CITY OF FORT LAUDERDALE

OUTDOOR EVENT AGREEMENT

THIS AGREEMENT is made by and between:

CITY OF FORT LAUDERDALE, a municipal corporation of the State of Florida, referred to hereinafter as "City",

and

WIZARD ENTERTAINMENT, INC., a profit corporation organized under the laws of Florida, whose principal place of business is 1720 NE 23 Ave, Fort Lauderdale, Florida 33305 and who is referred to hereinafter as "Applicant" or "Sponsor".

WHEREAS, the Applicant wishes to hold an outdoor event and has submitted an application pursuant to the requirements of Section 15-182 of the Code of Ordinances of the City of Fort Lauderdale, Florida; and

WHEREAS, the Applicant is willing to obtain the requisite insurance, and is willing to indemnify and hold harmless the City of Fort Lauderdale for any damage to persons or property that might occur during or as a result of the outdoor event; and

WHEREAS, on April 16, 2013, by Motion, the City Commission of the City of Fort Lauderdale authorized the proper City officials to execute this Agreement.

NOW, THEREFORE, in consideration of the mutual promises made herein, the parties agree as follows:

The foregoing recitals are true and correct, and:

1. Effective Date.

The Effective Date of this Agreement is the date upon which City Commission approval is granted.

2. Outdoor Event.

The Applicant is permitted to operate or sponsor the SATURDAY NITE ALIVE (referred to hereinafter as the "Event") outdoors only at the location(s) and time(s) set forth in the attached Outdoor Event Agreement Schedule One, which is attached hereto and made a part hereof.

3. General Requirements.

- (1) If the Event includes use of fireworks, in advance of the Event the Applicant shall obtain a fireworks permit from the City's Fire Department. The Applicant shall comply with all applicable state laws regarding the use of fireworks.
- (2) The Applicant shall provide sanitary facilities of the type and in a sufficient number specified by the requirements established by the City's Department of Sustainable Development.
- (3) The Applicant shall coordinate with the City's Department of Sustainable Development who will schedule appropriate City staff to conduct electrical inspections of all electrical facilities whether power is supplied by local utilities or is self-provided by generator systems. The Applicant shall permit the City staff to conduct electrical inspections of all electrical facilities.
- (4) If the Event includes the sale or distribution of any food or beverages, the Applicant shall comply with all applicable state, county and City health code requirements.
- (5) If the Event includes use of tents, awnings, or canopies, in advance of the Event the Applicant shall submit current flameproof certificates to the City's Fire Department. The Applicant shall not hold or sponsor the Event until the Fire Department has provided written approval of the use of any tents, awnings, or canopies.
- (6) In advance of the Event the Applicant shall submit a written plan to the City police department that regards crowd control and traffic direction. The Applicant shall not hold or sponsor the Event until the police department has provided written approval of the Applicant's plan. The Applicant shall bear the cost of staff necessary to implement the crowd control and traffic direction plan. Police costs shall be exempt from prior notice requirements.
- (7) In advance of the Event the Applicant shall submit a written plan to the City's Fire Department that regards fire safety and EMS. The Applicant shall not hold or sponsor the Event until the Fire Department has provided written approval of the Applicant's plan. The Applicant shall bear the cost of staff necessary to implement the fire safety and EMS plans. Fire and EMS costs shall be exempt from prior notice requirements.
- (8) Unless the Applicant meets the requirements for exception found in Section 15-184 of the Code of Ordinances of the City of Fort Lauderdale, Florida, in

advance of the Event the Applicant shall provide a certificate of insurance satisfactory to the City's Risk Manager. The certificate shall show that the Applicant has obtained comprehensive general liability insurance with a policy limit of not less than one million dollars (\$1,000,000.00) combined single limit coverage, which shall include property damage, bodily injury, and death. The "City of Fort Lauderdale" shall be named as an additional insured. If the Event includes the dispensing, serving, sale, or distribution of any alcoholic beverage, the Applicant shall in addition provide liquor liability insurance with a policy limit of not less than of five hundred thousand dollars (\$500,000.00). The Applicant shall not hold or sponsor the Event until the City's Risk Manager has provided written approval of the Applicant's certificate of insurance or insurance policy.

