

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, AUTHORIZING THE CITY ATTORNEY TO FILE CIVIL ACTIONS, IN REM OR IN PERSONAM, TO COLLECT DELINQUENT DOCKAGE FEES AND STORAGE FEES FOR VESSELS LOCATED AT THE HOLLYWOOD MARINA AND TO REMOVE SUCH VESSELS.

WHEREAS, Sections 98.100 through 98.105 of the Hollywood Code of Ordinances establish regulations for use of the Hollywood Marina by vessel owners; and

WHEREAS, in order to utilize the Hollywood Marina, Section 98.103 requires that the vessel owner execute a dockage agreement and pay the required dockage fees established by resolution of the City Commission; and

WHEREAS, Section 98.103(C) authorizes the City Administration to enter said dockage agreements and to administer and enforce their terms; and

WHEREAS, in accordance with the terms and conditions of the dockage agreement, if a vessel owner breaches the agreement, the City is entitled to immediately remove the vessel, without notice to the owner, from his/her dock space at the owner's risk and expense; and

WHEREAS, in the event of any breach of the dockage agreement terms and conditions, the City may recover in whole or in part for services or dockage rental charges, in any Court, either in rem (an action against the vessel) or in personam (an action against the vessel owner), and the owner agrees to pay all Court costs, attorney's fees and interest; and

WHEREAS, the Hollywood Marina Dockmaster currently has several vessel owners who have breached their dockage agreements, and demand letters for payment and removal of their vessels were sent to the vessel owners; and

WHEREAS, in order to institute the appropriate civil action, including but not limited to in rem and in personam actions pursuant to state and federal law and in conjunction with the United States Marshal, if required, the City Attorney must have the authorization of the City Commission as per Section 7.02(b)(4) of the City Charter;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA:

Section 1: That the City Attorney is hereby authorized to file civil actions, in rem or in personam, in state or federal court to collect outstanding dockage and storage fees, to remove vessels, and to seek any and all other relief to which the City may be entitled;

Section 2: That this resolution shall be in full force 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 & LEGALITY  
for the use and reliance of the  
City of Hollywood, Florida only:

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ALAN FALLIK, ACTING CITY ATTORNEY