

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 5 day of January, 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.

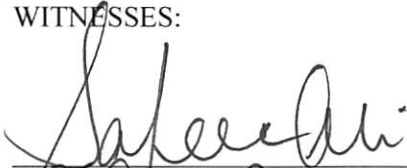

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IN WITNESS OF THE FOREGOING, the parties have set their hands and seals the day and year first written above.

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]


(CORPORATE SEAL)

ATTEST:



  
\_\_\_\_\_  
Jeffrey A. Modarelli, City Clerk

APPROVED AS TO FORM:  
Cynthia Everett, City Attorney

  
\_\_\_\_\_  
Lynn Solomon, Assistant City Attorney

*[Faint handwritten signature]*

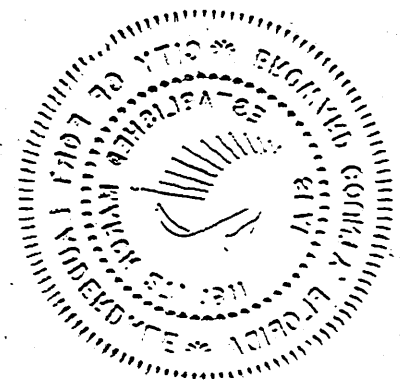
*[Faint handwritten signature]*

*[Faint handwritten signature]*

*[Faint handwritten signature]*

*[Faint handwritten signature]*

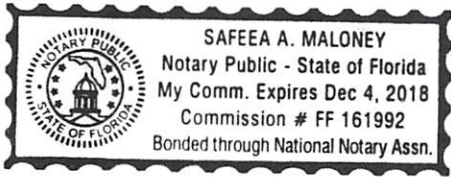
*[Faint handwritten signature]*



STATE OF FLORIDA:  
COUNTY OF BROWARD:

The foregoing instrument was acknowledged before me this January 22, 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)



Safeea A. Maloney  
Notary Public, State of Florida  
(Signature of Notary taking Acknowledgment)

Safeea A. Maloney  
Name of Notary Typed, Printed or Stamped

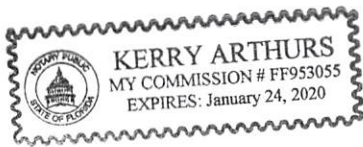
My Commission Expires:

\_\_\_\_\_  
Commission Number

STATE OF FLORIDA:  
COUNTY OF BROWARD:

The foregoing instrument was acknowledged before me this January 19<sup>th</sup>, 2018, by Stanley Waldman, 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)



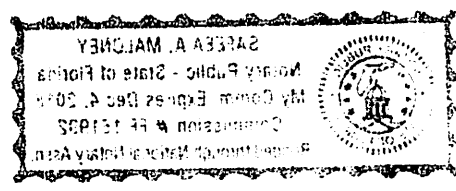
Kerry Arthur  
Notary Public, State of Florida  
(Signature of Notary taking Acknowledgment)

KERRY ARTHURS  
Name of Notary Typed, Printed or Stamped

My Commission Expires:

\_\_\_\_\_  
Commission Number

*[Faint, illegible handwritten text]*



*[Faint, illegible handwritten text]*

*[Faint, illegible handwritten text]*

*[Faint, illegible handwritten text]*

**WITNESSES:**

[Handwritten Signature]  
[Witness Signature]

Daniel AGUSTIN  
[Witness print/type name]

[Handwritten Signature]  
[Witness Signature]

Kathy L Reynolds  
[Witness print/type name]

**LICENSEE:**

**FLORIDA POWER & LIGHT COMPANY**, a Florida corporation

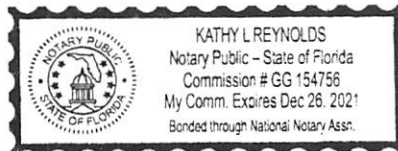
By: [Handwritten Signature]  
Print Name: Fanyon Torres  
Title: Engineer II

STATE OF Florida )  
COUNTY OF Broward )

The foregoing instrument was acknowledged before me this 5 day of January, 2018, by Fanyon Torres, as Engineer II 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

[Handwritten Signature]  
Typed, printed or stamped name of Notary Public  
My Commission Expires:





November 29, 2017

Mr. Peter Brenton  
Brenton, Lynch, Eubanks & Suarez-Murias, P.A.  
605 North Olive Avenue, 2<sup>nd</sup> Floor  
West Palm Beach, FL 33401

RE: Extension of Revocable License Agreement term between the City of Fort Lauderdale and Florida Power & Light Company, a Florida corporation, for closure of a portion of the public right-of-way of Aurelia Place as further described in the first amendment of the agreement dated May 9, 2017.

Mr. Brenton,

I (acting as the City Manager's designee per the agreement) am in receipt of your correspondence (copy attached) requesting to extend the term of the revocable license agreement referenced above.

Pursuant to Paragraph 2 of the first amendment to the agreement, the City Manager has the authority to extend the term of the closure by not more than two (2) additional thirty (30) day periods upon written notice by the Licensee. Subject to the Licensee request for an extension as included in the above reference correspondence the request for two (2) thirty (30) day extensions is hereby granted, which results in a new termination date of January 15, 2018.

