## LICENSE APPLICATION FOR THE SALE, SERVICE, AND DELIVERY OF FOOD AND ALCOHOLIC BEVERAGES ON CITY BEACHES BY UPLAND HOTELS

PROCESS: Fursuant to Section $8-55.4$, of the City's Code of Ordinances, the Parks and Recreation Department will review all upplicutions from upland hotels for a license to sell, serve, and deliver food and alcoholic beverages on City beaches. Applicants will be notified via e-mail, if application does not meet the submittal requirements and if changes or additional information is required. Completed applicalions should be provided to the Farks and Recreation Department no later thon Novernber 1 in order to allow time to process the application for approval prior to January 1.

An opplication for a license to sell, serve, and deliver food and alcoholic beverages on the Public Beach for consumption by an upland hotel guest or any person who tenls a beach chair from a city-approved beach concessionaire shall be submittod to the city's Parks and Recreation Depantment by email to cbeanoforllouderdale.gov on forms provided by the department and shall be subject to the minimum requirements set by the department. The Farks and Recreation Department is responsible for the processing and administration of license applications.

FEES: All application fees for the sale, service. and delivery of food and alcoholic beverages on city beaches are calculated at an amount equal to Twenty-five Dollars (\$25) times the total number of guest rooms at Applicant's upland hotel and shall be due annually on January first of each year, and may be amended from lime to time by the City Comrrission. In addition to the application fee, any additional costs incuired by the City shall be poid by the applicant. Any additional costs, which are unknown at the time of application, are later incurred by the City, shall be paid by the applicant prior to the issuance of the license.
LICENSE FEE: NUMBER OF HOTEL GUEST ROOMS $\times \$ 25.00$
INSTRUCTIONS: The following information is required pursuant to Section 8-55.4 of the City's Code. The application must be filled out accuratelv and completely. Please print or type and auswer all avestions. Indicate N/A if does not apply.

SAIE, SERVICE, AND DELIVERY OF FOOD AND AICOHOLIC BEVERAGES ON CIY BEACHES APPLICATION
OWNERSHIP / OPERATOR INFORMATION



## SUBMITTAL REQUIREMENTS:

APPLICATION PACKAGE consisting of the application obove and following operalional plan set and supporting documentation uploaded to the City of Fort Lauderdale's application webpage.
## OPERATIONAL PLAN SET:

SITE PLAN depicting a layout of the hotel's property boundary lines ond lines representing the extension of side boundary linos cast into the Fublic. Beach representing the proposed location for food and any beverage service on the Fublic Beach, a detailed description and design of a temporary beachtront structure, if any, including the material to be used for the structure. Any temporary beachfront structure plans shall satisfy all applicable permitting requirements of the City Code ard shall be reviewed and processed by the City's Developmont Sorvices Department.

TRAFFIC CONTROL PLAN with safety guidelines for service proviciers and hotel guests expected to cross State Road AlA or any other right of way in order to access the Public Beach to ensure no undue interference with the passage of the public on State Road A A A. The traffic control plan and personnel necessary to implement said plan shall be furnished at the sole cost and expense of each licerisee.

PLAN FOR THE CONTINUOUS CLEANUP and deposit of all trash and debris in proper receptacles in complionco with saritary facilities and any safety inspection requirements, as deemed necessary by the Fire-Resoue, Parks and Recreation Department, and Development Services Department:

## SUPPORTING DOCUMENTATION:

(7) APPLICATION completed (all pages filled out as applicoble)
[i] PROOF OF OWNERSHIP \{warranty deed or tax record\}, including corporation documents if applicable
(7) PROPERTY OWNERS SIGNATURE and/or Agent Authorization Letter Signed by Property Owner

चf CODE OF ORDINANCE NARRATIVES providing point-bypoint responses, on upland hotel's letterhead, dated, and signed by the upland hote|'s owner/operator or cuthorized agent, referencing all applicable sections of the Code and indicaling how the submittal complies with the criteria.

