

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

THIS IS A FOURTH AMENDMENT to the Revocable License granted this 3rd day of February, 2015 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 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.

WHEREAS, the City Commission of the City of Fort Lauderdale reviewed proposed plans for expansion of the B-cycle Sharing Stations at (i) the Northwest corner of E. Las Olas Boulevard and S.E. 10th Terrace, (ii) Fort Lauderdale Beach Park (f/k/a South Beach Parking Lot) and (iii) East Sunrise Boulevard, South side, approximately 750 feet East of Bayview Drive; and

WHEREAS, the City Commission of the City of Fort Lauderdale finds that further expansion of the B-cycle stations serves a valid municipal interest and has authorized execution of this Fourth Amendment to the Revocable License by the proper government officials by adoption of a Motion at its Regular Meeting of February 3, 2015;

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 shown within the License Areas identified as in the Third Amendment 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. The areas shown within the License Areas identified in this Fourth Amendment as Composite Exhibits A-18 and A-19 are within City owned real property or upon public rights-of-way within the CITY'S jurisdiction under the Florida Transportation Code. The area shown within License Area A-20 (East Sunrise Boulevard, South side, approximately 750 feet East of Bayview Drive) is within the roadway jurisdiction of the State of Florida Department of Transportation and therefore does not require the issuance of Engineering Permits by the City of Fort Lauderdale. Composite Exhibit A-20 is being presented herein for information purposes only.

3. Section 4, entitled License Areas; General Locations, is amended to include License Areas A-18, A-19 and A-20 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
- A-18 East Las Olas Boulevard & S.E. 10th Terrace
- A-19 Fort Lauderdale Beach Park (f/k/a South Beach Municipal Parking Lot)
- A-20 E. Sunrise Boulevard, South side approximately 750 feet South of Bayview Drive.

N.B. The location of A-20 is within the State of Florida, Department of Transportation ("FDOT") roadway jurisdiction. Accordingly, A-20 is not subject to City of Fort Lauderdale Engineering Permits. Permitting for A-20 is the responsibility of FDOT."

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

5. This Fourth 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 Fourth Amendment and the terms and conditions of the underlying Revocable License, as previously amended ~~by the First Addendum~~, then, to the extent of such conflict the terms and conditions of this Fourth 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
_____, 2015, 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 _____,
2015, 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: _____
Bob Burns, President

[Witness print or type name]

[Witness print or type name]

STATE OF _____:
COUNTY OF _____:

The foregoing instrument was acknowledged before me this ____ day of _____, 2015, by **BOB BURNS**, as President of TREK BICYCLE CORPORATION, a Wisconsin corporation, Manager for 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

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L:\REALPROP\REV_LIC\2015\B Cycle\4th Amendment.01.23.15.doc

COMPOSITE EXHIBIT A-18

Distance from the West side of the sidewalk to the East side of the sidewalk is 8' 1" feet.

SE 10th Terrace

N

Proposed B-Station

Single sided, solar powered. 6 bases, 11 docks. 31' station. Secured to new concrete pad (32' long by 22' wide by 5") with approved concrete anchors.

