

This instrument prepared by:  
Lynn Solomon  
Assistant City Attorney  
City of Fort Lauderdale  
100 North Andrews Avenue  
Fort Lauderdale, FL 33301

**FIRST AMENDMENT TO REVOCABLE LICENSE**

THIS FIRST AMENDMENT TO REVOCABLE LICENSE ("Amendment") is entered into this 18<sup>th</sup> day of November, 2016 by and between:

**CITY OF FORT LAUDERDALE**, a Florida municipal corporation, P.O. Drawer 14250, Fort Lauderdale, FL 33302-4250, hereinafter "CITY"

and

**LOYCA Property Owner, LLC**, a Delaware limited liability company, whose principal address is 315 S. Biscayne Blvd, 4<sup>th</sup> Floor, Miami, FL 33131 its successors and assigns ("LICENSEE").

WHEREAS, CITY and LICENSEE entered into a Revocable License dated May 5, 2015 and recorded May 7, 2015 as instrument Number 112973690 of the Public Records of Broward County, Florida which permitted the temporary closure of a portion of SE 5<sup>th</sup> Avenue in order to allow for the construction of certain improvements associated with a project known as Icon Las Olas ("Agreement").

WHEREAS, Section 4.1 of the Agreement provided that Agreement is revoked if the road closure and Project Improvements are not completed by December 31, 2016 unless extended; and

WHEREAS, due to additional unforeseen utility work within the License Area, LICENSEE is requesting two (2) additional "phases" to the closure in order to finish certain underground utility work and to resurface and restore the License Area so it is suitable to for use by the public.

Amendment to Revocable License – Temporary Street Closure  
Licensee: LOYCA Property Owner, LLC

WHEREAS, due to unforeseen delays associated with utility work, the LICENSEE will not be able to complete the Project Improvements by the December 31, 2016 deadline; and

WHEREAS, CITY and LICENSEE desire to enter into this Amendment to add additional phased closures and to modify said completion deadline; and

WHEREAS, the City Commission of the City of Fort Lauderdale, by Motion, adopted on November 1, 2016, has authorized execution of this Amendment by the proper CITY officials.

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained in this Amendment 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. **Defined Terms.** All terms used herein shall have the same meaning as defined in the Agreement.

3. **Amendment.** Section 4.1 of the Agreement is modified as provided below:

4.1 The term and extent of this Revocable License shall be as follows:

**4.1.1 (No modifications)**

**4.1.2 Phase 2 Closure (Full Time Closure).** Upon the removal/relocation of the overhead utility poles adjacent to the Property, the Licensee shall provide 28 feet of clear roadway width to accommodate 10-foot wide northbound and 10-foot wide southbound travel lanes plus eight (8) feet for the existing parallel parking on the west side of Southeast 5<sup>th</sup> Avenue. Removal of the overhead utility poles adjacent to the Property shall be removed on or before January 30, 2017.

**4.1.3 Phase 3 Closure (underground utility work).** In order to complete underground utility work within SE 5<sup>th</sup> Avenue, LICENSEE is authorized to close the full width of SE 5<sup>th</sup> Avenue

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Licensee: LOYCA Property Owner, LLC

adjacent to the Property during daytime hours (8 a.m. to 4:30 p.m.) for a period of twenty one (21) days starting from the date work commences on installation of the underground utilities; provided however, the sidewalk on the west side of SE 5<sup>th</sup> Avenue shall remain open at all times. Between the hours of 4:30 p.m. and 7:59 a.m., LICENSEE shall re-open the License area and provide 28 feet of clear roadway width to accommodate 10-foot wide northbound and 10-foot wide southbound travel lanes plus eight (8) feet for the existing parallel parking on the west side of Southeast 5<sup>th</sup> Avenue. LICENSEE shall place steel road plates upon the right-of-way which has been excavated to allow vehicles to travel upon SE 5<sup>th</sup> Avenue between 4:30 p.m. and 7:59 a.m. This closure shall terminate twenty-one (21) days from the date the LICENSEE commences the underground utility work necessitating this closure. In the event the Project Improvements are not completed by said date, LICENSEE shall have the right to request an extension of this Phase for an additional fourteen (14) days upon approval of the City Manager. Said right must be exercised at least three (3) days before the expiration date of this Phase. Prior to commencement of the work, Licensee shall provide notice of this closure to the residents and businesses within the surrounding area in accordance with paragraph 6.24 of this License Agreement.