- (9) The Applicant shall indemnify and hold harmless the city for any damage to person or property that occurs during or as a result of the operation of the Event.
- (10) In advance of the Event the Applicant shall submit a written plan to the City's Parks and Recreation Department that indicates the proposed location of any temporary structure, such as a barricade, fence, tent, concession stand, ticket booth, grandstand. The written plan shall include information about the planned removal of any temporary structure after the Event. The Applicant shall not hold or sponsor the Event or erect any temporary structure until the City's Parks and Recreation Department has provided written approval of the Applicant's temporary structure plan. The Applicant shall bear the cost necessary to implement the temporary structure plan.
- (11) The sale, possession, or consumption of any alcoholic beverage is prohibited while on or within any public place, or while on or within any vehicle located in a public place, which public place is located within the beach area as defined in Section 5-3 of the Code of Ordinances of the City of Fort Lauderdale, Florida except as authorized as a City-approved special event.
- (12) If the event includes the sale, possession, or consumption of alcohol within the beach area, the Applicant shall submit:
 - (1) a written plan designating the event dates and hours for sale of alcoholic beverages, and
 - (2) a written plan for enclosing, restricting or controlling access to the special event area, which must be approved by the police, Parks and Recreation Departments and any other governmental agency that may have jurisdiction;

extreme care to conduct its operations in a safe and prudent manner with respect to its agents, employees and visitors to its Event.

- (2) The Applicant shall comply with the applicable sections of the Americans with Disabilities Act of 1990 (42 U.S.C. 126), which prohibits discrimination of handicapped individuals by denying them the right to participate in or benefit from the services provided at the Event. The Applicant understands that it is responsible for compliance with this Act. The Applicant guarantees that individuals with disabilities will be able to attend, enter, and use all the facilities at the Event.
- (3) The Applicant agrees to secure and pay for all licenses and permits required by any governmental agency having jurisdiction, including City. If the Event includes the use of any item that is or that may be protected from infringement, such as but not limited to copyrights, patents and trademarks, the Applicant shall, in advance of the Event, provide City with documentation that shows that the Applicant has obtained the applicable license, permit or permission and that all associated all fees have been paid in full. The provisions of this paragraph apply specifically, but not exclusively, to ASCAP, BMI, SESAC, and any other similar organization that may require written permission and payment of a fee for use of protected material

8. Transfer of Rights.

To the extent this Agreement creates rights that vest in the Applicant, the Applicant shall not transfer any rights to any other individual or entity.

9. Venue.

Venue to enforce the provisions of this agreement shall be Broward County, Florida.

10. Incorporation.

This Outdoor Event Agreement, together with the attached Schedule One constitute the whole of the Agreement between the parties. The written approvals issued by the various City departments or staff members and the various documents submitted by the Applicant, including the application, are supplemental to this Agreement. In the event of a conflict, the terms of this Agreement control.

A IN WITNESS WHEREOF, the parties hereto have set their hands and seals this the day of <u>Duchter</u>, 2013.

WITNESSES:

[Witness print/type name]

Ja Loc Loundr. dally 1

[Witness print/type name]

CITY OF FORT LAUDERDALE

Mayor

City Manager

ATTEST:

-de Ø City Clerk

Approved as to form: -Assistant City Attorney 6

WITNESSES:

ason areus [Witness print/type name]

DONNIN

[Witness print/type name]

WIZARD ENTERTAINMENT, INC.

DAN H. BARNETT, PRESIDENT [Print/type name and title]

ATTEST:

(CORPORATE SEAL)

Secretary

STATE OF FLORIDA: COUNTY OF BROWARD:

The foregoing instrument was acknowledged before me this $\underline{\mathcal{Z}4}$ day of ____, 2013, by DAN H. BARNETT, as PRESIDENT of WIZARD pr -ENTERTAINMENT, INC. He/She is personally known to me or has produced FL DL as identification.

(SEAL)

Notary Public, State of Florida (Signature of Notary Taking Acknowledgment)

Christopher J Boorman

Name of Notary Typed, Printed or Stamped

My Commission Expires:

Commission Number

L:\AGMTS\events\2013\April 16th\Saturday Nite Alive.wpd

CHRISTOPHER J BOORMAN Notary Public - State of Florida My Comm. Expires Dec 8, 2014

Commission # EE 47951



CITY OF FORT LAUDERDALE OUTDOOR EVENT APPLICATION

Fee must accompany application.