- food and/or beverages to be served, sold or delivered
- Policy to ensure that hotel guests ond other customers consuming alcoholic beverages and all employees serving or otherwise handing alcoholic beverages are 21 vears of age of older
- Poficy to ensure service providers wear uniforms and name tags that identify the upland hotel as the emplover. as more specifically set forth in the license application
o Describe the Mobile Point-of-Sale (POSI system that will be used and is compatible with ather credit card processing soffware and necessary electronic equipment to tacilitate and monage the food and beverage sale transactions to customers siffing in a city-approved beach concessionoire chair
- Statement of Commitment to the exclusive use of recyclable or reusable food ond beverage containers. cutlery, and condiment oackaging, fhat all ciecaly identify the upiand hatel as the service providec
- Applicant's Hours of Operation on the Public Beach shall be fimited to seven (7) days ber week, between the hours of $10: 00 \mathrm{a} . \mathrm{m}$. through 6:00 p.m, for the months of October, November, December, Janugre Februany, Morch, April and Moy, and between the hours of $10: 00 \mathrm{am}$. through $7,00 \mathrm{pm}$. for the months of June, July. August, and September, Any chonge or deviation to these operoting hours requires prior Cily Commission approval
20 Statement of Compliance with all applicable tederal state and local laws.
FOOD SERVICE LICENSE that is current and active with the State of florida,
LIQUOR LICENSE that is current and active with the State of Florida.



[^0]Plan For The Continuous Cleanup All food and beverage items will be presented in melamine reusable containers with fully compostable
and biodegradable containers with compostable lids and straws. All items will be transported with a
Beach runner will bring all items to the guest and will collect finished containers to be brought back to

- Beach runner will be responsible for doing 15 min area checks of all beach areas for any trash and will disposed in recycling and composting bins.
Manager at the end of shift will do a walkthrough of the beach to ensure no items were left behind.

Code of Ordinances Narratives

- Statement of Compliance with all applicable federal, state and local laws
- In accordance with the Beach Food and Alcoholic Beverages Application, I hereby certify that W Fort Lauderdale complies with all applicable federal, state and local laws.


Anna MacDiarmid
General Manager
W Fort Lauderdale
December 29, 2023

## W

FORT LAUDERDALE

## Code of Ordinances Narratives

- Food and/or beverages to be served, sold or delivered
- Food and beverage strictly will be served only to the guests in the concessioner provided beach chairs directly across from the resort. Full service food and beverage experience; taking orders, preparing items and deliver them to the guest.
- Policy to ensure that hotel guests and other customers consuming alcoholic beverages and all employees serving or otherwise handling alcoholic beverages are 21 years of age or older
- Disclosure on menu stating 21+.
- All service staff are certified in Food Safety and Tips Training certified by the Florida DPBR. This is to ensure proper service of food and beverage including alcohol.
- Policy to ensure service providers wear uniforms and name tags that identify the upland hotel as the employer, as more specifically set forth in the license application
- All service staff to be in proper uniform to include a polo shirt with the W logo and the W pin identifying staff member place of work.

- Describe the Mobile Point-of Sale (POS) system that will be used and is compatible with other credit card processing software and necessary electronic equipment to facilitate and manage the food and beverage sales transactions to customers sitting in a city-approved beach concessionaire chair
- Server will accept credit cards and room charges as methods of payment through the resort existing POS system.


## W

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FORT LAUDERDALE
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- Statement of Commitment to the exclusive use of recyclable or reusable food and beverage containers, cutlery, and condiment packaging, that all clearly identify the upland hotel as the service provider
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## W <br> FORT LAUDERDALE

- Applicant's Hours of Operation on the public beach shall be limited to seven (7) days per week, between the hours of 10:00 a.m. through 6:00 p.m. for the months of October, November, December, January, February, March, April and May, and between the hours of 10:00 a.m. through 7:00 p.m. for the months of June, July, August, and September. Any change or deviation to these operating hours requires prior City Commission approval
- Service to mirror hours of operation of the beach chairs in front of the hotel with overall service hours not to exceed 10am -6 pm .


Anna MacDiarmid
General Manager
W Fort Lauderdale
December 29, 2023

Prepared By:
AKERMAN LLP
One Southeast Third Avenue, $25^{\text {th }}$ Floor
Miami, Florida 33131-1704
Attn: Richard M. Bezold, Esq.
After Recording, Return To:
GREENBERG TRAURIG, P.A. 450 South Orange Avenue, Suite 650
Orlando, Florida 32801
Attn: Michael J. Sullivan, Esq.

## SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED dated as of July $\underline{\text { is }}, 2014$ from CAPRI RESORTS, LLC, a Florida limited liability company (the "Grantor"), whose mailing address is 1221 Brickell Avenue, Suite 660, Miami, Florida 33131, to CAPRI HOTEL, LLC, a Florida limited liability company (the "Grantee"), whose mailing address is c/o Related Real Estate Recovery Fund, L.P., 60 Columbus Circle, New York, New York 10023.

