.50 for the City's portion of the appraisal fee (\$795.00) and the annual lease payment for sidewalk cafes on FDOT right-of-way (\$5,086.50) will be made available in an account to be established by the Department of Financial Services, and will be budgeted in future fiscal years; and

WHEREAS, the Downtown Community Redevelopment Agency will provide the remainder of the funding totaling \$5,881.50 for the appraisal fee and the annual lease payment for sidewalk cafes on FDOT right-of-way;

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 Lease Agreement and Addendum thereto, between the Florida Department of Transportation and City of Hollywood, 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.

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

PASSED AND ADOPTED this _____ day of _____, 2016.

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.

JEFFREY P. SHEFFEL, CITY ATTORNEY