Application received: At least 60 days prior to event \$1,00,00 A least to days plot to event \$100.00 59 to 30 days plot to event \$160.00 29 to 14 days plot to event \$200.00 14 to 7 days plot to event \$260.00 Less than 7 days plot to event \$300.00 "Must be approved by City Manager or designee

Ricesee audmitticy/EMALC and association and a feation your planned event

The application will be reviewed by our administrative staff to determine the following criteria:

- 1 Facility requested
- 2. Compliance with City ordinances
- Special permits required 3.
- Charges your organization will incur when City assistance and/or services are required 4
- Security requirements 5,
- Environmental issues/effects on surrounding areas б. .

PART I: EVENT REQUEST

Event name: SATURDAY NITE ALIVE

Purpose of event (check one); [] Fundraiser **# XX Other (MARKETING** [] Awareness Recreation EVENT)

Requested location: BEACH BUSINESS IMPROVEMENT DISTRICT - A1A FROM BUBBA GUMPS REST. (SOUTH TO THE RITZ CARLTON (NORTH)

Estimated daily attendance: 2.000 - 4.000

Requested dates and time of event:

DATE END DAY BEGIN

EVENT DATES: 6/1. 8. 15. 22. 29 7/6. 13. 20. 27 8/3. 2013 7:00 - 11:00PM

SETUP: 5:00PM - 7:00PM

· BREAKDOWN: 11:00PM - 12:00AM

Has this event been held in the past? X Yes No

If yes, please list past dates and locations: SAME LOCATION - SUMMER 2009, 2010, 2011, 2012

Detailed event description (include activities, entertainment, vendors, etc.); SATURDAY NITE ALIVE IS A SERIES OF EVENTS THAT WILL DRAW REIDENTS AND TOURISTS TO FIL BEACH AND SHOWCASE THE BEACH, EACH SNA WILL INCLUDE:

- 1. @ 8 SIDEWALK ENTERTAINERS PLUS ENTERTAINMENT FROM BUSINESSES
- 2. ARTS & CRAFTS VENDORS (ART JEWELRY, ETC.) 3. EVENT POSTERS DISTRIBUTED IN EVENT AREA

SNA TENT SET UP ON PROMENADE AREA

and the second s					
PARTII: APPLICANT					
Organization name: WIZARD ENTERTAINMENT, INC.					
Address: 1720 NE 23 AVE City, State, Zip: FORT LAUDERDALE, FL 33305					
Phone: 954,564,8300 Fax: 954,827,8400					
Corporation names WIZARD ENTERTAINMENT. INC. (as it appears in articles of incorporation)					
Date of incorporation: 4/9/2003 State incorporated in: FL Federal ID #:05-0566278					
Two authorizing officials for the organization: President: DAN BARNETT Phone: 954.564.8300					
Secretary: DAN BARNETT Phone: 954.564.8300					
Event Coordinator: DAN BARNETT Will you be on-site? X Yes No					
Title: PRESIDENT Phone954,564.8300 Cell: 954-494-1084					
E-mail address: DAN@WIZARD-ENTERTAINMENT.COM Fax: 954,827,8400					
Additional Contact: JALIXA RAMIREZ Will you be on-site? X Yes No					
Title: MARKETING DIRECTOR Phone: 954,564,8300 Cell: (954) 655-4119					
E-mail address: /ALIXA@WIZARD-ENTERTAINMENT.COM Fax: 954.827.8400					
Event production company (if other than applicant):N/A					
Address:					
Contact person:Title;					
Phone: (day) (night) (cell)					
E-mail address:					
PART III: EVENT INFORMATION					
Are you planning to charge admission?YesX_No If yes, how much? \$					
Are you requesting to fence the event?YesYesYes					
Are you planning on having any type of concession?YesYesNo If yes, State Health Dept. must be notified 10 days prior to event. Call John Litscher at 954-632-8094.					

Are you planning on selling alcoholic beverages?

