

DOCUMENT ROUTING FORM

2/13/14 2/16/2014 2 originals

NAME OF DOCUMENT:

SECOND ADDENDUM TO REVOCABLE LICENSE B-CYCLE, LLC

Approved Comm. Mtg. on JANUARY 7, 2014 CAM#13-1632

ITEM: [] M- **14 [] PH - [] O - [] CR- [] R-

Routing Origin: [] CAO [] ENG. [] COMM. DEV. [] OTHER

Also attached: [x] copy of CAR [] copy of document [] ACM Form [] # originals

By: forwarded to: Initials

1.) Approved as to Content: [Signature] Department Director

Capital Improvements defined as having a life of at least 10 years and a cost of at least \$50,000 and shall mean improvements to real property (land, buildings, fixtures) that add value and/or extend useful life, inc. major repairs such as roof replacement, etc. Term "Real Property" include: land, real estate, realty, real.

Please Check the proper box: CIP FUNDED [] YES [] NO Capital Improvement Projects

2.) Approved as to Funds Available: by Finance Director Date:

Amount Required by Contract/Agreement \$ Dept./Div.

FUNDING SOURCE: Index/Sub-object Project #

3.) City Attorney's Office: Approved as to Form # Originals to City Mgr. By:

Cynthia A. Everett Cole Copertino Robert B. Dunckel XX
Ginger Wald D'Wayne Spence Paul G. Bangel
Carrie Sarver DJ Williams-Persad

2014 FEB - 6 PM 2: 29 CITY MANAGER
2014 JAN 17 AM 9: 01 CITY ATTORNEY'S OFFICE

4.) Approved as to content: Assistant City Manager:

By: Stanley Hawthorne, Assistant City Manager By: Susanne Torriente, Assistant City Manager

5.) City Manager: Please sign as indicated and forward # originals to Mayor.

6.) Mayor: Please sign as indicated and forward # originals to Clerk.

7.) To City Clerk for attestation and City seal.

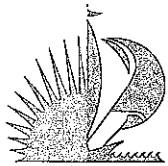
INSTRUCTIONS TO CLERK'S OFFICE

8.) City Clerk: **RETURN ORIGINALS TO BOB DUNCKEL FOR RECORDING**

[] Copy of document to [] Original Route form to
[] Attach certified copies of Reso. # [] Fill-in date

2/13

VCC



Venice of America

CITY OF
FORT LAUDERDALE

Direct Line: (954) 828-5036

2014 FEB 26 AM 11:43

CITY CLERK

February 24, 2014

Jeff Torkelson, Manager
B-CYCLE, LLC
1140 NE 7th Avenue, Unit 4
Fort Lauderdale, FL 33304

Re: Second Amendment to Permit and License Agreement / B-Cycle, LLC
(Revocable License)

Dear Mr. Torkelson:

Enclosed please find a copy of the fully-executed Second Amendment to Permit and License Agreement (Revocable License), approved by the City Commission 1/7/2014.

In accordance with paragraph 5 of the Second Amendment to Revocable License, the Licensee is solely responsible for recording the Second Amendment in the Public Records of Broward County and providing a recorded copy to the City Clerk's Office. Per Broward County's recording fee schedule (copy attached), that cost will be \$44.00.

We will coordinate recording the Second Amendment to Revocable License upon receipt of your check, payable to **Broward County Records**, in the amount of \$44.00

Thank you for your kind attention and consideration in this matter.

Very truly yours,

ROBERT B. DUNCKEL
Assistant City Attorney

L:\RBD\LETTERS\2014\060TORKELSON.DOC

Enclosure

cc: Randall Robinson, Planner II / DSD
Wendy Gonyea, Assistant City Clerk IV

A-13-202





Venice of America

CITY OF
FORT LAUDERDALE

Direct Line: (954) 828-5036

March 5, 2014

2014 MAR -5 PM 6:00

CITY CLERK

Jeff Torkelson, Manager
B-CYCLE, LLC
1140 NE 7th Avenue, Unit 4
Fort Lauderdale, FL 33304

Re: Second Amendment to Permit and License Agreement / B-Cycle, LLC
(Revocable License)

Dear Mr. Torkelson:

Enclosed please find a copy of the above-referenced Second Amendment, recorded at O.R. Book 50596, Pages 1709 – 1713 of the Public Records of Broward County, together with the original unrecorded Second Amendment.

The recorded original Second Amendment is on file with the City Clerk.

Thank you for your kind attention and consideration in this matter.

