

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 BRETT OVERMAN DEVELOPMENT, INC. (LICENSEE) AND THE CITY OF HOLLYWOOD (LICENSOR), FOR USE OF THE PUBLIC RIGHT-OF-WAY ADJACENT TO 1213 SOUTH 30TH AVENUE, TO PROVIDE FOR TEN (10) PARKING SPACES, BASED ON A FOUR YEAR TERM AND FIRST YEAR ANNUAL FEE OF \$4,044.96, PAYABLE QUARTERLY IN ADVANCE, AND INCLUDES AN ANNUAL INCREASE IN THE AMOUNT OF THREE PERCENT (3%).

WHEREAS, South 30th Avenue extending north from Pembroke Road is a dead-end street with commercial / industrial businesses along its east side and the CSX rail corridor along its west side; and

WHEREAS, the city right-of-way along the west side of South 30th Avenue has been used for customer and employee parking by the adjacent business pursuant to license agreements with the city; and

WHEREAS, in July 2013, Brenchardon Properties, LLC conveyed its interest in 1213 South 30th Avenue to Brett Overman Development, Inc.; and

WHEREAS, R-2013-241 approved a Right-of-Way License Agreement expiring October 1, 2017 for use of the right-of-way adjacent to 1213 South 30th Avenue by Brett Overman Development, Inc. (Licensee) for ten (10) parking spaces; and

WHEREAS, the owner desires to continue use of the right-of-way for parking and has requested a new four year term upon expiration; and

WHEREAS, the attached agreement provides for a four (4) year term based on a first year annual fee of Four Thousand Forty-Four Dollars and Ninety Six Cents (\$4,044.96) which is based on ten (10) 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 and includes an annual increase in the amount of three percent (3%); 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 Brett Overman Development, 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