E Las Olas Blvd

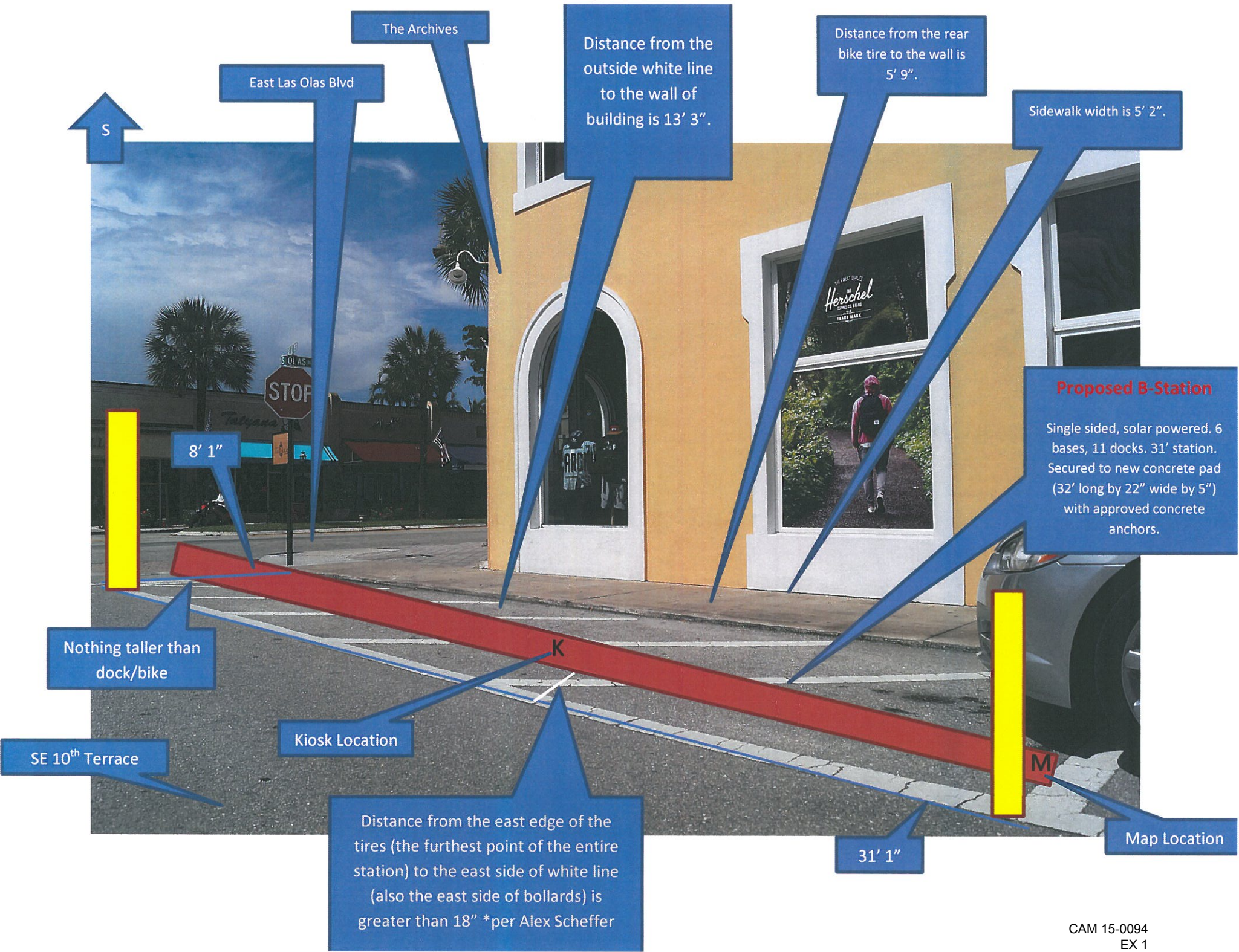
SE 11th Ave

The First Presbyterian Church

SE 12th Ave

© 2014 Google

google earth



The Archives

East Las Olas Blvd

Distance from the outside white line to the wall of building is 13' 3".

Distance from the rear bike tire to the wall is 5' 9".

Sidewalk width is 5' 2".

Proposed B-Station

Single sided, solar powered. 6 bases, 11 docks. 31' station. Secured to new concrete pad (32' long by 22" wide by 5") with approved concrete anchors.

8' 1"

Nothing taller than dock/bike

SE 10th Terrace

Kiosk Location

Distance from the east edge of the tires (the furthest point of the entire station) to the east side of white line (also the east side of bollards) is greater than 18" *per Alex Scheffer

31' 1"

Map Location

Las Olas & 10th Terrace Property Lines

Browser window: <http://199.27.243.5/> | Broward B-cycle | BCPA Maps & Aerials | Beach Place

LORI PARRISH
BROWARD COUNTY
PROPERTY APPRAISER

[Click Here to Return to our Homepage](#)
[Click here to see instructions for use](#)

Layers:

- ☒ Highways
- ☒ Major Roads
- ☐ Twn-Rng-Sec
- ☐ Municipalities
- ☐ City Limits
- ☐ Zip Codes
- ☐ CRA Boundaries
- ☐ Census Tracts
- ☒ City Zoning Codes
- ☐ County Land Use
- ☐ Comm Appraisal Districts
- ☐ Resid Appraisal Districts
- ☐ Subdiv. Number
- ☐ Subdiv. Name
- ☐ No Sales
- ☒ Streets
- ☒ Parcels
- Aerials (2014)
- ☒ County Boundary

MAP SIZE: [] []

Windows taskbar: 1:03 PM 9/16/2014

Browser window: <http://199.27.243.5/> | (1) Broward B-cycle | BCPA Maps & Aerials

LORI PARRISH
BROWARD COUNTY
PROPERTY APPRAISER

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- ☒ Parcels
- Aerials (2014)
- ☒ County Boundary

MAP SIZE: [] []

Windows taskbar: 1:04 PM 9/16/2014



December 29, 2014

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 E Las Olas Blvd & SE 10th Terrace

Dear Mr. Robinson:

Broward B-cycle, the bike-sharing program, seeks the permission of the city of Fort Lauderdale to install the service to Las Olas Blvd & 10th Ter.

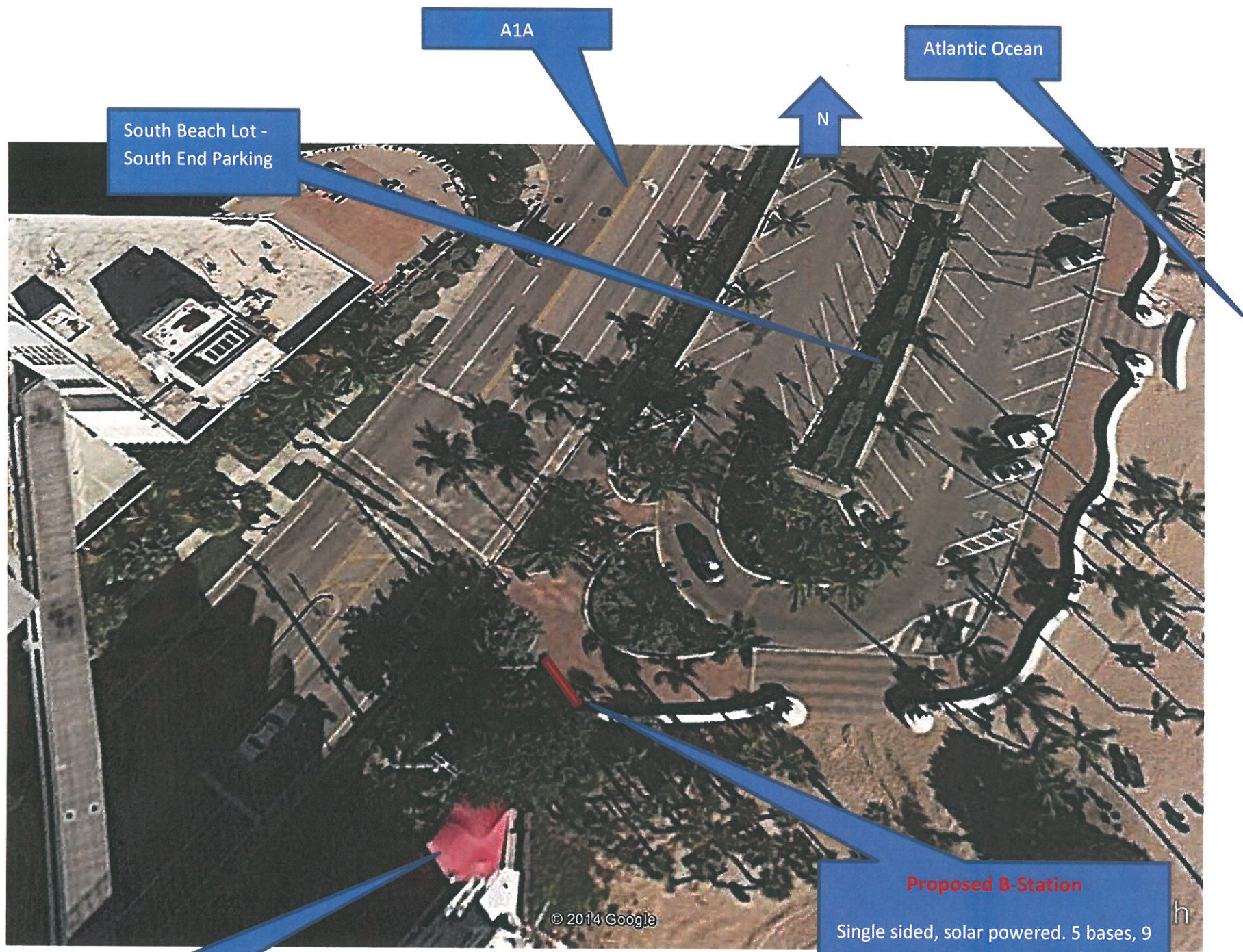
Access, fees and service hours at this station, to be known as "**Las Olas & 10th**" will be consistent with all existing stations and in accordance with existing agreements between B-cycle and both the City of Fort Lauderdale and Broward County, and of which your office already has a copy. B-cycles 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 carry 11 total docks of B-cycle bicycles accessible for bike sharing within the City of Fort Lauderdale.