If yes, how will the beverages be served? (Draft truck, coli	d plate, mini-bar, beer tub, table service, etc.)	
Are you planning on serving free alcoholic beverages? If yes, to whom will it be given?	Yes X No	
are your planning to have any type of amusement rides?		
What type of rides are you planning? (All rides must be approved by the State of Florida Burea prior to opening. Contact Ron Jacobs at (850) 921-1530.	au of Fair Rides and all permits must be secured	
re you planning to play or have music? If yes, what music format(s) will be used? (amplified, ac	X Yes No. oustic, recorded, live, disc tockey, etc);	•
AMPLIFIED, LIVE		
List the type of equipment you will use (speakers, amplif	ier, drums, etc):	
SMALL PA. BAND GEAR		
Will you use any type of soundproofing equipment?	Yes X No	
List the days and times music will be played: EACH OF 1	THE LO SATURDAYS	
How close is the event to the nearest residence?		
Vill your event require road closings? If yes, list requested streets and times in detail :	Yes <u>X</u> No	
****PLEASE NOTE***** You are required to secure barricad Nease attach a layout of your traffic plan, including the place rrows, cones, and message boards, as well as the name of the e approved by the Police Dept. which may terminate any event Vill your road closings affect access to parking spaces or parking **** <u>PLEASE NOTE</u> ***** All road closings which result in loss e billed to the event organizer and must be paid in full before the Vill any recyclable materials be utilized at this event? (Materials that can be recycled include all clean paper, ca cans, and milk or juice boxes.) Please refrain from the us Vino will provide clean up services for garbage and recyclables? (thent and number of barricades, signs, directional company you will be using. Your traffic plan must occurring without the proper use of barricades. I lots?YesXNo of revenue from inaccessible parking spaces will he event. Please call Dee Paris at 828-3771. YesX_No ardboard, glass, plastic drink containers, aluminum se of Styrofoam plates and cups.	

•

Events requiring electricity are the responsibility of the applicant. All permits must be obtained through the City's Department of Sustainable Development Building Services Division at (954) 828-5191 before setting up.

Company:

License #:

Name of electrician:

Phone:

PART IV: APPLICANT'S ACCEPTANCE

The information I have provided on this application is true and complete to the best of my knowledge.

Before receiving final approval from the City Commission, I understand that I (and the production company, if applicable) must furnish an original certificate of General Liability insurance naming the City of Fort Lauderdale as additionally insured in the amount of at least one million dollars (\$1,000,000) or greater as deemed satisfactory by the City Risk Manager, and an original certificate of liquor liability insurance in the amount of \$500,000 if alcohol is being served.

I understand that a Parks and Recreation sponsored activity has precedence over the above schedule and I will be notified if any conflicts arise.

I understand that the City of Fort Lauderdale Police Department will determine all security requirements and that EMS is required by City Ordinance to be onsite during all outdoor events.

I understand that the City has a noise ordinance. If at any time during the event it is determined by law enforcement personnel, code enforcement personnel, parks and recreation personnel, or any other city representative that the entertainment or music is causing a noise disturbance. I will be directed to lower the volume to an acceptable level as determined by City staff. If a second noise disturbance arises during the event, I may be directed to shut down the music or entertainment for the remainder of the event. I agree to abide by all provisions of the noise control ordinance and understand that my failure to do so may result in a civil citation, a physical arrest, or the shutting down of the event.

in H7

Name of applicant DAN H. BARNETT

PRESIDENT Title

2/1/13 Date

Please/email.completed application at least 96 days ahead of your planned event to: jmeehan@fortlauderdale.gov

Please mail the \$100.00 application fee (payable to the City of Fort Lauderdale) to: Jeff Meehan, Outdoor Event Coordinator 1350 W. Broward Boulevard, Fort Lauderdale, FL 33312 Phone: (954) 828-6075 Fax: (954) 828-5650

Please include the following with the application:

* Event site plan - including stage(s), other entertainment locations, activities, booths, restrooms, canoples, dumpsters, fencing, generators, etc.

* Traffic/detour plan - including the placement and number of barricades, signs, directional arrows, cones, message boards, and name of the barricade and/or traffic signs company being used.

