

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

THIS IS A SECOND AMENDMENT to the Revocable License granted this _____ day of April 15, 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, pursuant to Motion at the City Commission meeting of January 7, 2014, CITY and LICENSEE entered into a Second Addendum to Revocable License which provided for the expansion of the B-Cycle Sharing Stations; and

WHEREAS, the City Commission on March 4, 2014 reviewed proposed plans for renovations of the bike station at D.C. Alexander Park. LICENSEE is aware that subsequent relocation of the D.C. Alexander Park bike station will be at LICENSEE'S expense; 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 Third Amendment to the Revocable License by the proper government officials by adoption of a motion at its Regular Meeting of April 15, 2014.

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained in this Third 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-17 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-17 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
- A-17 D.C. Alexander Park on S.E. 5th Street

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

5. This Third 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 Third 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:

WITNESSES:

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

By _____
JOHN P. "JACK" SEILER, Mayor

Witness Print Name

By _____
LEE R. FELDMAN, City Manager

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 _____, 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)

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 _____, 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)

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

Name of Notary Typed,
Printed or Stamped

My Commission Expires:

Commission Number

LICENSEE:

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

WITNESSES:

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

By: _____
President's Signature

[Witness print or type name]

Print Name

[Witness print or type name]

STATE OF _____:
COUNTY OF _____:

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

(NOTARY SEAL)

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

Name of Notary Typed,
Printed or Stamped

My Commission Expires:

Commission Number

B-CYCLE BIKE SHARE PROGRAM

STATION #: DC ALEXANDER PARK

**501 S. Ft. Lauderdale Beach Blvd.
FORT LAUDERDALE, FL**

- 1. APPLICATION**
- 2. LETTER/NARRATIVE**
- 3. LAND USE MAP & ZONING MAP**
- 4. UTILITY MAPS**
- 5. RENDERING PHOTOS AND SAMPLE STATION, SITE PLAN DRAWING**
- 6. AERIAL PHOTO**
- 7. PRICING STRUCTURE**
- 8. S-2.0 STATION PLAN & ELEVATIONS**
- 9. S-2.1 STATION PLAN DOCK LAYOUT (MULTIPLE)**
- 10.B-CYCLE SIGN SPECIFICATIONS**



Bicycle Sharing Facility Station

Site Plan Review Application

Cover: Deadline, Request Type, and Fees
Page 1: Applicant Information Sheet
Page 2: Required Documentation
Page 3: Technical Specifications For Plan Submittal
Page 4: Submittal Checklist

DEADLINE: Submittals must be received by 4:00 PM each business day. Pursuant to Section 47-24.1(1), the Department will review all applications to determine completeness within five (5) business days. Applicants will be notified via email, if plans do not meet the submittal requirements and if changes are required.

FEES: All applications for development permits are established by the City Commission, as set forth by resolution and amended from time to time. In addition to the application fee, any additional costs incurred by the City including review by a consultant on behalf of the City, or special advertising costs shall be paid by the applicant. Any additional costs, which are unknown at the time of application, but are later incurred by the City, shall be paid by the applicant prior to the issuance of a development permit.

REQUEST TYPES (check all that apply):

- | | |
|--|-----------|
| <input checked="" type="checkbox"/> One Location | \$ 100.00 |
| <input type="checkbox"/> Annual Renewal – One Location | \$ 100.00 |


Page 1: Bicycle Sharing Facility Station - Applicant Information Sheet

INSTRUCTIONS: The following information is requested pursuant to the City's Unified Land Development Regulations (ULDR). The application must be filled out accurately and completely. Please print or type and answer all questions. Indicate N/A if does not apply.

NOTE: To be filled out by Department

Case Number	
Date of complete submission	

NOTE: If AGENT is to represent OWNER, notarized letter of consent is required

Applicant/Agent Name	Jeffrey J. Torkelson
Applicant/Agent Signature	
Address (City, State, ZIP)	1140 NE 7 Ave., Unit 4 Fort Lauderdale FL
Email address	torkelson@browardbicycle.com
Phone Number	954-540-7609
Address of complete submission	

Program Name	Broward B-Cycle DC Alexander Park
Development/Program Address	Existing: 501 S. Ft. Lauderdale Beach Blvd New:
Project Description	DC Alexander Park
Text Description Number (See ULDR, Section 100.01, for more information)	
Request / Description of Program	Solar-powered bicycle share facility expansion of 8 to total capacity of 19 docks
All applications must comply with the following City Ordinance Section	VOLUME I, ARTICLE VII. NONMOTORIZED VEHICLES - SELF PROPELLED DIVISION 1. BICYCLE-SHARING FACILITIES

Home Rule Authority Designation	CRAC
Current zoning designation	ABA
Current use of property	Right of way

NOTE: State north, south, east or west for each yard.