WITNESSETH that Grantor, for and in consideration of the sum of TEN DOLLARS ( $\$ 10.00$ ), to Grantor in hand paid by Grantee and other good and valuable consideration, the receipt whereof is hereby acknowledged, hereby grants, bargains and sells to Grantee and Grantee's successors and assigns forever, the following described property situate, lying and being in Broward County, Florida:

## SEE EXHIBIT A ATTACHED HERETO AND INCORPORATED HEREIN

TO HAVE AND TO HOLD the same unto Grantee in fee simple,
SUBJECT TO: Easements, covenants, restrictions, limitations and reservations of record, provided this shall not operate to reimpose any of the above; and the recorded title matters set forth in Exhibit B attached hereto and incorporated herein by this reference, provided this shall not operate to reimpose any such matters.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

AND, EXCEPT AS NOTED ABOVE, THE GRANTOR DOES HEREBY SPECIALLY WARRANT the title to said property, and will defend the same against the lawful claims of all persons claiming by, through or under the Grantor, but against none other.

IN WITNESS WHEREOF, the Grantor has signed and sealed these presents to be effective the day and year first written above.

NOTE TO RECORDER: The total consideration paid for the property conveyed by this instrument is $\$ 100$, which is the same consideration as its most recent transfer. The grantee named herein is an original mortgagor and borrower under the existing mortgage on this property, which also encumbers other property not conveyed hereby.
\{20026454;4\}

Signed, sealed and delivered in the presence of these witnesses:

Print Name: segema uoumambep
Witness:


CAPRI RESORTS, LLC, a Florida limited liability company

By: Capri Resorts Manager, Inc., a Florida corporation, as manager


Title: President

STATE OF Elorid_ )
COUNTY OF Bro., ) ss.
The foregoing instrument was acknowledged before me this $8^{\alpha}$ day of July, 2014 by Carolyn John, as the President of Capri Resorts Manager; Inc., a Florida corporation, the manager of Capri Resorts, LLC, a Florida limited liability company, on behalf of the company. She is personally known to me or has produced a
-po.ssfort as identification.

[NOTARY SEAL]

## Exhibit A

## Legal Description

Shared Facilities Unit of FORT LAUDERDALE RESIDENCES, A HOTEL CONDOMINIUM, according to the Declaration of Condominium thereof as recorded in Official Records Book 47772, Page 1826 of the Public Records of Broward County, Florida.

## Exhibit B

## Permitted Exceptions

1. Taxes and assessments for the year of 2014 and subsequent years, which are not yet due and payable.
2. Any dispute as to the boundartes caused by a change in the location of any water body within or adjacent to the land, and any adverse claim to all or part of the land that is or was previously under water.
3. Any minerals or mineral rights leased, granted or retained by current or prior owners.
4. Easements and Reservations contained in Warranty Deed recorded May 5, 1944 in Deed Book 444, Page 250.
5. Easements and Reservations contained in Warranty Deed dated April 3, 1945 and recorded in Deed Book 479, Page 527.
6. Terms, covenants, conditions and other matters contained in any unrecorded Lease(s) and all rights thereunder of the Lessee(s) and of any person claiming by, through or under the Lessee(s).
7. Terms and provisions contained in Agreement between Sable Resorts, Inc, and Leisure House Association, Inc. and Assignment and Assumption of Agreement recorded May 4, 2006 in Book 41955, Page 1364.
8. Easement to Florida Power \& Light, Co., recorded April 16, 2007, in Official Records Book 43899, Page 1165.
9. Terms, provisions, restrictive covenants, conditions, reservations, rights, duties and easements contained in Declaration of Restrictions and Easements Agreement, and any Exlibits annexed thereto, including all amendments and modifications thereto, including, but not limited to, provisions for a private charge or assessments recorded in Book 47772, Page 1797, as amended by that Fitst Amendment, recorded August 13, 2013, in Official Records Book 50076, at Page 1313.
10. Terms, provisions, restrictive covenants, conditions, reservations, rights, duties and easements contained in Declaration of Condominium of FORT LAUDERDALE RESIDENCES, A HOTEL CONDOMINIUM, and any Exhibits annexed thereto, including all amendments and modifications thereto, including, but not limited to, provisions for a private charge or assessments, recorded in Book 47772, Page 1826, as amended by that certain First Amendment to Declaration of Condominium, recorded August 13, 2013, in Official Records Book 50076, Page 1301.
11. Resolution No. 07-142, Beach Business Improvement Services, recorded October 15, 2007, in Official Records Book 44715, Page 1566.
12. Resolution No. 07-162, Beach Business Improvement Services, recorded October 15, 2007, in Official Records Book 44715, Page 1583.
13. Covenants, conditions and restrictions set out in that Declaration Regarding Maintenance Obligation, recorded October 21, 2008 in Official Records Book 45762, page 1396.
14. Amended and Restated Mortgage, Security Agreement, Financing Statement, Fixture Fíling and Assignment of Rents dated as of November 23, 2010 made by Capri Resorts, LLC and Capri Hotel, LLC in favor of PB Capital Corporation as agent, and recorded in Official Records Book 47542, Page 1461, Public Records of Broward County, Florida; as amended by First Amendment to Amended and Restated Mortgage, Security Agreement, Financing Statement, Fixture Filing
and Assignment of Rents dated as of February 16, 2011 and recorded in Official Records Book 47728, Page 301, said Public Records's as assigned to iStar Financial Inc. as agent, by Assignment of Amended and Restated Mortgage, Security Agreement, Financing Statement, Fixture Filing and Assignment of Rents recorded in Official Records Book 50017, Page 1646, said Public Records; as amended by Second Amendment to Amended and Restated Mortgage, Security Agreement, Financing Statement, Fixture Filing and Assignment of Rents dated as of November 27, 2013 and recorded in Official Records Book 50381, Page 1402, said Public Records.
15. Amended and Restated Assignment of Leases and Rents dated as of November 23, 2010 made by Capri Resorts, LLC and Capri Hotel, LLC in favor of PB Capital Corporation as agent, and recorded in Official Records Book 47542, at Page 1497 of the Public Records of Broward County, Florida, as modified by First Amendment to Amended and Restated Assignment of Leases and Rents dated as of February 16, 2011 and recorded February 17, 2011 in Official Records Book 47728, at Page 315 of the Public Records of Broward County, Florida, and as assigned to iStar Financial Inc. as agent, by Assignment of Amended and Restated Assignment of Leases and Rents executed by recorded July 25, 2013 in Official Records Book 50017, at Page 1651 of the Public Records of Broward County, Florida.
Traffic Control Plan