Very truly yours,

ROBERT B. DUNCKEL
Assistant City Attorney

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Enclosure

cc: Randall Robinson, Planner II / DSD
Wendy Gonyea, Assistant City Clerk IV

A-13-202

OFFICE OF THE CITY ATTORNEY

100 N. ANDREWS AVENUE, FORT LAUDERDALE, FLORIDA 33301
TELEPHONE: (954) 828-5940, FAX (954) 828-5915

www.fortlauderdale.gov



CITY CLERK

2014 MAR -7 AM 10: 20

INSTR # 112140690
OR BK 50596 Pages 1709 - 1713
RECORDED 03/05/14 02:44:23 PM
BROWARD COUNTY COMMISSION
DEPUTY CLERK 2015
#1, 5 Pages

**SECOND AMENDMENT
TO
PERMIT AND LICENSE AGREEMENT
(REVOCABLE LICENSE)**

THIS IS A SECOND AMENDMENT to the Revocable License granted this _____ day of January 7, 2014 by and between:

CITY OF FORT LAUDERDALE, a Florida municipal corporation,
100 North Andrews Avenue, Fort Lauderdale, Florida 33301, ,
hereinafter, "CITY",

and

B-CYCLE, LLC, a Delaware Limited Liability Company authorized
to do business in the State of Florida, whose principal address is
801 WEST Madison Street, Waterloo, WI 53594, hereinafter
"LICENSEE".

WHEREAS, CITY granted LICENSEE a Revocable License on July 6, 2011 for the implementation, installation, operation, maintenance, repair and replacement, from time to time of the Bicycle-Sharing Stations on Property described in said Revocable License; and

WHEREAS, pursuant to Motion at the City Commission meeting of August 21, 2012, CITY and LICENSEE entered into a First Addendum to Revocable License which provided for the expansion of the B-Cycle Sharing Stations; and

WHEREAS, LICENSEE has requested certain amendments to that Revocable License, as amended, to add three additional locations, namely (1) Fort Lauderdale Beach Parking Lot, 640 Seabreeze Boulevard, (2) Oceanside Parking Lot on A-1-A, and (3) Northwest quadrant of the intersection of Bayshore Drive and State Road A-1-A; and

WHEREAS, the City Commission has determined that this Second Amendment of the Revocable License to provide for the expansion of the B-Cycle sharing stations is in the public's best interest; and

WHEREAS, the City Commission of the City of Fort Lauderdale has authorized the execution of this Second Amendment of the Revocable License by the proper government officials by adoption of a motion at its Regular Meeting of January 7, 2014.

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained in this Second Amendment to the Revocable License, and other good and valuable conditions, the receipt and adequacy of which are hereby acknowledged, the parties agree to amend the Revocable License as follows:

1. **Recitals.** The foregoing recitals are true and correct and are hereby ratified, confirmed and incorporated herein.

2. Section 2, entitled *Defined Terms* is hereby amended to read as follows:

2. Defined Terms. The following terms, as used and referred to herein, shall have the meanings set forth below, unless the context indicates otherwise:

. . .

License Area(s) means those areas shown in the attached Composite Exhibits A-1 through A-11 as set forth in that Permit and License Agreement (Revocable License) dated July 2, 2011, and Exhibits A-12 and A-13 as set forth in the First Addendum to Revocable License, dated August 21, 2012 and Exhibits A-14, A-15 & A-16, as set forth in this Second Amendment to Permit and License Agreement (Revocable License) dated January 7, 2014, all where Project Improvements will be constructed, installed, operated, repaired, replaced, from time to time and maintained. The areas show within the License Areas identified as Composite Exhibits A-1 through A-16 are within City owned real property or upon public rights-of-way within the CITY's jurisdiction under the Florida Transportation Code.

3. Section 4, entitled License Areas; General Locations, is amended to include License Areas A-14, A-15 and A-16 B-Cycle Stations as more particularly set forth below and as attached hereto:

4. **Project Site Plan Approval Process.** The License Areas are generally located as set forth in the following Composite Exhibits:

- A-1 Seventeenth Street Causeway - West Underdeck
- A-2 Galt Ocean Mile - Beach Community Center
- A-3 S.E. Fifth Street adjacent to D.C Alexander Park
- A-4 Earl Lifshey Ocean Park
- A-5 Esplanade Park (Alternate "A")
- A-6 George English Park
- A-7 Art Serve Library at Holiday Park
- A-8 Las Olas Marina
- A-9 CRA Property abutting Las Olas Circle & East Las Olas Blvd. (Option #1)
- A-10 Sebastian Street Parking Lot
- A-11 Willingham Park
- A-12 Expanded Sebastian Street Parking Lot
- A-13 Expanded Willingham Park
- A-14 Fort Lauderdale Beach South (640 Seabreeze Boulevard)
- A-15 Oceanside Parking Lot
- A-16 Northwest Quadrant of the intersection of Bayshore Drive and State Road A-1-A

4. The Effective Date of this Second Amendment shall be upon full execution by the parties after execution hereof is authorized by the City Commission.