Setbacks/Yards	Proposed
Front	
Side	
Side	
Rear	

Page 2: Required Documentation / Submittal Checklist

One (1) copy of the following documents:

- Completed application (all pages must be filled out where applicable)
- Applicant signature and agent letter
- Color photographs of the entire property and all surrounding properties, dated and labeled and identified as to orientation.

Six (5) signed and sealed sets, (1 set 24" x 36", 4 sets at 11" x 17")

- Narrative describing program specifics, to include, but not be limited to, hours of operation. Narratives must be on letterhead, dated, and with author indicated.
- Land Use and Zoning maps indicating all properties within 700 ft. of the subject property. These should be obtained from the Urban Design & Planning Office, 700 NW 19 Avenue, 954-826-3286. Site should be highlighted or marked clearly to easily locate the parcel.
- Cover sheet on plan set to state project name and table of contents.
- Current survey(s) or As-Built drawings, for each location, of property, surveys must be signed and sealed, showing existing conditions; survey must be As-Built and Topographic with Right-of-Way and Easement Vacations Excluded OR As-Built drawings with facility dimension and distance from landmark. The survey or as-built drawings should consist of the proposed project site alone. Do not include adjacent properties or portions of lands not included in the proposed project unless specifically requested by the City.
- Aerial photo indicating all properties within 700 ft. of the subject property. Must be clear and current with site highlighted.
- Plans "A" thru "F" with all elements as listed under Technical Specifications.
 - A. Site Plan
 - B. Details
 - C. Elevations
 - D. Additional Renderings
 - E. Landscape Plans as applicable

Note: All copy sets must be clear and legible.

Note: Plans must be bound, stapled and folded to 8 1/2" x 11". All non-plan documents should be 8 1/2" x 11" and stapled or bound.

Applicant's Affidavit	Staff Intake Review
I acknowledge that the Required Documentation and Technical Specifications of the application are met.	For Urban Design & Planning Division use only.
Print Name: <u>Jeff Trickett</u>	Date: _____
Signature: <u>[Signature]</u>	Received By: _____
Date: <u>12-27-15</u>	Tech. Specs Reviewed By: _____
	Case No.: _____

Page 3: Technical Specifications For Plan Submittal

A. SITE PLAN

1. Title Block including project name and design professional's address and phone number
2. Scale (1" = 30' min., must be engineer's scale)
3. North Indicator
4. Drawing and revision dates, as applicable
5. Full legal description
6. Site Plan Data Table
 - Current use of property
 - Land Use designation
 - Zoning designation
 - Site area (sq. ft. and acres)
 - Parking data: existing and proposed (if applicable)
 - Setback table
 - Open space impacts
 - Vehicular use area impacts
 - Landscape area impacts
7. Site Plan Features (graphically indicated)
 - Municipal boundaries (if applicable)
 - Zoning designation of adjacent properties with current use listed
 - Property lines (dimensioned)
 - Building outlines of all on-site structures (dimensioned)
 - Driveways, parking areas, pavement markings (including existing parking and handicapped spaces as applicable)
 - On-site light fixtures
 - Dimension all pedestrian walkways (including public sidewalks and on-site pedestrian paths)
 - Project signage
 - On-site fire hydrants
 - Easements (as applicable, for both above and below ground utilities)
 - Other site elements (as applicable)