- Riomar St and Bayshore Dr will be the 2 routes designated for service staff to cross to and from the
beach. Staff will cross A1A only when given visual authority of the green light in the crosswalk.
based on their ability to travel well and ease of consumption on the beach. Hot and cold items will be
- Beach Shack will be built to house POS system along with significant portion of beverage offerings, this
will alleviate need to cross A1A for beverage orders as most beverage orders will be completed with items on hand in the Shack.


## Capri Hotel, LLC

401 N Fort Lauderdale Beach Blvd.
Fort Lauderdale, FL 33304

December 29, 2023

City of Fort Lauderdale
Parks and Recreation Department
Beach Food and Alcoholic Beverages Division
701 S Andrews Ave.
Fort Lauderdale, FL 33316

RE: W Fort Lauderdale Hotel and Residences - 401 N Fort Lauderdale Beach Blvd.

Dear Sirs and Madams,

We are the owner of Capri Hotel LLC, Inc. dba W Fort Lauderdale Hotel and Residences, located at the address referenced above. A copy of our warranty deed is attached for your convenience.

By this letter, we do hereby authorize Mrs. Anna MacDiarmid, the General Manager of W Fort Lauderdale to represent Capri Hotel, LLC, on all matters relating to our attached license application for the Sale, Service, and Delivery of Food and Alcoholic Beverages on City Beaches by Upland Hotels. A copy of our signed application is attached.

Should you have any questions or require anything further, please let us or Mrs. Anna MacDiarmid know at your earliest convenience. My direct telephone number is (702) 785-4914 and Mrs. MacDiarmid's telephone number is (347) 582-5360. Mrs. MacDiarmid's email is Anna.MacDiarmid@whotels.com.

Sincerely,

Michael Winston
Capri Hotel, LLC


Cc: Anna MacDiarmid

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

2601 BLAIR STONE ROAD<br>TALLAHASSEE FL 32399-0783

Congratulations! With this license you become one of the nearly one million Floridians licensed by the Department of Business and Professional Regulation. Our professionals and businesses range from architects to yacht brokers, from boxers to barbeque restaurants, and they keep Florida's economy strong.

Every day we work to improve the way we do business in order to serve you better. For information about our services, please log onto www.myfloridalicense.com. There you can find more information about our divisions and the regulations that impact you, subscribe to department newsletters and learn more about the Department's initiatives.

