



**CITY OF FORT LAUDERDALE  
City Commission Agenda Memo  
REGULAR MEETING**

**#15-1056**

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**TO:** Honorable Mayor & Members of the  
Fort Lauderdale City Commission

**FROM:** Lee R. Feldman, ICMA-CM, City Manager

**DATE:** August 18, 2015

**TITLE:** Motion Amending the License Agreement with Las Olas Riverfront, LP

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**Recommendation**

It is recommended that the City Commission approve a motion authorizing execution of the Second Amendment to the Brickell License Agreement with Las Olas Riverfront, LP (LOR).

**Background**

In March of 1992, the City of Fort Lauderdale (City) authorized the sale of the property known as "Riverfront" to Historic Brickell, Ltd (Brickell). In accordance with the terms of the sale and a development agreement with Brickell, a license agreement (Agreement) between the City and Brickell commenced on May 15, 1998 with a term of 25 years. The Agreement addresses certain rights relative to the use of the waterfront and includes an annual license fee payable to the City for those rights. The Agreement is attached as Exhibit 1.

The Agreement was assigned to LOR on May 17, 2011 when LOR purchased the Riverfront property, subsequently, licensing fees were not paid. On July 10, 2012 LOR requested an accommodation regarding the past due fees. At the December 18, 2012 City Commission conference meeting, the past due fees were discussed along with the monthly fees that had been paid to LOR by Riverfront Cruises, the current user of the Riverfront commercial dockage. The City Commission stated that fees collected from Riverfront Cruises and due to the City and should go directly to the City. Staff was directed to provide the Commission with proposed amendments to the license agreement.

Staff, in conjunction with LOR, has agreed upon the following revisions to the Agreement:

- In lieu of remitting the delinquent amounts owed, the City shall accept the following annual payments: \$22,897; \$11,316.17, and \$8,325 for 2011 through 2013. The City acknowledges receipt of \$42,538.17.

- Commencing on May 15, 2014 LOR shall pay an annual license fee of \$49.08 per linear foot of dockage regardless of whether dock space is used by LOR. Additionally, the license fee shall be adjusted each year based on the Consumer Price Index.
- LOR shall be granted the non-exclusive right to use 160 linear foot of dock space parallel to the seawall for day dockage. Day dockage is available to the public on a first come, first serve basis, and LOR is not entitled to collect fees from the public for this use.
- All commercial dock space shall be retained and managed by the City. LOR shall have no right to manage or collect fees from this space. LOR shall have the right of first refusal to lease the space if the City receives a written offer from a prospective tenant to lease the commercial space.

### **Resource Impact**

There will be a positive fiscal impact to the City in the amount of \$8,454.98.

### **Strategic Connections**

This item is a *Press Play Fort Lauderdale Strategic Plan 2018* initiative, included within the Public Places Cylinder of Excellence, specifically advancing:

- Goal 3: Be a community that finds opportunities and leverages partnerships to created unique, inviting, and connected gathering places that highlight our beaches, waterways, urban areas and parks.

This item advances the *Fast Forward Fort Lauderdale Vision Plan 2035: We are United*.

### **Attachment**

Exhibit 1 – Second Amendment to Brickell License Agreement

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Prepared by: Stacey Daley, Parks and Recreation

Department Director: Phil Thornburg, Parks and Recreation