B. ELEVATIONS

1. Include proposed signage
2. Typical elevations of the Bicycle Sharing Facility Station

C. LANDSCAPE PLAN AS APPLICABLE

1. Site Plan Information (in tabular form on plans)
2. Title block including project name and design professional's address and phone number
3. Scale (1" = 30' min, must be engineer's scale)
4. North Indicator
5. Drawing and revision dates, as applicable
6. Landscape Plan Information (in tabular form on plans)
 - Site area (sq. ft. and acres)
 - Perimeter landscape area (including buffers adjacent to ROW)
7. Landscape Plan Features (graphically indicated)
 - Property lines
 - Easements (as applicable)
 - Landscape areas with dimensions
 - Existing trees and palms, their names and sizes (indicate whether they are to remain, be relocated, or removed)
 - Names and locations for all proposed trees, shrubs and groundcover, with quantities noted at each location
 - Plant list (note species, sizes, quantities and any appropriate specifications)
 - Site elements (buildings, parking areas, sidewalks, signs, fire hydrants, light fixtures, drainage structures, curbing, all utilities both above and below ground)
 - Grading (swales, retention areas, berms, etc.)

BROWARD **B** *cycle*™

December 27, 2013

Mr. Randall C. Robinson, Jr. Planner II
City of Fort Lauderdale, Planning & Zoning Department
700 NW 19th Ave.
Fort Lauderdale, FL 33311

Re: B-Cycle Bike Sharing Facility Permit Narrative of Program
B-Station DC Alexander Park 501 Fort Lauderdale Beach Blvd.

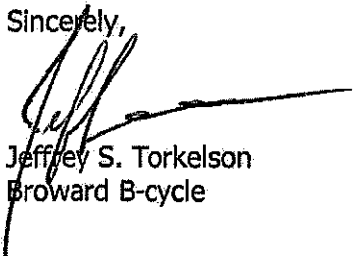
Dear Mr. Robinson:

Broward B-cycle, the bike-sharing program, seeks the permission of the city of Fort Lauderdale to expand the service to DC Alexander Park.

Access, fees and service hours at this station, to be known as "**DC Alexander Park**" will be consistent with all existing stations and in accordance with existing agreements between B-cycle and both the City of Fort Lauderdale and Broward County, and of which your office already has a copy. B-cycles will be available to both members and non-members for check-outs from 5:00 am until 12:00 midnight each day of the year and may be returned to this or any other B-station 24 hours per day. This site will increase the number of B-cycle bicycles accessible for bike sharing within the City of Fort Lauderdale by 8 total docks to a total of 19 docks at this station.

Thank you in advance for your assistance with this project and expediting the Bicycle Sharing Facility permit. If you need any further assistance or any further information regarding this narrative, please feel free to contact me.

Sincerely,


Jeffrey S. Torkelson
Broward B-cycle

DC Alexander Expansion

501 S. Ft. Lauderdale Beach Blvd.
Fort Lauderdale, FL

- 8 docks
- 4 bases
- Base length of 20' 8" by 17"
- Concrete pad to be poured: 21' 2" by 6' wide by 5" thick
- Solar station, running off the current solar panel.
- Trash bin and sidewalk sign need to be relocated.

