

**CITY OF HOLLYWOOD
INTEROFFICE MEMORANDUM**

TO: Mayor and City Commissioners

DATE: June 21, 2017

FROM: Alan Fallik, City Attorney

SUBJECT: Proposed First Amendment to the License and Management Services Agreement For Hollywood Beach Golf and Country Club with McCumber-Wright Venture, LLC

I have discussed the above Agreement with the participating Department/Office, and the proposed general business terms and other significant provisions are as follows:

- 1) Department/Division involved – Parks, Recreation and Cultural Arts
- 2) Type of Agreement – First Amendment to the License and Management Services Agreement
- 3) Method of Procurement (RFP, bid, etc.) – RFP No. 4442-15-IS
- 4) Term of Contract
 - a) initial – 10 years
 - b) renewals (if any) - Yes, one (1) additional ten (10) year term.
 - c) who exercises option to renew – Renewal requires approval of both parties.
- 5) Contract Amount – MWV will provide \$2,000,000.00 of capital improvements to the Golf Course as set forth in Exhibit “B”. In addition, for the 1st four (4) years of this Agreement, MWV shall remit an annual rent payment in the amount of \$200,000.00 and said payments will be placed in an escrow account. Upon completion of the improvements, said rental funds will be returned to MWV. In the event that said improvements are not completed the City can retain and utilize such funds. **The First Amendment proposes to amend Exhibit “B” to add to the capital improvement plan the following: MWV will construct a temporary Club House; including but not limited to obtaining any and all permits, groundwork, etc. in an amount not to exceed \$290,000.00.**
- 6) Termination rights – The City may terminate this Agreement with cause in the event of default by MWV, provided City notifies MWV in writing of said default and MWV fails to cure the default within the 45 days in accordance with Paragraph 16.
- 7) Indemnity/Insurance Requirements – Vendor indemnifies City and provides insurance.

TERM SHEET - First Amendment to the License and Management Services Agreement
between MWV and the City for Hollywood Beach Golf and Country Club

- 8) Scope of Services – MWV will operate and manage Hollywood Beach Golf and Country Club in accordance with the Agreement and RFP No. 4442-15-IS, along with and provide \$2,000,000.00 of capital improvements to the Licensed Premises.
 - 9) City's prior experience with Contractor (if any) – Yes.
 - 10) Other significant provisions – (a) Section 1.5 of the Agreement provides for Revenue Sharing by MWV; (b) This Agreement provides for a Capital Reserve Program (see Paragraph 5).
- cc: Wazir A. Ishmael, Ph.D., City Manager