**4.1.4 Phase 4 Closure (road reconstruction and resurfacing).**

In order to complete road reconstruction and resurfacing, LICENSEE is authorized to close the full width of SE 5<sup>th</sup> Avenue adjacent to the Property during daytime hours (8 a.m. to 4:30 p.m.) for a period of fourteen (14) days starting from commencement of road reconstruction and resurfacing; provided however, the sidewalk on the west side of SE 5<sup>th</sup> Avenue shall remain open at all times. Between the hours 4:30 p.m. and 7:59 a.m., LICENSEE shall re-open the License area and provide 28 feet of clear roadway width to accommodate 10-foot wide northbound and 10-foot wide southbound travel lanes plus eight (8) feet for the existing parallel parking on the west side of Southeast 5<sup>th</sup> Avenue. If necessary, LICENSEE shall place steel road plates upon the right-of-way to allow vehicles to travel upon SE 5<sup>th</sup> Avenue between 4:30 p.m. to 7:59 a.m. This closure shall terminate fourteen (14) days from the date the LICENSEE commences the road reconstruction and resurfacing work necessitating this closure. In the event the Project Improvements are not completed by said date, LICENSEE shall have the right to request an extension of this Phase for an additional seven (7)

days upon approval of the City Manager. Said right must be exercised at least three (3) days before the expiration date of this Phase. Prior to commencement of the work, Licensee shall provide notice of this closure to the residents and businesses within the surrounding area in accordance with paragraph 6.24 of this License Agreement.

Notwithstanding the foregoing, the License Agreement shall terminate as of the date the Project Improvements are completed or August 31, 2017, whichever is earlier. LICENSEE shall have the right to request one (1) extension of this License for an additional period (not to exceed sixty (60) days) upon approval of the City Manager in his sole discretion provided LICENSEE provides an adequate explanation to support the extension.

**4. Existing Agreement.** Except as amended herein, all terms and conditions of the existing Agreement shall remain in full force and effect.

**5. Recording.** This Amendment shall be conditioned upon recordation of the Amendment in the Public Records of Broward County, Florida. LICENSEE shall record the Amendment and provide a copy of the recorded Agreement to CITY.

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Licensee: LOYCA Property Owner, LLC



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

WITNESSES:

CITY OF FORT LAUDERDALE, a  
Florida municipal corporation

Jeanette A. Johnson  
Jeanette A. Johnson  
[Witness print or type name]

Brian Robert Smith  
Brian Robert Smith  
[Witness print or type name]

By [Signature]  
John P. "Jack" Seiler Mayor

By [Signature]  
Lee R. Feldman, City Manager

ATTEST:

[Signature]  
Jeffrey A. Medarelli, City Clerk

APPROVED AS TO FORM:  
Cynthia A. Everett, City Attorney

[Signature]  
By  
Lynn Solomon, Assistant City Attorney

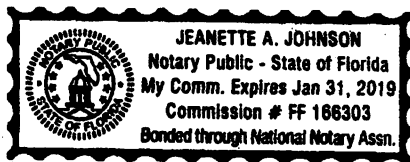
Amendment to Revocable License – Temporary Street Closure  
Licensee: LOYCA Property Owner, LLC

[Signature]

STATE OF FLORIDA:  
COUNTY OF BROWARD:

The foregoing instrument was acknowledged before me this 21st day of November, 2016, by John P. "Jack" Sellar, 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)