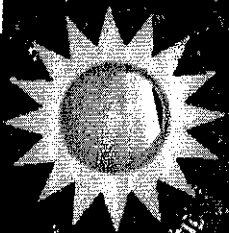
Signs to be removed & relocated

Trash bin to be removed & relocated

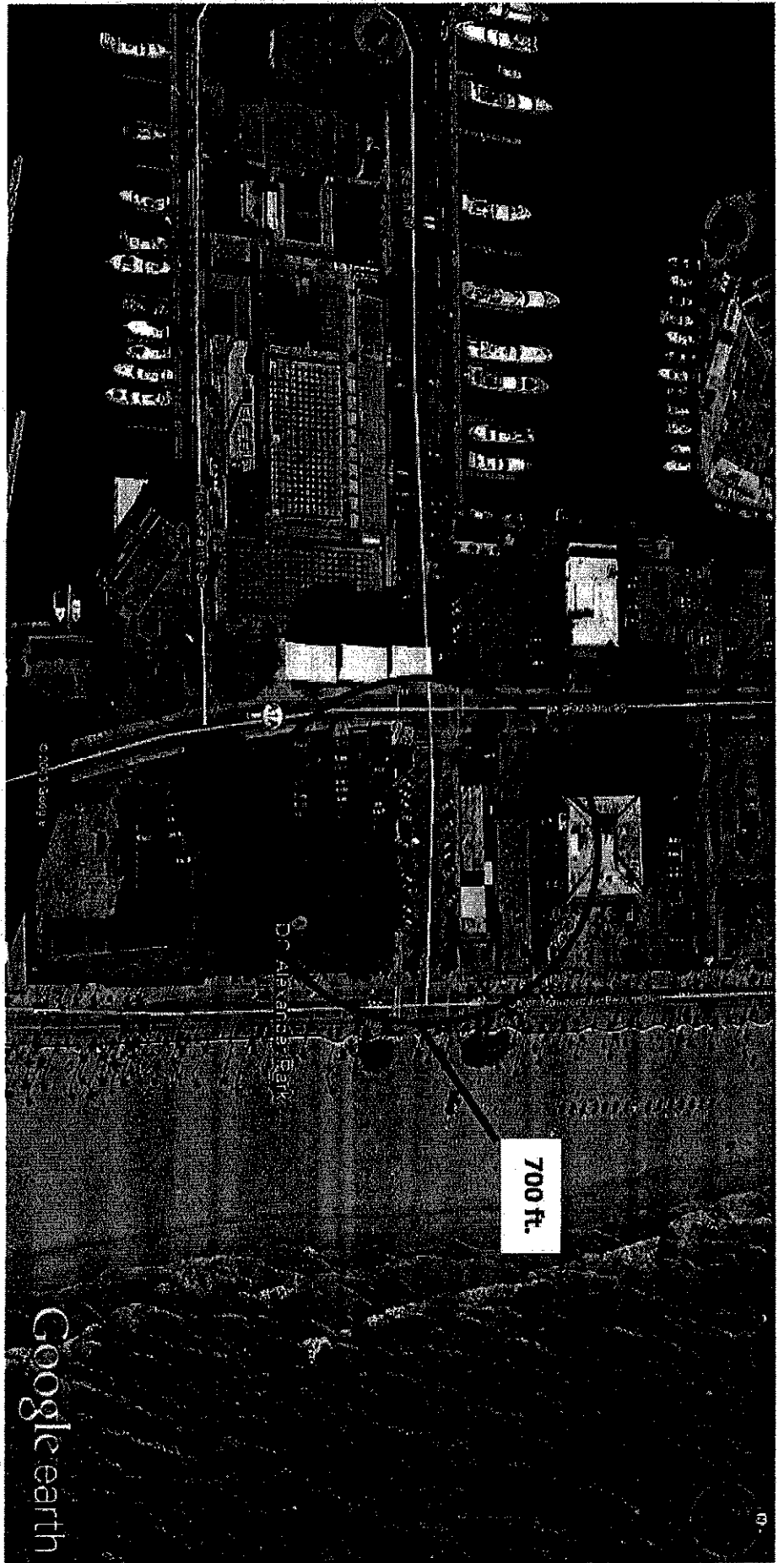
Concrete pad to be poured will be 21' 2" long 6' wide by 5" thick

Clearance between concrete from tree will be 3'