Please be advised this extension is subject to all conditions and terms of the original Revocable License Agreement and the first amendment.

This letter acknowledges Licensee has provided the required notice to extend the Revocable License pursuant to the requirements of Paragraph 2 of the first amendment.

If you should have any questions, please contact Dennis Girisgen at 954-828-5123.

Sincerely,

Anthony Greg Fajardo, Director (acting as designee of the City Manager)  
Department of Sustainable Development

Cc: Lee Feldman, ICMA-CM City Manager  
Christopher Lagerbloom, Assistant City Manager  
Lynn Soloman, Assistant City Attorney  
Diana Alarcon, Director, Transportation and Mobility  
Dennis Girisgen, Land Development Manager  
Ella Parker, Urban Design & Planning Manager





VIA E-mail - Lfeldman@fortlauderdale.gov  
JJohnson@fortlauderdale.gov

ORIGINAL VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

November 1st, 2017

Lee Feldman, City Manager  
City of Ft Lauderdale  
100 N Andrews Ave,  
7th Floor  
Ft Lauderdale, Florida, 33301

RE: Florida Power and Light  
Project: Swimming Hall of Fame Intracoastal Dredging  
Request: Extension of Revocable License Agreement

Dear Mr. Feldman:

We are currently in the process of dredging underneath the intracoastal between Aurelia Place and Swimming Hall of Fame per the request of the Florida Inland Navigation Department. In connection to this project, the City approved a Revocable License on Feb 16, 2017 authorizing partial street closures with a first amendment approved on and recorded on June 16, 2017

The current Revocable License Agreement First Amendment will expire on September 12, 2017. Pursuant to Section 4 sub-paragraph 4.1.1:

Term. The term of the Revocable License shall be for a period of five (5) months commencing with the date of recording this First Amendment, subject to sooner termination as set forth in the Revocable License, and termination five months thereafter. In the event, LICENSEE is unable to complete the Development Project within (5) months term hereof due to circumstances beyond their control, LICENSEE has the right to request extension of this Revocable License, in writing, for the two (2) additional thirty (30) day periods upon approval of the City Manager. Request for extensions must be submitted at least 10 days before expiration of the term of extension period of this Revocable License. The City Manager shall have the authority to extend the term of this Revocable License by not more than two (2) thirty (30) day periods beyond the end of the five month period.

Licensor is diligently pursuing to complete construction and requires additional time beyond the November 16th, 2017 revocable license expiry date due to weather impacts  
The final restoration is not anticipated until April 2nd, 2018. It is therefore, hereby request that you approve an extension of 120 days from November, 16 2017 to March 16, 2017  
If acceptance, please sign where indicated below and return copy by email to Melanie.Syed@fpl.com.  
Should you require additional information, please feel free to contact me

Sincerely,

Melanie Syed  
Engineering Lead  
Florida Power and Light

Enclosure: Revocable License

Accepted and Acknowledge on this \_\_\_\_ day of \_\_\_\_\_,2017

City of Ft Lauderdale

By: \_\_\_\_\_



COMMISSION AGENDA ITEM  
DOCUMENT ROUTING FORM

LC  
1/23/18

Today's Date: 1/4/2018

DOCUMENT TITLE: Second Amendment to Revocable License - FPL

COMM. MTG. DATE: 1/3/2018 CAM #: 17-1488 ITEM #: CM-11 CAM attached:  YES  NO

Routing Origin: CAO Router Name/Ext: Shaniece Louis / Ext. 5036

CIP FUNDED:  YES  NO

Capital Investment / Community Improvement Projects 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, or fixtures) that add value and/or extend useful life, including major repairs such as roof replacement, etc. Term "Real Property" include: land, real estate, realty, or real.

2) City Attorney's Office # of originals attached: 1 Approved as to Form:  YES  NO

Date to CCO: 1/18/18 LS  
Initials

3) City Clerk's Office: # of originals: 1 Routed to: Gina Ri/CMO/X5013 Date: 1/18/18

4) City Manager's Office: CMO LOG #: Jan-75 Date received from CCO: 1/18/18

Assigned to: L. FELDMAN  S. HAWTHORNE  C. LAGERBLOOM   
L. FELDMAN as CRA Executive Director

APPROVED FOR LEE FELDMAN'S SIGNATURE  N/A FOR L. FELDMAN TO SIGN

PER ACM: S. HAWTHORNE (Initial/Date) C. LAGERBLOOM  
(Initial/Date)  PENDING APPROVAL (See comments below)

Comments/Questions: \_\_\_\_\_

Forward 1 originals to  Mayor  CCO Date: 1/19/2018

5) Mayor/CRA Chairman: Please sign as indicated. Forward \_\_\_ originals to CCO for attestation/City seal (as applicable) Date: \_\_\_\_\_

**INSTRUCTIONS TO CLERK'S OFFICE**

City Clerk: Retains 0 original and forwards 1 original(s) to: Dennis Girisgen / DSD / Ext. 5123 (Name/Dept/Ext)

Attach \_\_\_ certified Reso # \_\_\_  YES  NO Original Route form to CAO

**\*\*please email an executed copy to Shaniece Louis\*\***