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

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

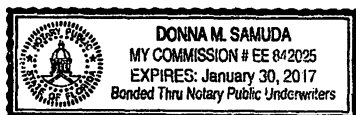
My Commission Expires: 1/31/19

Commission Number FF 166303

STATE OF FLORIDA:  
COUNTY OF BROWARD:

The foregoing instrument was acknowledged before me this 18th day of November, 2016, by Stanley D. Hawthorne, Acting City Manager for 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)



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

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Licensee: LOYCA Property Owner, LLC

*[Handwritten signature]*

**WITNESSES:**

Holly Abad  
[Witness Signature]

HOLLY ABAD  
[Witness print/type name]

Victoria Delgado  
[Witness Signature]

Victoria Delgado  
[Witness print/type name]

**LICENSEE:**

LOYCA Property Owner, LLC,  
a Delaware limited liability company

By: LOYCA Holdings, LLC,  
a Delaware limited liability company,  
its sole member

By: Las Olas Yacht Club Associates, Ltd.,  
a Florida limited partnership, its manager

By: TRG 500 East Las Olas, Inc.,  
a Florida corporation, a general  
partner

By: Patrick Campbell  
Name: PATRICK CAMPBELL  
Title: VICE PRESIDENT

STATE OF FL )  
COUNTY OF Dade ) SS

The foregoing instrument was acknowledged before me this 7 day of November, 2016, by Patrick Campbell, as Vice President of TRG 500 East Las Olas Inc., a Florida corporation, as a general partner of Las Olas Yacht Club Associates, Ltd., a Florida limited partnership as manager of LOYCA Holdings, LLC, a Delaware limited liability company, as sole member of LOYCA Property Owner, LLC, a Delaware limited liability company, freely and voluntarily on behalf of said company. He is ~~personally known to me or has produced~~ \_\_\_\_\_ as identification or is known to me personally.



Victoria Delgado  
Notary Public

Victoria Delgado  
Typed, printed or stamped name of Notary Public

My Commission Expires: 2-20-18

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Licensee: LOYCA Property Owner, LLC

SS



COMMISSION AGENDA ITEM  
DOCUMENT ROUTING FORM

f 2 ✓ 11/22/16

Today's Date: 11/17/16

DOCUMENT TITLE: First Amendment to Revocable License

COMM. MTG. DATE: 11/1/16 CAM #: 16-1295 ITEM #: CM-13 CAM attached: ☐ YES ☒ NO

Routing Origin: CAO Router Name/Ext: Shaniece Louis / Ext. 5036

CIP FUNDED: ☐ YES ☒ NO

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, or 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, or real.

2) City Attorney's Office # of originals attached: 2 Approved as to Form: ☒ YES ☐ NO

Date to CCO: 11/17/16 LS  
Initials

3) City Clerk's Office: # of originals: 2 Routed to: Gina Ri/CMO/X5013 Date: 11/18/16

4) City Manager's Office: CMO LOG #: 11/18/16 Date received from CCO: 11/18/16

Assigned to: L. FELDMAN ☐ S. HAWTHORNE ☒ C. LAGERBLOOM ☐  
L. FELDMAN as CRA Executive Director ☐

☐ APPROVED FOR LEE FELDMAN'S SIGNATURE ☐ N/A FOR L. FELDMAN TO SIGN

PER ACM: S. HAWTHORNE (Initial/Date) C. LAGERBLOOM (Initial/Date) ☐ PENDING APPROVAL (See comments below)

Comments/Questions: \_\_\_\_\_

Forward 2 originals to ☒ Mayor ☐ CCO Date: 11/18/16

5) Mayor/CRA Chairman: Please sign as indicated. Forward 2 originals to CCO for attestation/City seal (as applicable) Date: 11/21/16

**INSTRUCTIONS TO CLERK'S OFFICE**

City Clerk: Retains 0 original and forwards 2 original(s) to: Shaniece / 5036 (Name/Dept/Ext)

Attach    certified Reso #    ☐ YES ☒ NO Original Route form to CAO

11/22/16 undated Amend to RL