

(2) 3/17/15 (L)

CITY MANAGER

**DOCUMENT ROUTING FORM**

2015 MAR 16 PM 3:14

NAME OF DOCUMENT:

**Fourth Amendment to Permit and License Agreement**

Approved Comm. Mtg. on: 2/3/15 CAM #: 15-0094 ITEM #: CM-12

Routing Origin: ☒ CAO Also attached: ☒ copy of CAM ☒ Original Document

1) **City Attorney's Office:** Approved as to Form / # One Original Delivered to City Manager on February 18, 2015.

Robert B. Dunckel



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 Two originals to Mayor.

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

**INSTRUCTIONS TO CLERK'S OFFICE**

4) **City Clerk:** Please return original documents to Laura Comer, CAO, for recording.

☒ Original Route form to Laura Comer, CAO, Extension 5036

**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. 10<sup>th</sup> 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. 5<sup>th</sup> Street
- A-18 East Las Olas Boulevard & S.E. 10<sup>th</sup> 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:

Jeanette A. Johnson  
Jeanette A. Johnson

Witness Print Name

Miranda Scott

MIRANDA SCOTT

Witness Print Name

(CORPORATE SEAL)

By

John P. Seiler  
JOHN P. "JACK" SEILER, Mayor

By

Lee R. Feldman  
LEE R. FELDMAN, City Manager

ATTEST:

Jonda K. Joseph  
JONDA K. JOSEPH, City Clerk

Approved as to form:

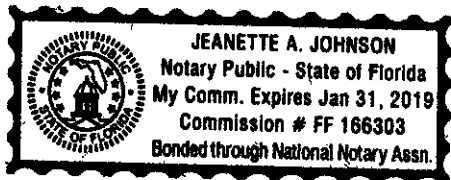
Robert B. Dunckel  
ROBERT B. DUNCKEL  
Assistant City Attorney

STATE OF FLORIDA:

COUNTY OF BROWARD:

The foregoing instrument was acknowledged before me this 17th day of March, 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)



Jeanette A. Johnson  
Notary Public, State of Florida  
(Signature of Notary taking Acknowledgment)

Jeanette A. Johnson  
Name of Notary Typed,  
Printed or Stamped

*RPD*

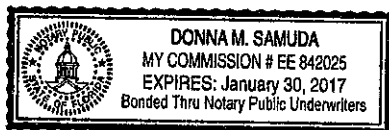
My Commission Expires: 1/31/19

Commission Number FF 166303

STATE OF FLORIDA:  
COUNTY OF BROWARD:

The foregoing instrument was acknowledged before me this 16<sup>th</sup> day of March, 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)



Donna M. Samuda  
Notary Public, State of Florida  
(Signature of Notary taking Acknowledgment)

DONNA M. SAMUDA  
Name of Notary Typed,  
Printed or Stamped

My Commission Expires: January 30, 2017  
EE 842025  
Commission Number

*ABD*

**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: [Signature]  
Bob Burns, President

[Signature]  
Lisa Smith  
[Witness print or type name]  
[Signature]  
Claire Hurley  
[Witness print or type name]

STATE OF WI:  
COUNTY OF Jefferson

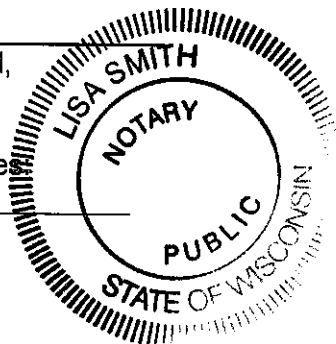
March, 2015, The foregoing instrument was acknowledged before me this 6 day of March, 2015, by **BOB BURNS**, as President of TREK BICYCLE CORPORATION, a Wisconsin corporation, Manager for B-cycle, LLC, an Delaware Limited Liability Company. They are personally known to me or have produced \_\_\_\_\_ as identification and did not take an oath.

