

① 4/28/15 ⊕

DOCUMENT ROUTING FORM

NAME OF DOCUMENT: Motion approving a second extension of an agreement with TMF2013, LLC for a two-day music event on Fort Lauderdale Beach, April 11 – 12, 2015

10/7/14 - CM-17

Routing Origin: CAO Also attached: copy of CAM Original Documents

1) **City Attorney's Office:** Approved as to Form 1 Original and Delivered to City Manager on April 15, 2015.

COLE J. COPERTINO, ASSISTANT CITY ATTORNEY CJC

CIP FUNDED YES NO
Capital Investment / Community Improvement Projects

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, 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, real.

2) **City Manager:** Please sign as indicated and forward ___ original to Mayor.

3) **Mayor:** Please sign as indicated and forward ___ original to Clerk for attestation and City seal.

INSTRUCTIONS TO CLERK'S OFFICE

4) **City Clerk:** Retains 1 original and returns 1 copy to Carolyn Bean, Parks & Rec

4/23

SECOND EXTENSION OF AGREEMENT

THIS IS A SECOND EXTENSION OF AGREEMENT, entered into on March ____, 2015, between:

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

and

TMF2013, LLC, a Tennessee foreign limited liability company authorized to do business in the State of Florida, hereinafter referred to as "Applicant."

907

WHEREAS, Applicant requested approval from the City to conduct the Tortuga Rock the Ocean Music Festival on Fort Lauderdale Beach, or other title as agreed to by the parties herein, which includes a two day beach front music festival featuring multiple artists, in order to call attention and raise funds to benefit the world's oceans, including, without limitation, entertainment, film screening, exhibits, souvenir sales and concessions collectively hereinafter referred to as the "Event." In accordance with the terms hereof, Applicant shall provide the required certificates of insurance and indemnify and hold harmless the City of Fort Lauderdale for any damage to persons or property that occurs as a sole and direct result of the actions or inactions of the Applicant in connection with and/or as a result of the operation of said Event;

WHEREAS, on August 21, 2012, the City Commission approved the Agreement, providing an option to extent for three (3) consecutive (1) year renewal terms, provided that both parties mutually agree it is in their best interest to do so;

WHEREAS, on February 19, 2013, the parties entered into the Agreement;

WHEREAS, on September 17, 2013, the parties amended the Agreement to extend the terms for an additional year;

WHEREAS, on September 9, 2014, the City was notified by the Applicant of its desire to extend the agreement for an additional year; and

WHEREAS, on October 7, 2014, the City Commission approved a motion authorizing the execution of the second extension with TMF2013, LLC for the Tortuga Rock the Ocean Music Festival on Fort Lauderdale Beach on the dates of April 11 and April 12, 2015.

WHEREAS, on October 7, 2014, the City Commission by motion authorized the event period, including set-up and breakdown from April 1, 2015 through April 18, 2015.

WHEREAS, the City Commission authorizes the proper City official to execute this Second Extension of Agreement with TMF2013, LLC for the 2015 Tortuga Rock the Ocean Music Festival.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained in this Agreement, and other good and valuable consideration, the receipt and adequacy of which are acknowledged, the parties agree as follows:

IN WITNESS THEREOF, as a Second Extension of Agreement, the City and TMF2013 hereby agree as follows:

SECTION 1: The Tortuga Rock the Ocean Music Festival is permitted to take place on Fort Lauderdale Beach, as defined in the site plan attached in Exhibit A, on April 11 and April 12, 2015 and the event agreement is hereby authorized and extended.

SECTION 2: TMF2013, LLC is granted a limited non-exclusive license for the use of certain portions of Fort Lauderdale Beach to produce the Tortuga Rock the Ocean Music Festival from April 1, 2015 – April 18, 2015, inclusive of set-up and breakdown time.

SECTION 3: All terms and conditions of the original Agreement shall remain unchanged and in effect.

[THE REMAINDER OF THE PAGE IS INTENTIONALLY LEFT BLANK]

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

CITY

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

By


JOHN P. "JACK" SEILER, Mayor

By


LEE R. FELDMAN City Manager

(SEAL)

ATTEST

By


JONDA K. JOSEPH, City Clerk

Approved as to form:


COLE J. COPERTINO
Assistant City Attorney

STATE OF TENNESSEE)

ss:)

COUNTY OF _____)

The foregoing instrument was acknowledged before me this 7 day of April, 2015 by BENNETT DRAGO, PARTNER of TMF2013, LLC, an Tennessee foreign limited liability company, a Tennessee foreign limited liability company authorized to do business in the State of Florida, on behalf of the corporation. They are personally known to me or have produced LA DRIVERS LICENSE as identification and did did not take an oath.

(SEAL)

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

Stacey E Daley
Name of Notary Typed, Printed or Stamped



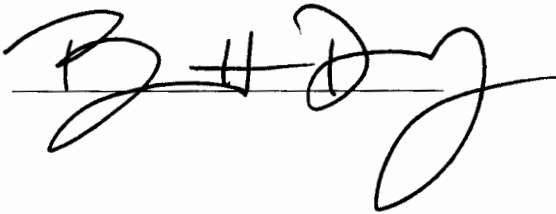
4/30/18
My Commission Expires:

Commission Number FF 118215

WITNESSES

TMF2013, LLC, a Tennessee foreign
limited liability company authorized to do
business in the State of Florida,

By: Huka Productions, LLC, a DBA of
Huka Entertainment



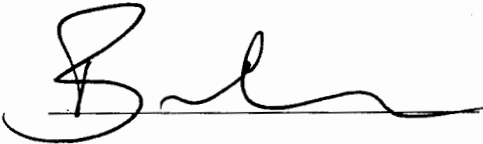
By



BENNETT DRAGO, PARTNER

BENNETT DRAGO

Print Name



Brian Lamb

Print Name

(CORPORATE SEAL)

KELLER
TURNER
RUTH
ANDREWS
GHANEM &
HELLER, PLLC

JORDAN S. KELLER
JASON L. TURNER
THOMAS D. RUTH
W. CHRISTOPHER ANDREWS
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(615) 244-7600 FAX: (855) 344-7600
WWW.KTRLAWGROUP.COM

September 9, 2014

Phil Thornburg
Parks and Recreation Director
1350 West Broward Blvd
Fort Lauderdale, Florida 33312

Re: Tortuga Music Festival

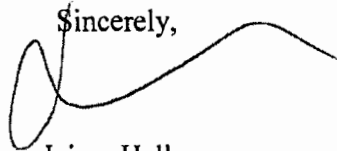
Mr. Thornburg:

I am writing to follow up with you, regarding the Tortuga Music Festival agreement. Per section 4 of our agreement with the City of Fort Lauderdale, we wish to give you notice of our interest in extending this agreement for an additional year.

We are interested in the following dates: April 2, 2015 through April 18, 2015.
Our intended show days are: April 11, 2015 through April 12, 2015.

Thank you for your consideration and assistance with this matter. Please do not hesitate to contact me if you have any questions, comments or concerns.

Sincerely,



Jaime Heller

CC: Carrie L. Sarver