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

COMPOSITE EXHIBIT A-19



A1A

Atlantic Ocean

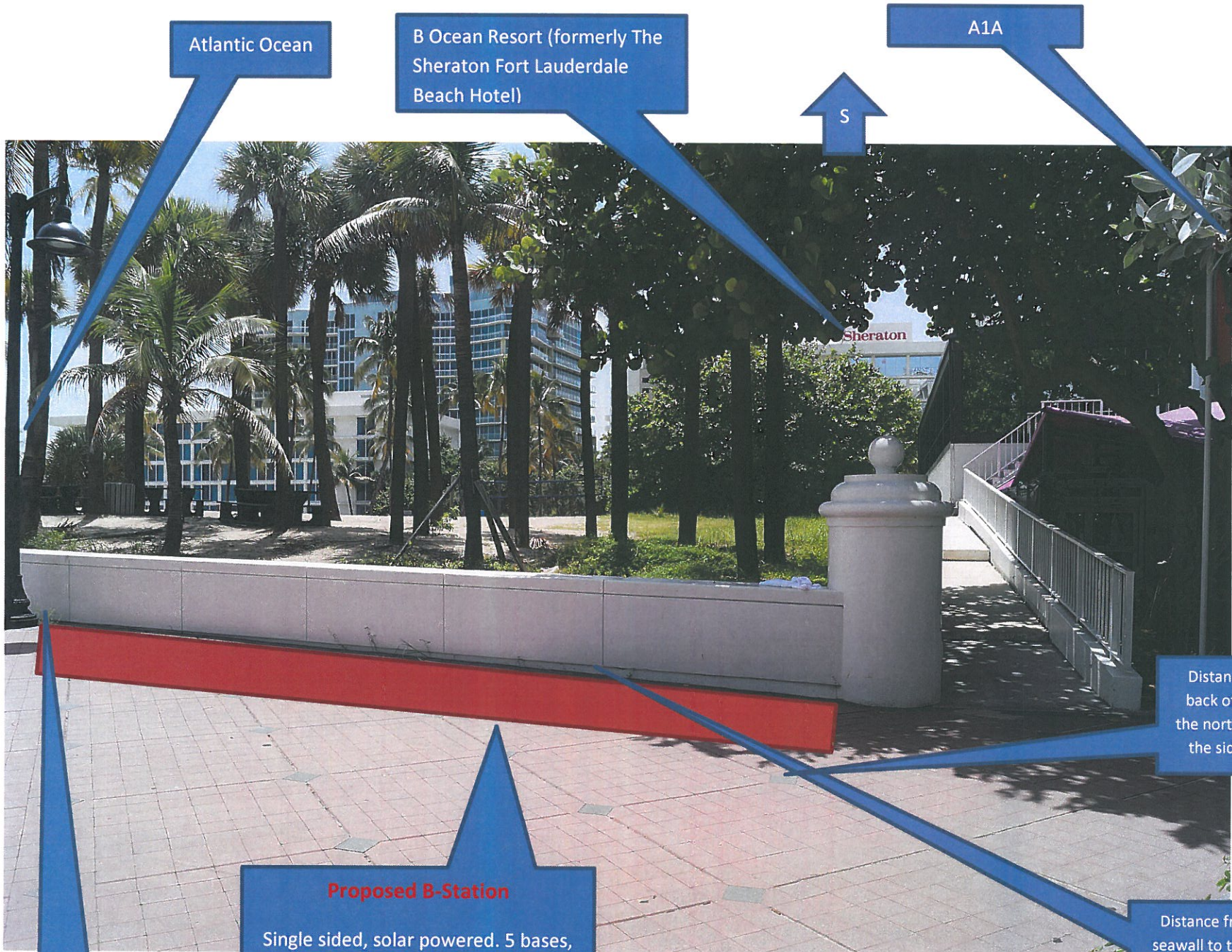
South Beach Lot -
South End Parking

N

B Ocean Resort (formerly The
Sheraton Fort Lauderdale
Beach Hotel)

Proposed B-Station

Single sided, solar powered. 5 bases, 9
docks. 25' 10" station. Secured to new
concrete pad (26' 6" long by 20" wide
by 5") with approved concrete anchors
north of the seawall.



Atlantic Ocean

B Ocean Resort (formerly The Sheraton Fort Lauderdale Beach Hotel)

S

A1A

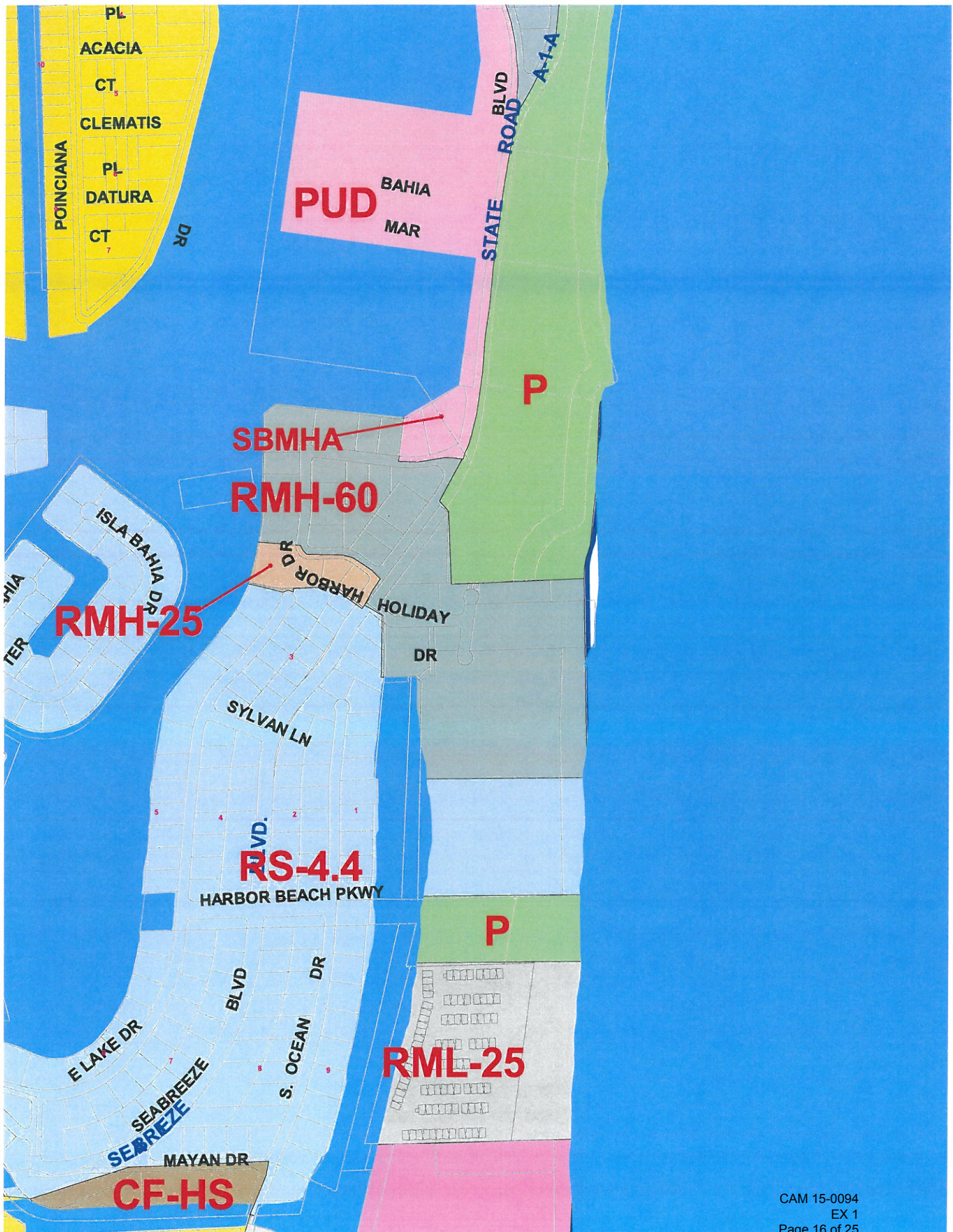
Distance from the back of the bike to the northwest side of the sidewalk is 9'.

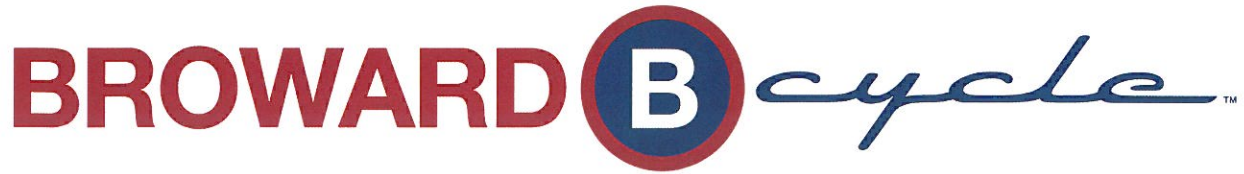
Distance from the seawall to the north side of the sidewalk is 19' 6".

Proposed B-Station

Single sided, solar powered. 5 bases, 9 docks. 25' 10" station. Secured to new concrete pad (26' 6" long by 20" wide by 5") with approved concrete anchors north of the seawall.

Distance from the seawall to the north side of the sidewalk is 16'.





December 29, 2014

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 South Beach Lot #2

Dear Mr. Robinson:

Broward B-cycle, the bike-sharing program, seeks the permission of the city of Fort Lauderdale to install the service to South Beach Lot.

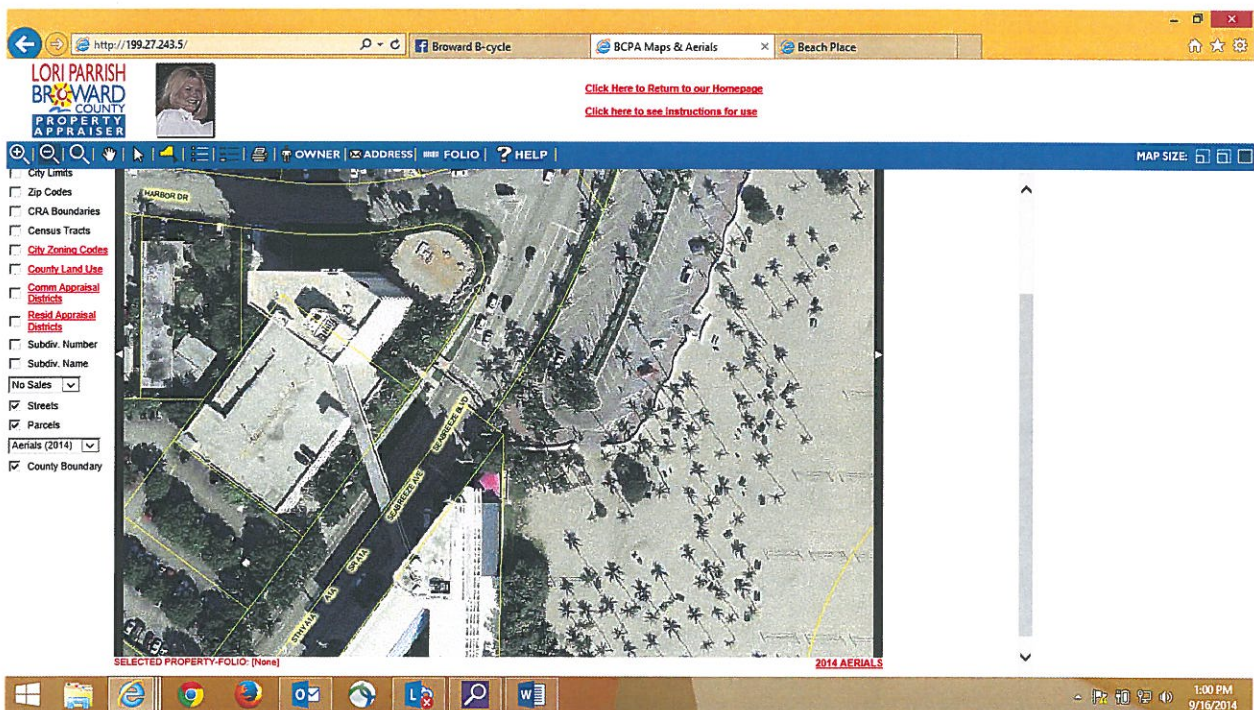
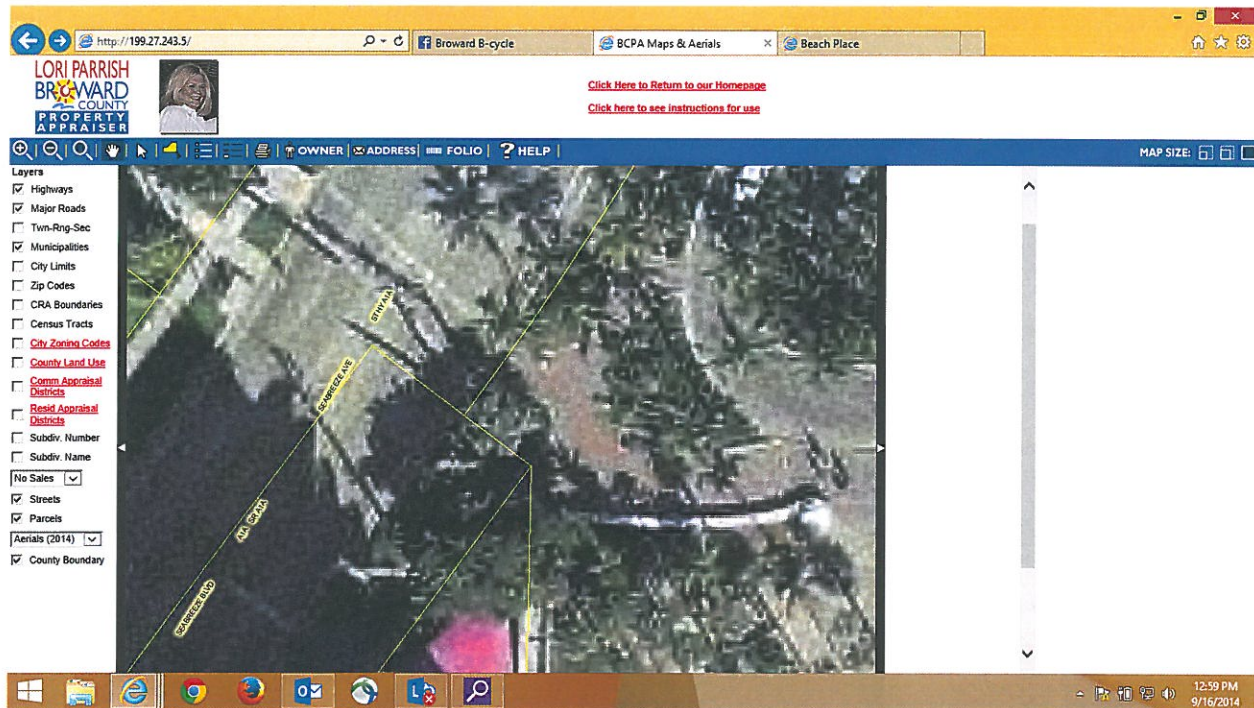
Access, fees and service hours at this station, to be known as "**South Beach Lot #2**" will be consistent with all existing stations and in accordance with existing agreements between B-cycle and both the City of Fort Lauderdale and Broward County, and of which your office already has a copy. B-cycles 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 carry 9 total docks of B-cycle bicycles accessible for bike sharing within the City of Fort Lauderdale.

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

South Beach Lot #2



COMPOSITE EXHIBIT A-20



NE 25th Ave

East Sunrise Blvd.

N

Starbucks

Galleria Mall

E Sunrise Blvd, Fort Lauderdale, FL USA

New bus stop

Distance from the west side of the bus stop to the east side of the B-station is 72'.

Total width of the grassy area is 18'1".

Distance from the N side of the concrete pad to the South side of the curb is 12'.

Proposed B-Station

Single sided, solar powered. 7 bases, 13 docks. 36'2" station. Secured to new concrete pad (37' long by 7' wide by 5" thick) with approved concrete anchors. New pad to be adjacent to the existing sidewalk.

CAM 15-0094
EX 1

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October 3, 2014

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 Galleria Mall

Dear Mr. Robinson:

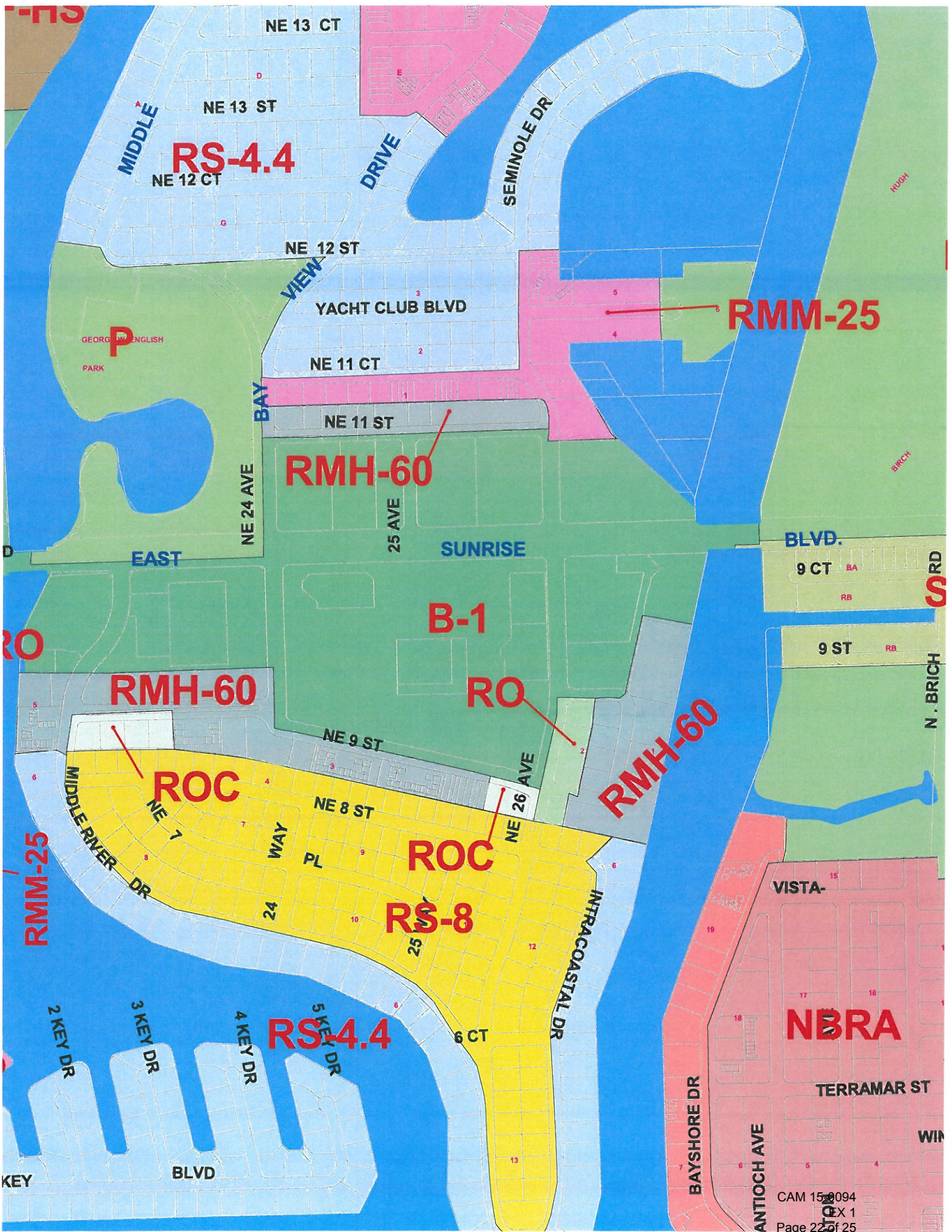
Broward B-cycle, the bike-sharing program, seeks the permission of the city of Fort Lauderdale to install the service to Beach Place.

Access, fees and service hours at this station, to be known as "**Galleria Mall**" 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 carry 13 total docks of B-cycle bicycles accessible for bike sharing within the City of Fort Lauderdale.

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



RS-4.4

RMM-25

RMH-60

B-1

RMH-60

RO

RMH-60

ROC

ROC

RS-8

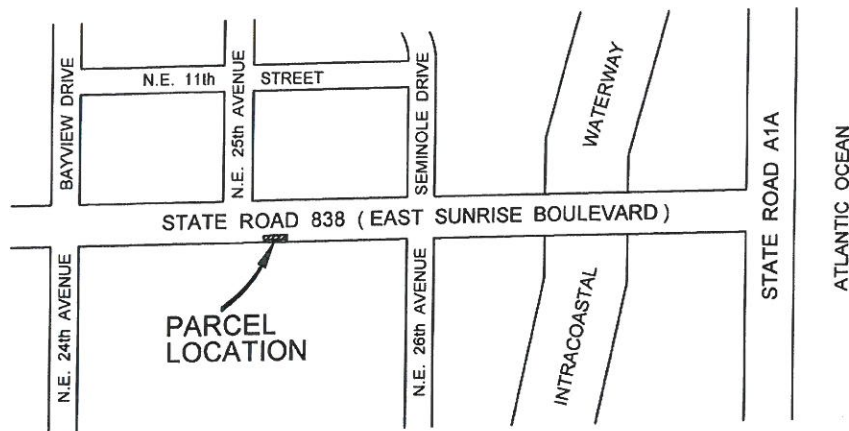
RS-4.4

NBRA

EXHIBIT "A"

SHEET 1 OF 3

SECTION 01, TOWNSHIP 50 SOUTH, RANGE 42 EAST



LOCATION SKETCH
BROWARD COUNTY, FLORIDA
NOT TO SCALE

SURVEYOR'S CERTIFICATION:

I HEREBY CERTIFY THAT THIS SKETCH AND LEGAL DESCRIPTION CONSISTING OF SHEETS ONE THROUGH THREE IS TRUE, CORRECT AND COMPLETED ON 08-28-14 AND IS DONE TO THE BEST OF MY KNOWLEDGE AND BELIEF AND MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.027 FLORIDA STATUTES.

Frank J. Guiliano

FRANK J. GUILIANO
PROFESSIONAL SURVEYOR & MAPPER NO. 5768
NOT VALID WITHOUT SIGNATURE AND THE ORIGINAL
RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

NOTE:

- 1) BEARINGS ARE BASED ON THE NORTH LINE OF THE NORTHEAST ONE-QUARTER OF SECTION 01, TOWNSHIP 50 SOUTH, RANGE 42 EAST, AS SHOWN ON THE PLAT OF "SUNRISE" RECORDED IN PLAT BOOK 28, PAGE 42, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; HAVING A BEARING OF N 88°36'04" E.
- 2) UNDERGROUND UTILITIES AND IMPROVEMENTS WERE NOT LOCATED.
- 3) DIMENSIONS ARE CALCULATED UNLESS OTHERWISE NOTED.
- 4) REFERENCED INSTRUMENTS ARE RECORDED IN THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, UNLESS INDICATED OTHERWISE.

THIS IS NOT A SURVEY,

but only a graphic depiction of the description shown hereon or attached hereto. There are no monuments set in connection with the preparation of the information shown hereon. Broward County makes no representation or guarantees as to the information shown hereon pertaining to easements, rights-of-ways, setback lines, reservations agreements, etc., nor is it the intent of this instrument to reflect all such matters. Such information should be obtained and confirmed by others through appropriate title verification.

LEGEND:

B.C.R. = BROWARD COUNTY RECORDS P.O.B. = POINT OF BEGINNING
(P) = PLAT P.O.C. = POINT OF COMMENCEMENT
P.B. = PLAT BOOK (R) = RADIUS
P.G. = PAGE R/W = RIGHT-OF-WAY

2.		
1.		
DATE	REVISIONS	BY

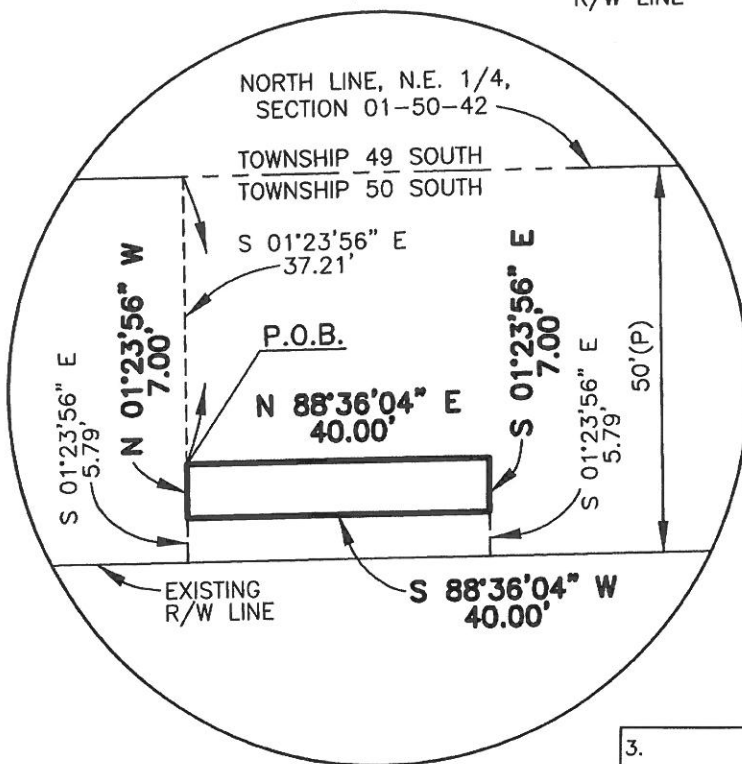
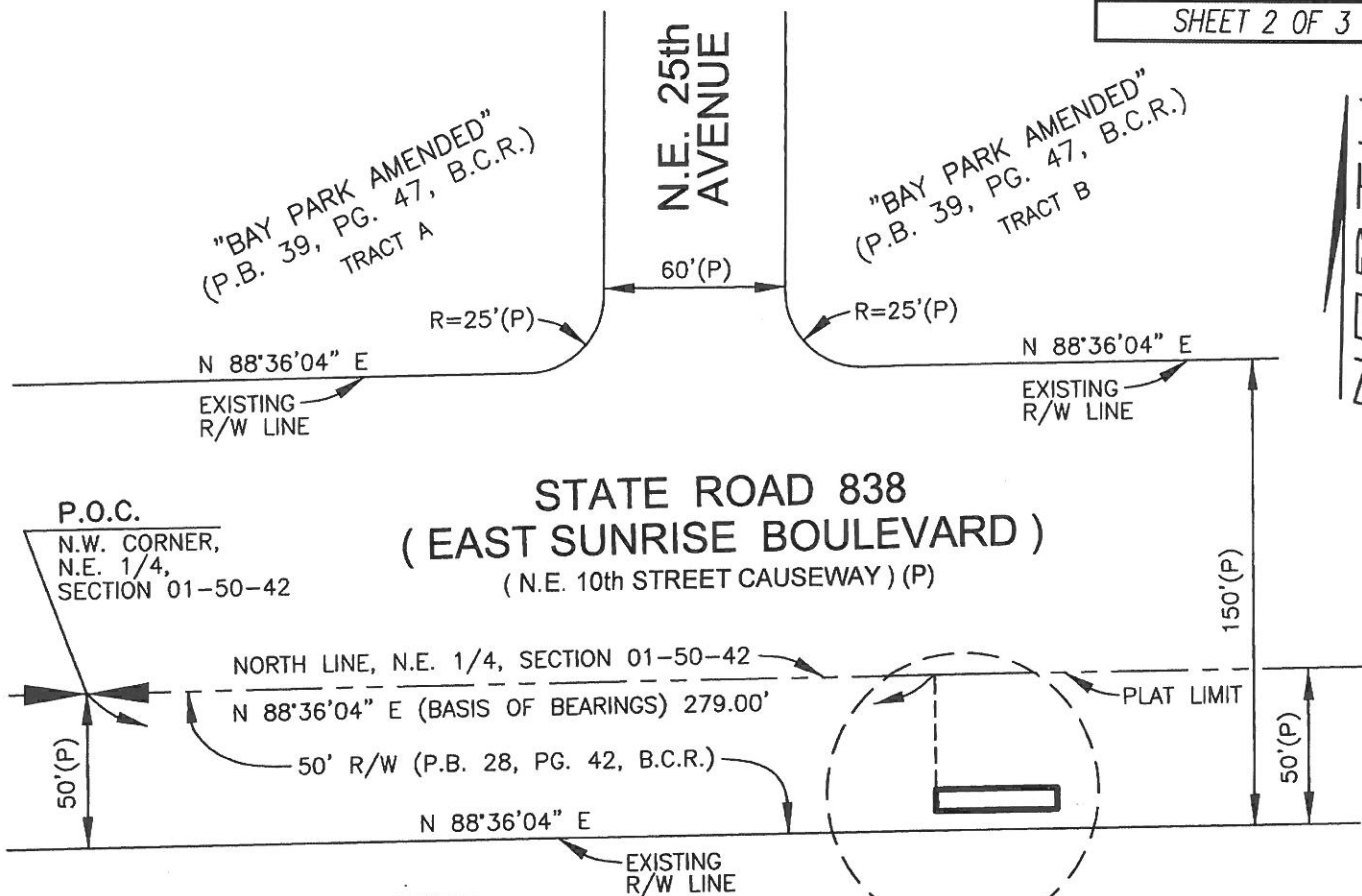
Scale:	Drawn By:	Date:	Checked By:	Date:	File Location:
Not To Scale	JSH	08-28-14	F. Guiliano	08-28-14	E:\RW\ROW\Parcel Sketches\Bike Sharing Locations\Sunrise Blvd East Near Mall\Cover Sheet & Legal Description.dwg

BROWARD COUNTY HIGHWAY CONSTRUCTION & ENGINEERING DIVISION

CAM 15-0094

EX 1

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DETAIL "A"
NOT TO SCALE

"SUNRISE"
(P.B. 28, PG. 42, B.C.R.)
SUNRISE CENTER TRACT B

3.		
2.		
1.		
DATE	REVISIONS	BY
File Location:		
E:\RW\ROW\Parcel Sketches\Bike Sharing Locations\Sunrise Blvd East Near Mall\Bike Dock Station.dwg		

Scale:	Drawn By:	Date:	Checked By:	Date:	File Location:
1" = 60'	JSH	08-28-14	F. Guiliano	08-28-14	E:\RW\ROW\Parcel Sketches\Bike Sharing Locations\Sunrise Blvd East Near Mall\Bike Dock Station.dwg

BROWARD COUNTY HIGHWAY CONSTRUCTION & ENGINEERING DIVISION

LEGAL DESCRIPTION:

A PORTION OF THE NORTHEAST ONE-QUARTER OF SECTION 01, TOWNSHIP 50 SOUTH, RANGE 42 EAST, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID NORTHEAST ONE-QUARTER OF SECTION 01; THENCE N 88°36'04" E, ALONG THE NORTH LINE OF SAID NORTHEAST ONE-QUARTER OF SECTION 01, 279.00 FEET; THENCE S 01°23'56" E, 37.21 FEET TO THE POINT OF BEGINNING; THENCE N 88°36'04" E, 40.00 FEET; THENCE S 01°23'56" E, 7.00 FEET; THENCE S 88°36'04" W, 40.00 FEET; THENCE N 01°23'56" W, 7.00 FEET TO THE POINT OF BEGINNING.

SAID LAND SITUATE, LYING, AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA AND CONTAINS 280 SQUARE FEET.

3.		
2.		
1.		
DATE	REVISIONS	BY

Scale:	Drawn By:	Date:	Checked By:	Date:	File Location:
Not To Scale	JSH	08-28-14	F. Guiliano	08-28-14	E:\RW\ROW\Parcel Sketches\Bike Sharing Locations\Sunrise Blvd East Near Mall\Cover Sheet & Legal Description.dwg

BROWARD COUNTY HIGHWAY CONSTRUCTION & ENGINEERING DIVISION

CAM 15-0094

EX 1

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