

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 RALPH HAWKINS D/B/A SEA LEGS MARINA INC. (LICENSEE) AND THE CITY OF HOLLYWOOD (LICENSOR), FOR USE OF THE PUBLIC RIGHT-OF-WAY FOR PARKING AND BOAT DOCK SLIPS AT 5398 N OCEAN DRIVE, BASED ON A TEN YEAR TERM AND FIRST YEAR ANNUAL FEE OF \$2,871.26, PAYABLE QUARTERLY IN ADVANCE, AND SUBJECT TO A YEARLY ANNUAL ESCALATION OF 3% AND INCLUDING A ONETIME, ADDITIONAL COST OF \$1,300 FOR A SURVEY, PAYABLE FULLY OR QUARTERLY WITHIN A YEAR.

WHEREAS, Ralph Hawkins d/b/a Sea Legs Marina Inc (Sea Legs) operates a local fishing charter serving clients since 1969 at 5398 North Ocean Drive and previously held a Lease Agreement (License) with the City for use of the right-of-way to provide parking for its employees and customers; and

WHEREAS, the subject right-of-way consists of four parking spaces on the west side of N Ocean Drive adjacent to the business; and

WHEREAS, the attached agreement provides for a ten (10) year term based on a first year annual fee of \$2,871.26 (which is based on Four (4) parking spaces at Thirty-one Dollars and Eighty (\$31.80) per space per month plus applicable rental tax in the amount equal to six percent (6%); and Two (2) boat dock slips at Five Hundred Ninety-One Dollars and Seventeen Cents (\$591.17) per slip per year plus applicable rental tax in the amount equal to six percent (6%), payable quarterly in advance, and subject to a yearly escalation fee of 3%; and

WHEREAS, the licensee agrees to repay the licensor the cost of a survey that was conducted to properly assess the portion of right-of-way covered under this license agreement and the cost for this survey was \$1,300.00, which can be repaid fully or in quarterly increments within a year; 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 it hereby approves and authorizes the execution, by the appropriate City Officials, of the attached Right-of-Way License Agreement between Ralph Hawkins d/b/a Sea Legs Marina Inc (Licensee) and the City of Hollywood (Licensor), 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 _____, 2017.

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.

ALAN FALLIK, ACTING CITY ATTORNEY