Our mission at the Department is: License Efficiently,

## dber <br> STATE OF FLORIDA DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

BEV1619073
ISSUED: 03/08/2023
RETAILER OF ALCOHOLIC BEVERAGES
CAPRI HOTEL LLC (DELAWARE)
W FORT LAUDERDALE / LIVING ROOM /

Signature
LICENSED UNDER CHAPTER 561, FLORIDA STATUTES EXPIRATION DATE: MARCH 31, 2024 Regulate Fairly. We constantly strive to serve you better so that you can serve your customers. Thank you for doing business in Florida, and congratulations on your new license!

# STATE OF FLORIDA <br> DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION DIV OF ALCOHOLIC BEVERAGES \& TOBACCO 

LICENSE NUMBER: BEV1619073
EXPIRATION DATE: MARCH 31, 2024
THE RETAILER OF ALCOHOLIC BEVERAGES HEREIN IS LICENSED UNDER THE PROVISIONS OF CHAPTER 561, FLORIDA STATUTES
SERIES: 4COP TYPE: S DUAL LICENSE

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CAPRI HOTEL LLC (DELAWARE)
W FORT LAUDERDALE / LIVING ROOM / STEAK 954/ EL. VEZ
4 0 1 ~ N O R T H ~ F O R T ~ L A U D E R D A L E ~ B E A C H ~ B L ~
FORT LAUDERDALE FL 33304
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ISSUED: 03/08/2023
Always verify licenses online at MyFloridaLicense.com
Do not alter this document in any form.
This is your license. It is unlawful for anyone other than the licensee to use this document.


## STATE OF FLORIDA

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

2601 BLAIR STONE ROAD<br>TALLAHASSEE FL 32399-1011

Congratulations! With this license you become one of the nearly one million Floridians licensed by the Department of Business and Professional Regulation. Our professionals and businesses range from architects to yacht brokers, from boxers to barbeque restaurants, and they keep Florida's economy strong.

Every day we work to improve the way we do business in order to serve you better. For information about our services, please log onto www.myfloridalicense.com. There you can find more information about our divisions and the regulations that impact you, subscribe to department newsletters and learn more about the Department's initiatives.

Our mission at the Department is: License Efficiently, Regulate Fairly. We constantly strive to serve you better so that you can serve your customers. Thank you for doing business in Florida, and congratulations on your new license!

THE NON-SEATING FOOD SERVICE (2010) HEREIN IS LICENSED UNDER THE PROVISIONS OF CHAPTER 509, FLORIDA STATUTES NBR. OF SEATS: 0

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CAPRI HOTEL LLC
C-5 WARMING KITCHEN
3 1 0 1 ~ B A Y S H O R E ~ D R ~
FORT LAUDERDALE FL 33304
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ISSUED: 12/13/2023

Always verify licenses online at MyFloridaLicense.com
Do not alter this document in any form.
This is your license. It is unlawful for anyone other than the licensee to use this document.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

This is your license. It is unlawful for anyone other than the licensee to use this document.
Ron DeSantis, Governor
STATE OF FLORIDA


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TANIA GAINES
W FORT LAUDERDALE
401 N FTL BEACH BLVD
FORT LAUDERDALE FL 33304
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## TAX CATEGORIES

401202 HOTEL.
402401 ATM (NOT LOCATED AT BANK, PER MACH)
409000 ENTERTAINMENT
415102 BAR
410704 SPA (SEP TAX FOR NAILS, HAIR, ETC)
410800 HALL FOR HIRE, PUBLIC

## TANIA GAINES

Tania.Gaines@Whotels,Com

- This Receipt is issued for the period commencing October 1st and ending September 30th of the years shown above.
- If you have closed or moved out of the city, please emall businesstax (ofortlauderdale gov and include the Business ID \#.
- A transfer of business location within city limits is subject to zoning approval Complete a Business Tax Transfer Application online to obtain the necessary approval. A transfer fee of $10 \%$ of the Business Tax fee applies, not less than $\$ 3.00$, no more than $\$ 25.00$.
- If you have sold your business, please email a copy of the Bill of Sale to businesstax@fortlauderdale.gov and include the Business iD \#. A transfer of ownership will incur a transfer fee of $10 \%$ of the Business Tax fee, not less than $\$ 3.00$, no more than $\$ 25.00$.

Please be advised that this issuance of a Businass Tax Receipt establishes that the business you intend to conduct is a use permitted by the City Zoning Code for the location at which you intend to operate. The issuance of a Business Tax Receipt in no way certifies that the property located at this address is in compliance with other provisions of the Clity Code of Ordinances.


[^0]:    W Fort Lauderdale boundary lines
    Lines representing the extension of side boundary lines east into the public beach representing the proposed location for food and beverage service on the public beach Push button pole

    Cross walk
    Service providers enter and exit location from building
    Proposed location for beachfront structure