(NOTARY SEAL)

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

Lisa Smith  
Name of Notary Typed,  
Printed or Stamped

My Commission Expires 7-6-18  
Commission Number \_\_\_\_\_



[Signature]

# COMPOSITE EXHIBIT A-18

GBD



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

SE 10<sup>th</sup> Terrace

N

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 12<sup>th</sup> Ave

SE 11<sup>th</sup> Ave

E Las Olas Blvd

The First Presbyterian Church

© 2014 Google

google earth

ABD

The Archives

East Las Olas Blvd

S

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

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

Sidewalk width is 5' 2"

8' 1"

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.

Nothing taller than  
dock/bike

Kiosk Location

SE 10<sup>th</sup> Terrace

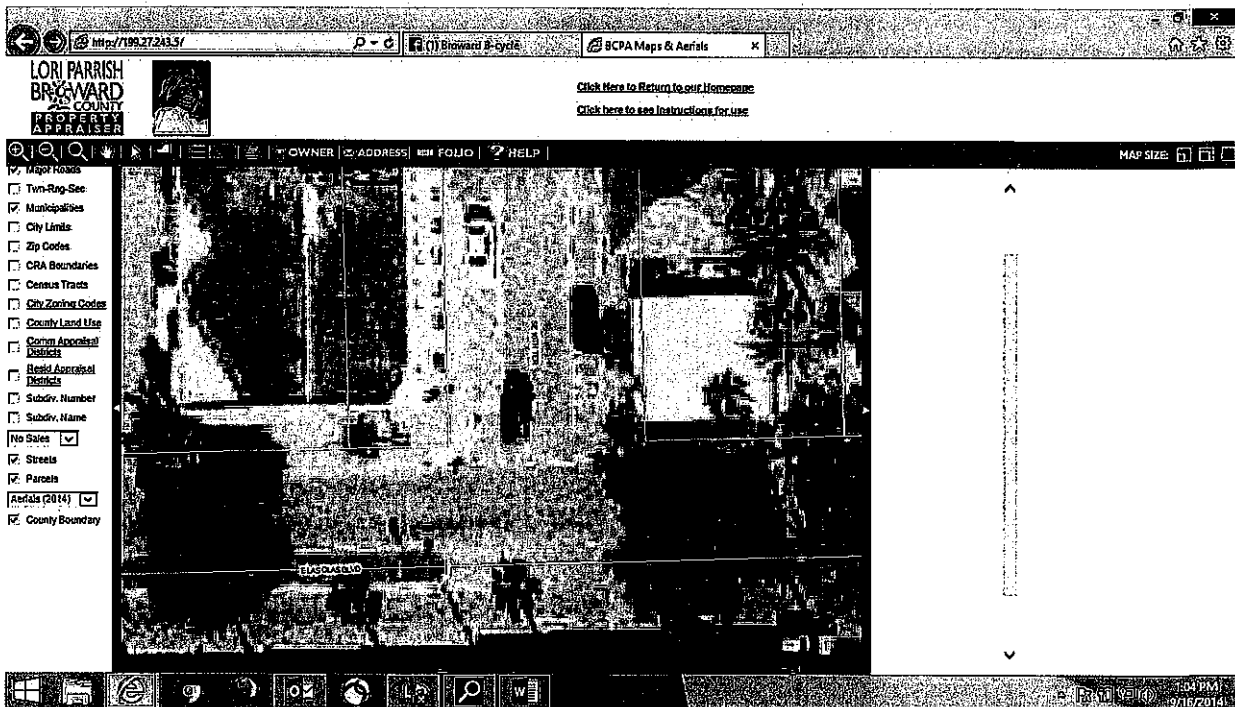
Distance from the east edge of the  
tires (the furthest point of the entire  
station) to the east side of white line  
(also the east side of bollards) is  
greater than 18" \*per Alex Scheffer

31' 1"

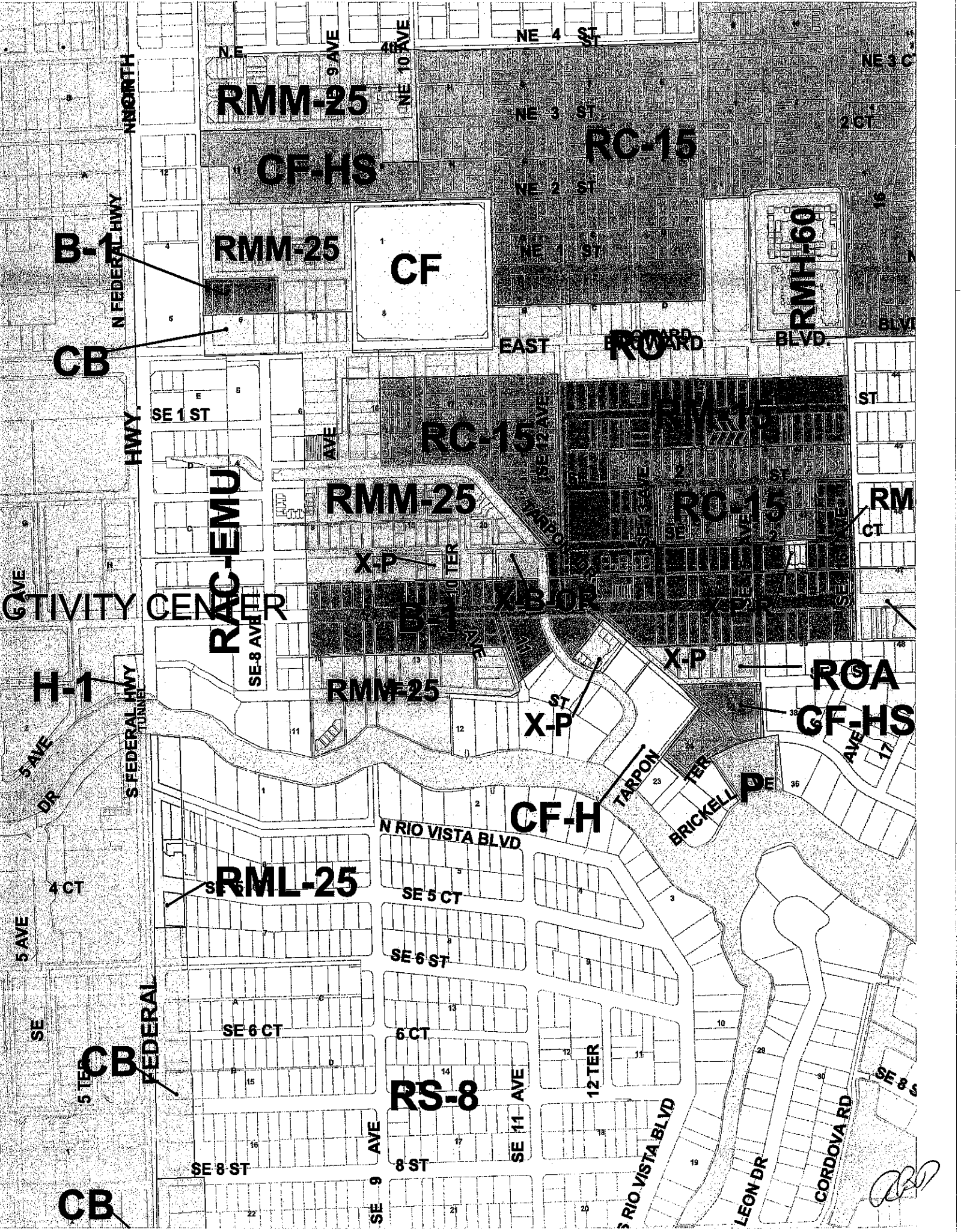
Map Location

ABD

# Las Olas & 10<sup>th</sup> Terrace Property Lines



*Handwritten signature/initials*



**RMM-25**

**CF-HS**

**RC-15**

**B-1**

**RMM-25**

**CF**

**RMH-60**

**CB**

N FEDERAL HWY

SE 1 ST

**RC-15**

**RMM-25**

**RC-15**

ACTIVITY CENTER

**RAC-EMU**

X-P

**B-1**

X-B-OR

**RMM-25**

X-P

**ROA**

**CF-HS**

**H-1**

S FEDERAL HWY TUNNEL

**CF-H**

N RIO VISTA BLVD

**RML-25**

SE 5 CT

SE 6 ST

SE 6 CT

**RS-8**

SE 8 ST

8 ST

SE 11 AVE

12 TER

S RIO VISTA BLVD

LEON DR

CORDOVA RD

*Handwritten signature*



December 29, 2014

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

Re: B-Cycle Bike Sharing Facility Permit Narrative of Program  
B-Station E Las Olas Blvd & SE 10<sup>th</sup> 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 & 10<sup>th</sup> 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

A handwritten signature in black ink, appearing to be "JST", located in the bottom right corner of the page.

# COMPOSITE EXHIBIT A-19

Q30



A1A

South Beach Lot -  
South End Parking

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

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.

