

This instrument prepared by:

Lynn Solomon
Assistant City Attorney
City of Fort Lauderdale
100 North Andrews Avenue
Fort Lauderdale, FL 33301

SECOND AMENDMENT TO REVOCABLE LICENSE

THIS SECOND AMENDMENT TO REVOCABLE LICENSE is entered into this ____ day of _____, 2018 is by and between:

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

And

FLORIDA POWER & LIGHT COMPANY, a Florida corporation, whose principal address is 700 Universe Blvd, Juno Beach, FL 33408, its successors and assigns ("LICENSEE")

RECITALS

WHEREAS, on February 7, 2017, the City Commission authorized execution of a Revocable License in favor of LICENSEE permitting the temporary closure of a portion of the public right-of-way of Aurelia Place for public safety to facilitate completion of the Development Project (as defined in the Revocable License).

WHEREAS, the Revocable License was recorded February 16, 2017 in the Public Records of Broward County, Florida under Instrument # 114213230.

WHEREAS, on May 16, 2017, the City Commission authorized the execution of a First Amendment to the Revocable License Agreement that extended the term by five months to November 15, 2017.

WHEREAS, due to the impacts of Hurricane Irma in September 2017, the City Manager granted two (2) thirty (30)-day extensions through January 15, 2018.

WHEREAS, Florida Power & Light has requested an additional extension and anticipate construction to be completed by the spring of 2018.

WHEREAS, the City Commission finds that it is in the best interest of the public to continue the road closure to protect the public to allow the Licensee additional time to complete the Development Project.

WHEREAS, the City Commission finds that extending the term of the Revocable License to May 15, 2018, serves a valid municipal purpose.

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

TERMS

1. The foregoing recitals are true and correct and are hereby ratified and confirmed and incorporated herein. This Second Amendment shall take effect as of January 15, 2018 (“Effective Date”).
2. Paragraph 4.1.1 of the Revocable License is deleted and replaced with the following:

Term. The term of the Revocable License shall be commence on the Effective Date of January 15, 2018 and terminate on May 15, 2018, subject to sooner termination as set forth in the Revocable License. In the event, LICENSEE is unable to complete the Development Project by May 15, 2018 due to circumstances beyond its control, LICENSEE has the right to request an extension of this Revocable License, in writing, for two (2) additional thirty (30) day periods upon approval of the City Manager. Request for extensions must be submitted at least 10 days before the expiration of the term or extension period of this Revocable License. The City Manager shall have the authority and discretion to extend the term of this Revocable License by not more than two (2) thirty (30) day periods beyond May 15, 2018.

3. In all other respects, the parties ratify and confirm the Revocable License, as amended by the First and Second Amendments.
4. Unless modified herein, the terms of the Revocable License remains unchanged and in full force and effect.

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

CITY:

WITNESSES:

CITY OF FORT LAUDERDALE, a Florida municipal corporation

John P. "Jack" Seiler, Mayor

[Witness print or type name]

Lee R. Feldman, City Manager

[Witness print or type name]

ATTEST:

(CORPORATE SEAL)

Jeffrey A. Modarelli, City Clerk

APPROVED AS TO FORM:
Cynthia Everett, City Attorney

Lynn Solomon, Assistant City Attorney

STATE OF FLORIDA:
COUNTY OF BROWARD:

The foregoing instrument was acknowledged before me this _____,
2018, by John P. "Jack" Seiler, Mayor of the City of Fort Lauderdale, and a municipal corporation of
Florida. He is personally know to me and did not take an oath.

(Seal)

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

Name of Notary Typed, Printed or Stamped

My Commission Expires:

Commission Number

STATE OF FLORIDA:
COUNTY OF BROWARD:

The foregoing instrument was acknowledged before me this _____,
2018, by Lee R. Feldman, City Manager of the City of Fort Lauderdale, a municipal corporation of
Florida. He is personally know to me and did not take an oath.

(Seal)

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

Name of Notary Typed, Printed or Stamped

My Commission Expires:

Commission Number

WITNESSES:

[Witness Signature]

[Witness print/type name]

[Witness Signature]

[Witness print/type name]

STATE OF _____)

COUNTY OF _____)

LICENSEE:

FLORIDA POWER & LIGHT COMPANY, a Florida corporation

By: _____

Print Name: _____

Title: _____

The foregoing instrument was acknowledged before me this ___ day of _____, 2018, by _____, as _____ of Florida Power & Light Company, a Florida corporation, freely and voluntarily on behalf of said corporation. He is personally known to me or has produced _____ as identification or is known to me personally.

Notary Public

Typed, printed or stamped name of Notary Public
My Commission Expires: