

This instrument prepared by:
Robert B. Dunkel and Carrie Lynn Sarver
Assistant City Attorneys
City of Fort Lauderdale
P.O. Drawer 14250
Fort Lauderdale, FL 33302-4250

FIRST AMENDMENT TO PERMIT AND LICENSE AGREEMENT
(REVOCABLE LICENSE)

THIS IS A FIRST AMENDMENT TO REVOCABLE LICENSE granted this ____ day of July, 2012 by and between:

CITY OF FORT LAUDERDALE, a Florida municipal corporation, P.O. Drawer 14250, Fort Lauderdale, FL 33302-4250, and **FORT LAUDERDALE COMMUNITY REDEVELOPMENT AGENCY**, a Community Redevelopment Agency created pursuant to Part III, Chapter 163, Florida Statutes, together, as their interests may appear, 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 W. Madison Street, Waterloo, WI 53594 ("LICENSEE")

R E C I T A L S

Broward County entered into an agreement with B-Cycle, LLC, that provides for the establishment, management and operation of a Bike-Sharing Program in Broward County, Agreement RLI # R0752602R2.

Bicycle sharing offers a means of reducing traffic congestion with an inexpensive mobility option to complement the use of public transportation, walking and ridesharing as an alternative to single occupant vehicle use.

Bicycle sharing complements public bus or train transportation by providing an innovative resource for urban bike commuters and a convenient means of getting around.

In recognition of the public purposes associated with a Bicycle-Sharing Program, at its meeting of July 6, 2011, the City Commission adopted an ordinance amending the

City Code to permit a Bicycle-Sharing Program within the City of Fort Lauderdale subject to certain terms and conditions.

At its meeting of July 6, 2011, the City Commission of the City of Fort Lauderdale also authorized execution of a Revocable License with the LICENSEE for a Bike-Sharing Program.

Due to the success of the Bike-Sharing Program, the LICENSEE submitted an application for an Amendment to the Revocable License between the CITY and LICENSEE to provide for eleven (11) additional docks and bicycles to be installed at the Willingham Park location and two (2) additional docks and bicycles to be installed at the Sebastian Street Parking Lot Location.

The application was reviewed by the CITY's Property and Right-Of-Way Committee on April 19, 2011. The Committee recommended approval of the Amendment to the Revocable License for the implementation, installation, operation, maintenance, repair and replacement, from time to time, of the additional Project Improvements and Bicycle Sharing Stations at the locations set forth in **the Revised Exhibits A-10 and A-11, attached hereto.**

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

1. Recitals. The foregoing recitals are true and correct and are hereby ratified and confirmed and incorporated herein.

2.

License Area(s) means those areas shown in the attached **Composite Exhibits A-1 through A-11** where the Project Improvements will be constructed, installed, operated, repaired, replaced, from time to time and maintained. The area shown within the License Areas identified in Composite **Exhibits A-1 through A-11** are within City owned real property. Further Bicycle Sharing Facilities and Stations and License Areas may be located either on City owned real property or upon rights-of-way within the CITY's jurisdiction under the Florida Transportation Code.

4. License Areas; General Locations. 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

[THE BALANCE OF THIS PAGE REMAINS INTENTIONALLY BLANK.]
IN WITNESS OF THE FOREGOING, the parties have set their hands and seals the day and
year first written above.

AS TO CITY:

WITNESSES:

CITY OF FORT LAUDERDALE

By _____
John P. "Jack" Seiler, Mayor

[Witness type or print name]

By _____
Lee R. Feldman, City Manager

[Witness type or print name]

ATTEST:

(CORPORATE SEAL)

Jonda Joseph, City Clerk

Approved as to form:

Carrie L. Sarver,
Assistant City Attorney

STATE OF FLORIDA:
COUNTY OF BROWARD:

The foregoing instrument was acknowledged before me this _____, 2011, 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.

(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 _____, 2011, 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.

(SEAL)

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

Name of Notary Typed,
Printed or Stamped

My Commission Expires:

Commission Number

WITNESSES:

**FORT LAUDERDALE COMMUNITY
REDEVELOPMENT AGENCY**

[Witness type/print name]

[Witness type/print name]

John P. "Jack" Seiler, Chairman

Lee R. Feldman, Executive Director

APPROVED AS TO FORM:

CRA Attorney

AS TO LICENSEE:

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

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

By: _____
President

[Witness type or print name]

[Witness type or print name]

STATE OF WISCONSIN:
COUNTY OF _____:

The foregoing instrument was acknowledged before me this _____, 2011, by, _____, President of Trek Bicycle Corporation, a Wisconsin corporation, Manager of B-Cycle, LLC, a Delaware limited liability company, authorized to do business in the State of Florida. He is personally known to me or did 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

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Revocable License
LICENSEE: B-CYCLE, LLC
B-Cycle Sharing Program

CAR 12-1122
Exhibit 4
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