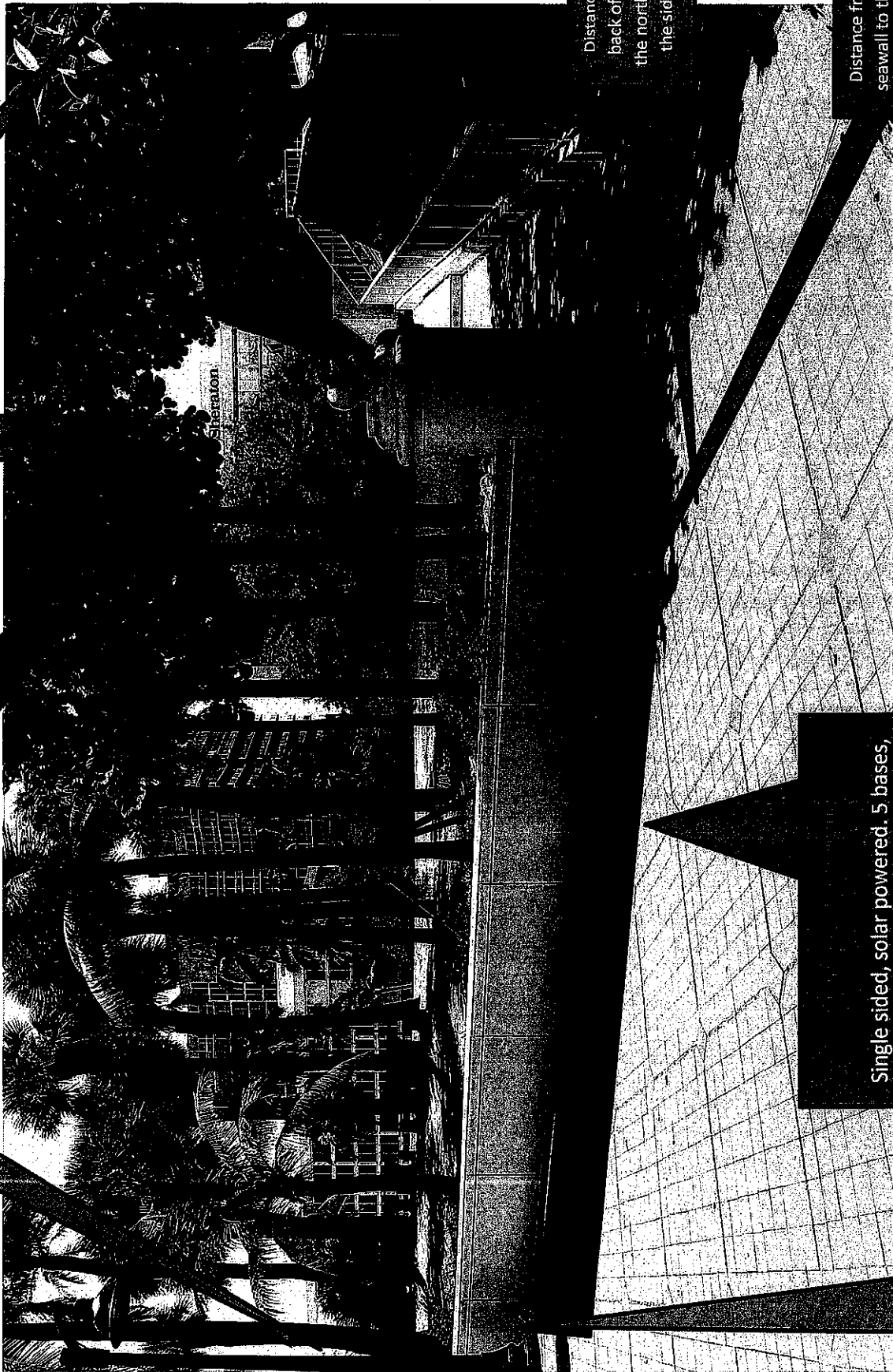
QBD



A1A

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

Atlantic Ocean