5. This Second Amendment to the Revocable License shall be recorded at LICENSEE'S sole cost and expense in the Public Records of Broward County, Florida and a copy thereof shall be filed with the City Clerk's Office and the City Attorney's Office of the City.

6. In the event and to the extent of conflict between the terms and conditions of this Second Amendment and the terms and conditions of the underlying Revocable License, as amended by the First Addendum, then, to the extent of such conflict the terms and conditions of this Second Amendment shall supersede and prevail over the terms and conditions of the underlying Revocable License, as previously amended.

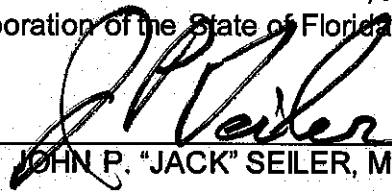
7. Subject to the terms hereof, CITY and LICENSEE ratify and confirm the Revocable License, as amended in this Second Amendment.

IN WITNESS OF THE FOREGOING, the parties have set their hands and seals the day and year first above written.


CITY:

CITY OF FORT LAUDERDALE, a municipal corporation of the State of Florida:

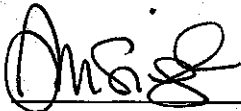
By


JOHN P. "JACK" SEILER, Mayor

By


LEE R. FELDMAN, City Manager

WITNESSES:


Maxine A. Sidel

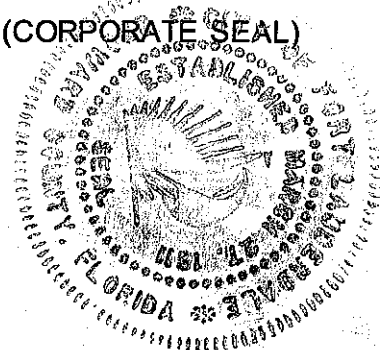
Witness Print Name



MIRANDA SCOTT

Witness Print Name

(CORPORATE SEAL)



ATTEST:


JONDA K. JOSEPH, City Clerk

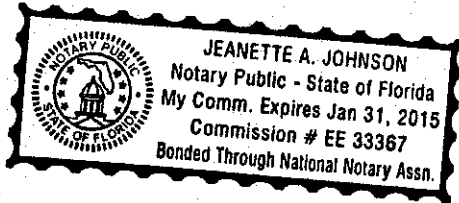
Approved as to form:


ROBERT B. DUNCKEL
Assistant City Attorney

STATE OF FLORIDA:
COUNTY OF BROWARD:

The foregoing instrument was acknowledged before me this 10th day of February, 2014, by JOHN P. "JACK" SEILER, Mayor of the City of Fort Lauderdale, a municipal corporation of Florida. He is personally known to me and did not take an oath.

(NOTARY SEAL)



Jeanette A. Johnson
Notary Public, State of Florida
(Signature of Notary taking Acknowledgment)

Jeanette A. Johnson
Name of Notary Typed,
Printed or Stamped

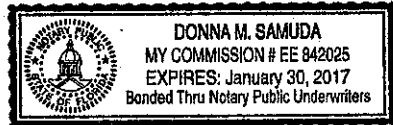
My Commission Expires: 1/31/15

Commission Number EE 33367

STATE OF FLORIDA:
COUNTY OF BROWARD:

The foregoing instrument was acknowledged before me this 6th day of February, 2014, by Lee R. Feldman, City Manager of the City of Fort Lauderdale, a municipal corporation of Florida. He is personally known to me and did not take an oath.

(NOTARY SEAL)



Donna M. Samuda
Notary Public, State of Florida
(Signature of Notary taking Acknowledgment)

DONNA M. SAMUDA
Name of Notary Typed,
Printed or Stamped

My Commission Expires: 01/30/2017

EE 842025
Commission Number

LICENSEE:

B-Cycle, LLC, a Delaware Limited Liability Company authorized to do business in the State of Florida

By: TREK BICYCLE CORPORATION, a Wisconsin corporation, in its capacity as Manager for B-Cycle, LLC

By: [Signature]
President's Signature

Robert Burns
Print Name

WITNESSES:

[Signature]
[Witness print or type name]

Josh Griffith
Griffith
[Witness print or type name]

STATE OF Wisconsin:
COUNTY OF Suffern:

The foregoing instrument was acknowledged before me this Jan. 29, 2014, by Robert Burns and [Signature], as President and [Signature], respectively of B-CYCLE, LLC, an Delaware Limited Liability Company. They are personally known to me or have produced [Signature] as identification and did not take an oath.

(NOTARY SEAL)

[Signature]
Notary Public, State of Wisconsin
(Signature of Notary taking Acknowledgment)
Lisa Smith
Name of Notary Typed Printed or Stamped
My Commission Expires: 7/20/14

Commission Number _____