- r	FIRE DEPARTMENT OUESTIONNAIRE
PR	EVENTION
Ŀ,	Are you planning to have canoples (no sides) for this event? X Yes No
	How many and what sizes? @ 16 ART & CRAFT 10 X 10 POP UP TENTS, 1 SNA 20 X 10 TEBT
	Name of Company:
2.	Are you planning to have tents (with sides) for this event?YesX_No
	How many and what sizes?
	Name of Company: A building permit, exit signs, emergency lights, fire extinguishers, and "No Smoking" signs are required for tents. A fire watch at overtime rate may apply. Contact Capt. Bruce Strandhagen at 954-828-5080.
Bül	** PLEASE NOTE ***** All permits required by the Florida Building Code must be obtained through the Iding Department (including but not limited to electrical, structural, plumbing). Contact the Department of Itainable Development Building Services Division at 954-828-6520.
3.	Are you planning to have fireworks? Yes X No
	Name of company conducting the show: A permit is required for all pyrotechnics displays. Contact Capt. Wendy D'Agostino at 954-828-5884.
4.	Are you having food vendors?YesNo
	How many and what kind?
	A fire extinguisher is required for each food booth. If a propane tank is used for a fuel source, it must be secured on the outside of the booth. A Fire inspection is required for all food booths. If the inspection is during non-working hours the cost will be \$75 per hour.
ÖP	ERATIONS/EMS
Spe	cial Event Detail Guidelines: * One rescue unit/cart for 500 to 5,000 people in attendance (sustained attendance) * Two rescue units/carts for 5,000 to 10,000 people in attendance (sustained attendance) * One more rescue unit/cart per 5,000 additional people * One command person if two or more rescue units/carts are required
The	number of rescue units and paramedics is determined according to attendance and other risk factors.
1 .	Does your event require EMS medical standby services based on the guidelines above? YES NOX
2. V	Vhat is your estimated sustained attendance? 2,000
.	On-site contact? NAME DAN BARNETT PHONE 954.494.1084

A minimum of 4 hours will be charged for all special event details. 45 minutes will be added to the pre and post event times (totaling 1.5 hours), allowing for travel and preparation for the event.

	POLICE DEPARTMENT OUES	STIONNAIRE	
1. Does your event	require use of police vehicles?	Yes	No X
If yes, A Hol ONE MILLI	d-Harmless Agreement must be signed and Li ON DOLLARS must be provided.	ability coverage o	f a <u>minimum</u> of
2. Is this a new or p	reviously held event?	Néw	Previous X
If yes, Previo	pus date(s)?		a iyo a co a su an o co- cana an
3. Any established s	ecurity, traffic, or other appropriate plan(s)?	Yes	No X
(private secu	es Fort Lauderdale Police, who will you be usi inly company, volunteers, etc.)	· ·	,
l. Do you have an e If yes, who i	stablished detail of off-duty officers? s your Police department contact?	Yes	No <u>X</u>
	tainers or special circumstances scheduled for		No_X_
Who/What?			
i. Is there alcohol be	ling sold or given away?	Yes	No_X
Are there any road	I closures regulred?	Yes	No <u>X</u>
If so what ro	ads/intersections?		
3. What is your estim	ated attendance? 2,000		

I understand the off duty rate for Police personnel for ALL special events is calculated at a 3-hour minimum rate. I also understand there is a 24 hour cancellation requirement to avoid the 3 hour minimum payment per officer. The hourly rate and costs to be incurred by the event organizer will be quoted on the City of Ft. Lauderdale Special Events "Cost Estimate" worksheet developed at the Special Events logistics meeting and provided to the organizer. All payments will be paid within two (2) weeks of the payroll being submitted.

Lin 2/1/13 an

Date

Name

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SCHEDULE ONE

1	Name of Applicant:	Wizard Entertainment, Inc
2	Name of Outdoor Event:	Saturday Nite Alive
3	Date of Setup:	Saturday, June 1, 2013
4	Time of Setup:	N/A
		Saturday, June 1, 2013; Saturday, June 8, 2013; Saturday, June 15, 2013; Saturday, June 22, 2013; Saturday, June 29, 2013; Saturday, July 6, 2013; Saturday, July 13, 2012; Saturday, July 20, 2013;
5	Date of Event:	Saturday, July 27, 2013; Saturday, August 3, 2013
6	Time of Event:	7:00 PM- 11:00 PM
7	Date of Breakdown:	N/A
8	Time of Breakdown:	N/A
9	Event Location:	A1A from Bubba Gumps Resturant north to the Ritz Carlton Hotel
10	Road Closings:	Νο
11	Alcohol:	No

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and Related Road (Closings: 1) Earth I	ents with the City of Fo Day; 2) <u>Fourth Annua</u> Fest; 5) <u>Bus Loop Afte</u> Walk 2013	al Covenant Hous	e Florida 5K or	
Approved Comm. Mtg	. on April 16, 2013	CAM# 13-0510			
		□ 0 [□ COMM. DEV. □ 0			
Also attached:	copy of CAR	copy of document	ACM Form	# origina	als
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