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

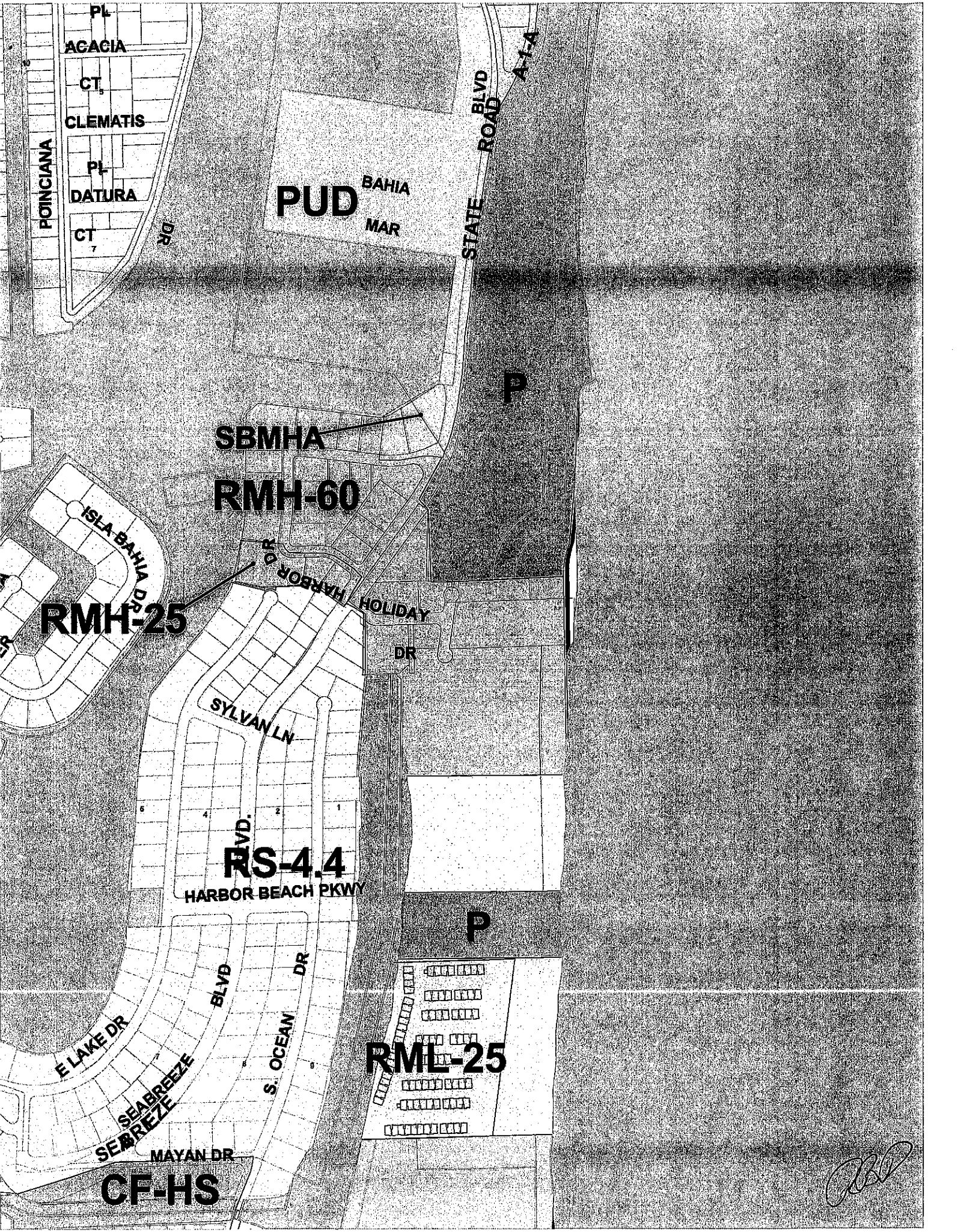
Distance from the  
seawall to the north  
side of the sidewalk is  
19' 6".

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'.

789







December 29, 2014

Mr. Randall C. Robinson, Jr. Planner II  
City of Fort Lauderdale, Planning & Zoning Department  
700 NW 19<sup>th</sup> 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

A handwritten signature in black ink, appearing to be "JST", located in the bottom right corner of the page.

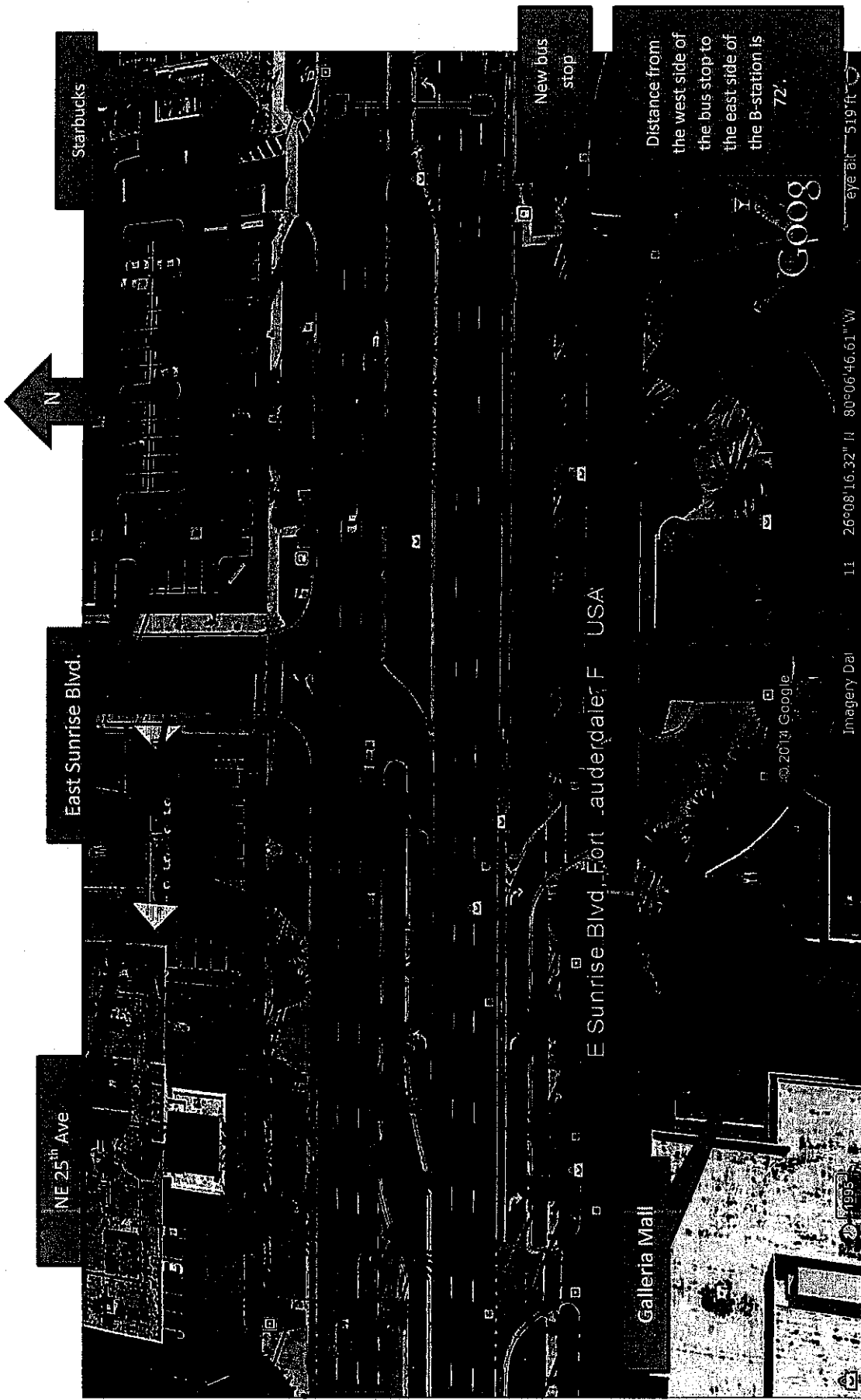
## South Beach Lot #2



QBP

# COMPOSITE EXHIBIT A-20

A small, handwritten mark or signature in the bottom right corner of the page, possibly initials or a signature.



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

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.

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

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

*Handwritten signature/initials*



October 3, 2014

Mr. Randall C. Robinson, Jr. Planner II  
City of Fort Lauderdale, Planning & Zoning Department  
700 NW 19<sup>th</sup> 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.

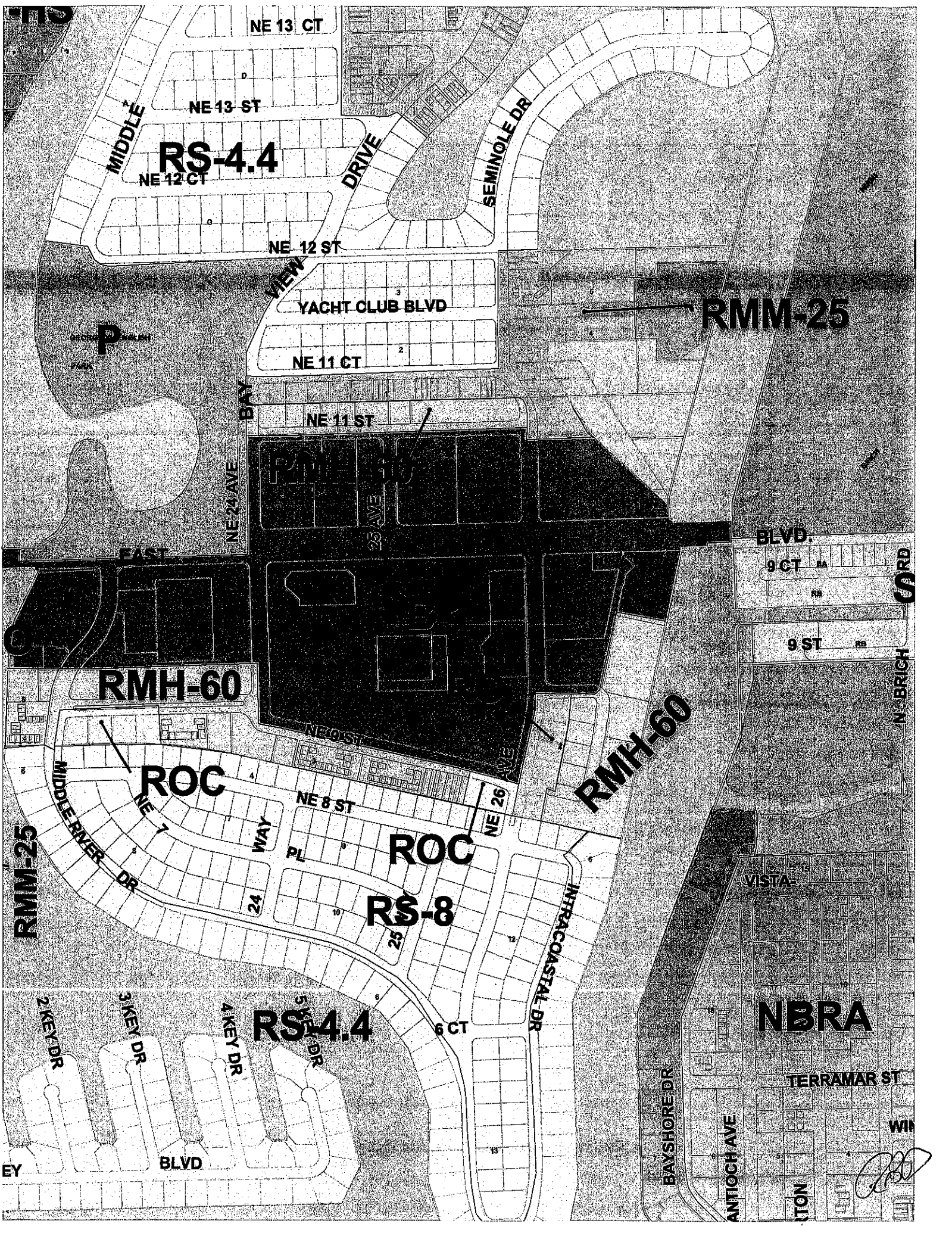
Thank you in advance for your assistance with this project and expediting the Bicycle Sharing Facility permit. If you need any further assistance or any further information regarding this narrative, please feel free to contact me.

Sincerely,

Jeffrey S. Torkelson  
Broward B-cycle

A handwritten signature in black ink, appearing to be "RBD" or similar, located in the bottom right corner of the page.





NE 13 CT

NE 13 ST

RS-4.4

NE 12 CT

DRIVE

SEMINOLE DR

NE 12 ST

YACHT CLUB BLVD

NE 11 CT

NE 11 ST

RMH-60

RMM-25

NE 24 AVE

25 AVE

BLVD

9 CT

9 ST

RMH-60

ROC

NE 8 ST

ROC

RS-8

RMH-60

NE 8 ST

PL

WAY

24

25

6 CT

NE 26

INTRACOASTAL DR

VISTA

NBRA

TERRAMAR ST

BAYSHORE DR

ANTIQCH AVE

TON

WIN

EY

BLVD

2 KEY DR

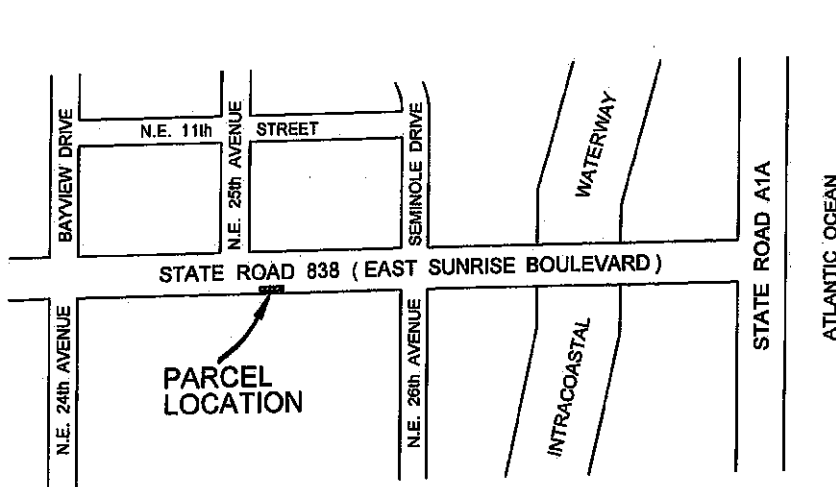
3 KEY DR

4 KEY DR

5 KEY DR

RS-4.4

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  
 PG. = 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\Site Shoring Locations\Sunrise Blvd East Near Hall\Cover Sheet & Legal Description.dwg

BROWARD COUNTY HIGHWAY CONSTRUCTION &amp; 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. Guilliono	08-28-14	E:\ROW\ROW\Parcel Sketches\Bike Sharing Locations\Sunrise Blvd East Near Mall\Cover Sheet & Legal Description.dwg