

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 CARLY HOLDING CORPORATION (LICENSEE) AND THE CITY OF HOLLYWOOD (LICENSOR), FOR USE OF THE PUBLIC RIGHT-OF-WAY FOR PARKING ADJACENT TO PROPERTY AT 1209 S. 30TH AVENUE, BASED ON A FOUR YEAR TERM AND FIRST YEAR ANNUAL FEE OF \$2,831.47, PAYABLE ANNUALLY IN ADVANCE, AND SUBJECT TO YEARLY PREVAILING MARKET RATE ADJUSTMENTS, IF ANY.

WHEREAS, South 30th Avenue, extending north from Pembroke Road, is a dead end roadway with commercial / industrial businesses along its east side and the CSX Railway along its west side, used for employee / customer parking and other uses by the adjacent businesses; and

WHEREAS, Carly Holding Corporation is the fee owner of property located at 1201 S. 30th Avenue and has maintained a Right-of-Way License Agreement with the City since 2000 for use of the right-of-way to provide employee / customer parking for its tenant, Song Factory d/b/a Sing-A-Song; and

WHEREAS, the subject right-of-way consists of seven parking spaces, the improvement costs of which were paid for by Carly Holdings Corporation; and

WHEREAS, the existing license agreement expired on July 10, 2016 and Carly Holdings Corporation had requested a new license agreement for the continued use of the right-of-way; and

WHEREAS, the previous license agreement had a rate that had not been adjusted to reflect market values; and

WHEREAS, the City of Hollywood notified Carly Holdings Corporation of the needed adjustment and they consented to the changes; and

WHEREAS, the attached license agreement provides for a four (4) year term with a first year annual license fee in the amount of Two Thousand Eight Hundred and Thirty-One Dollars and Forty-Seven Cents (\$2,831.47) which is based on seven (7) parking spaces at Thirty-One Dollars and Eighty Cents (\$31.80) per space per month plus applicable rental tax in the amount equal to six percent (6%) of its annual license fee, payable annually in advance to City of Hollywood c/o Financial Services; and

WHEREAS, any late payments will be subject to late payment interest based on the Florida statutory rate of interest and all subsequent years' license fees shall be based upon the prevailing rate at the time of each year's anniversary date; and

WHEREAS, in addition to the annual fee and maintenance costs, the attached License Agreement 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 Carly Holding Corporation and the 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