Metal base is 20' 8" long and 17" wide



COMPOSITE EXHIBIT A-17

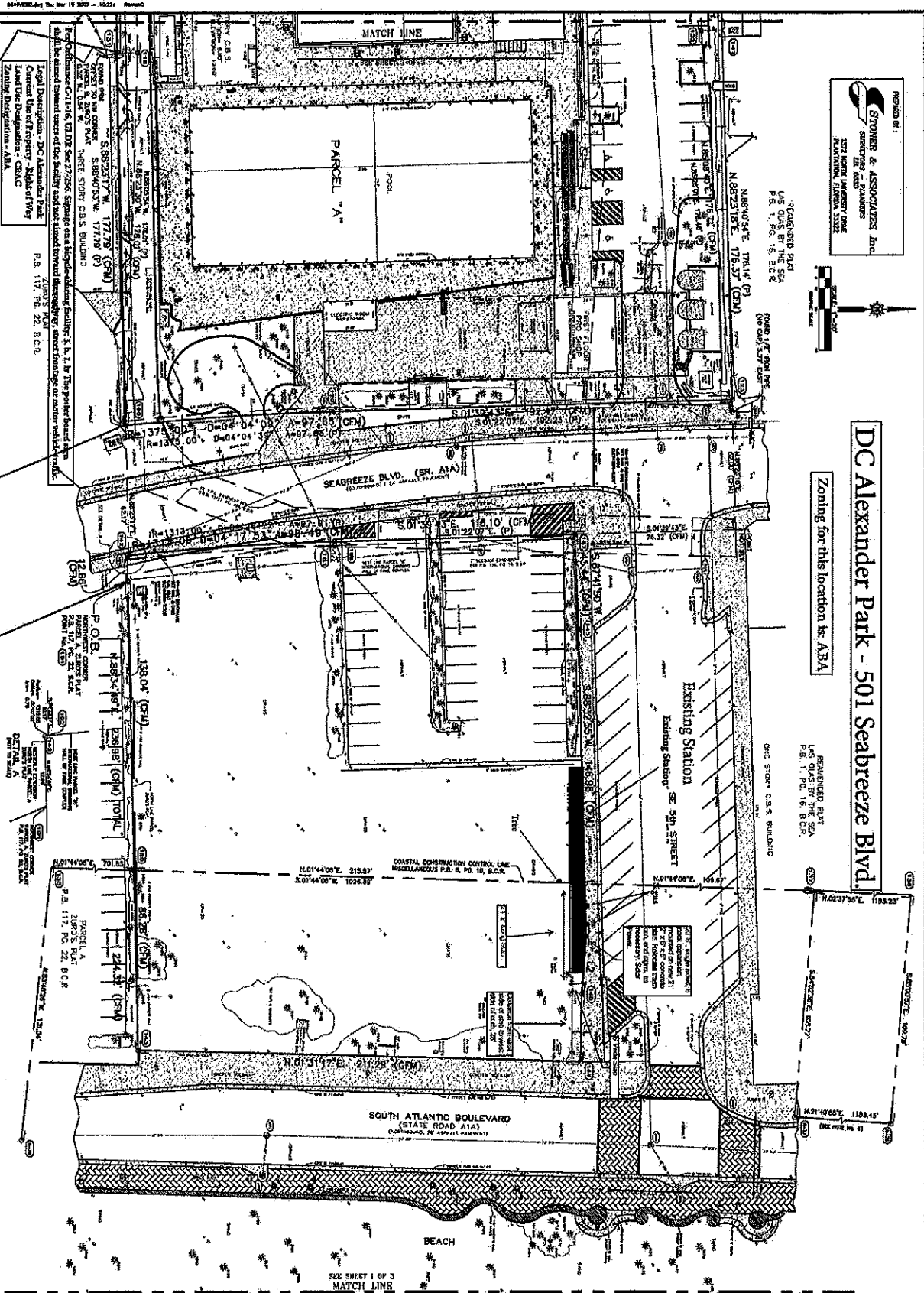




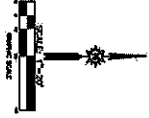
Google earth

feet
meters





PREPARED BY:
STONER & ASSOCIATES, Inc.
 SURVEYING & PLANNING
 5012 NORTH UNIVERSITY BOULEVARD
 FORT LAUDERDALE, FLORIDA 33309



DC Alexander Park - 501 Seabreeze Blvd.
 Zoning for this location is: ABA

LEGAL DESCRIPTION - DC Alexander Park
 Parcel 'A' of Property 'Alpha' of Way
 Land Use Designation - CRAC
 Zoning Designation - ABA

RECORDED PLAT
 L.S. C-18, P. 16, B.C.R.
 P.B. 1, P.C. 16, B.C.R.

RECORDED PLAT
 L.S. Q-15 BY THE SEA
 P.B. 1, P.C. 16, B.C.R.

RECORDED PLAT
 L.S. Q-15 BY THE SEA
 P.B. 1, P.C. 16, B.C.R.

PROJECT #P15330-15180
SWIMMING HALL OF FAME
 D.C. ALEXANDER PARK
 CITY OF FORT LAUDERDALE
 BROWARD COUNTY, FLORIDA

REVISIONS			
NO.	DATE	BY	DESCRIPTION

CITY OF FORT LAUDERDALE
 PUBLIC SERVICES DEPARTMENT
 ENGINEERING DIVISION
 FORT LAUDERDALE, FLORIDA

DRAWN BY: STONER
 DESIGNED BY: JDS
 CHECKED BY: XXX

SCALE: 1" = 20'
 DATE: 01/12/98
 FIELD BOOK: 303/01-59

FINAL APPROVAL:
 FLA. REG. ENG. NO. 00000

SHEET NO. 02
 TOTAL SHEETS 03
 04-122-87