

This instrument prepared by:

Lynn Solomon
Assistant City Attorney
City of Fort Lauderdale
100 North Andrews Avenue
Fort Lauderdale, FL 33301

SECOND AMENDMENT TO REVOCABLE LICENSE

THIS SECOND AMENDMENT TO REVOCABLE LICENSE is entered into this 12th day of May, 2017 is by and between:

CITY OF FORT LAUDERDALE, a Florida municipal corporation,
100 North Andrews Avenue, Fort Lauderdale, FL 33301,
hereinafter, "CITY"

and

BELMAR DEVELOPMENT ASSOCIATES, LLC a Florida
Limited Liability Company, FEI/EIN #16-2456982,
whose principal address is 1645 Palm Beach Lakes Blvd.,
Suite 1200, West Palm Beach, FL 33401, its successors and assigns ("LICENSEE")

RECITALS

A. Whereas, on December 17, 2014, the City Commission authorized execution of a Revocable License in favor of LICENSEE permitting the temporary closure of the public rights-of-way located on Vistamar Street, Breakers Avenue and Belmar Street for public safety to facilitate the construction of the Paramount Condominium located at 701 N. Fort Lauderdale Beach Boulevard.

B. Whereas, on July 7, 2015, the City Commission authorized execution of a First Amendment to the Revocable License (the Revocable License and First Amendment are collectively referred to as the "Revocable License").

B. Whereas, the Revocable License was recorded January 30, 2015 in the Public Records of Broward County, Florida under Instrument # 112778681 and the First Amendment will be recorded simultaneously with the Second Amendment.

C. Whereas, the term of the Revocable License, including all administrative extensions, has expired.

D. Whereas, the City Commission finds that it is in the best interest of the public to continue the road closures to protect the public to allow the Licensee additional time to complete the Development Project (as defined in the Revocable License).

E. Whereas, the City Commission finds that extending the term of the Revocable License serves a valid municipal purpose.

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

1. The foregoing recitals are true and correct and are hereby ratified and confirmed and incorporated herein. This Second Amendment shall take effect as of April 30, 2017 ("Effective Date").

3. Paragraph 4 (a) and (b) of the Revocable License is deleted and replaced with the following:

Term. The term of the Revocable License shall be for a period of five (5) months commencing with the Effective Date, subject to sooner termination as set forth in the Revocable License, and terminating on September 20, 2017. In the event, because of forces beyond the control of LICENSEE, LICENSEE is unable to complete the Development Project within the five (5) months term hereof, LICENSEE has the right to request an extension of this Revocable License, in writing, for two (2) additional thirty (30) day periods upon approval of the City Manager. Request for extensions must be submitted at least 10 days before the expiration of the term or extension period of this Revocable License. The City Manager shall have the authority to extend the term of this Revocable License by not more than two (2) thirty (30) day periods beyond the end of the five month period.

4. In all other respects, the parties ratify and confirm the Revocable License, as amended by this Second Amendment, to the Revocable License.

5. Unless modified herein, the terms of the Revocable License remains unchanged and in full force and effect.

REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK

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

WITNESSES:

Jeannette A. Johnson
Jeannette A. Johnson

[Witness print or type name]

Diana R. Smith
Diana R. Smith

[Witness print or type name]

(CORPORATE SEAL)



CITY OF FORT LAUDERDALE

John P. "Jack" Seiler
John P. "Jack" Seiler, Mayor

Lee R. Feldman
Lee R. Feldman, City Manager

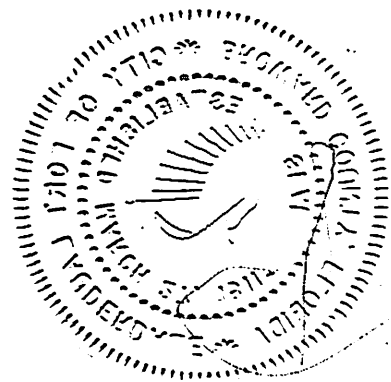
FOR

ATTEST:

Jeffrey A. Modarelli
Jeffrey A. Modarelli, City Clerk

APPROVED AS TO FORM:
Cynthia Everett, City Attorney

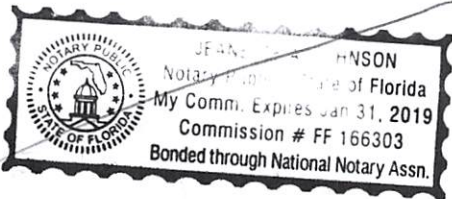
Lynn Solomon
Lynn Solomon
Assistant City Attorney



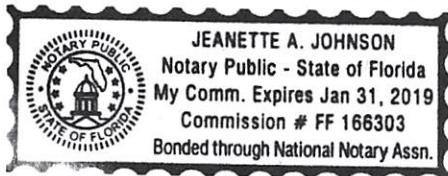
STATE OF FLORIDA:
COUNTY OF BROWARD:

The foregoing instrument was acknowledged before me this 14th day of June, 2017, by John P. "Jack" Seiler, Mayor of the City of Fort Lauderdale, and a municipal corporation of Florida. He is personally know to me and did not take an oath.

(Seal)



JAJ



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

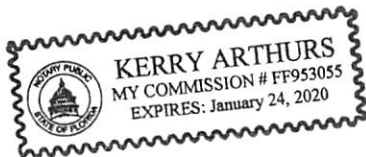
Commission Number FF 166303

STATE OF FLORIDA:
COUNTY OF BROWARD:

The foregoing instrument was acknowledged before me this June 12th, 2017, by Lee R. Feldman, City Manager of the City of Fort Lauderdale, a municipal corporation of Florida. He is personally know to me and did not take an oath.

CHRISTOPHER J. LAGERBLOOM, Acting

(Seal)

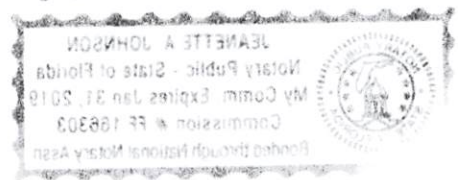
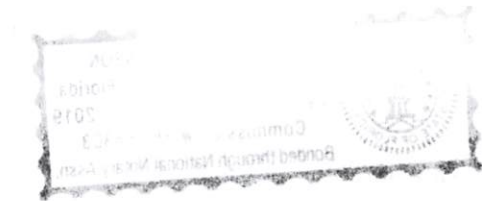


Kerry Arthurs
Notary Public, State of Florida
(Signature of Notary taking Acknowledgment)

KERRY ARTHURS
Name of Notary Typed, Printed or Stamped

My Commission Expires:

1/24/2020
Commission Number



11/16/18 10:57:18 AM - 11/16/18 10:57:18 AM



WITNESSES:

[Signature]
[Witness Signature]

CORA D. FIORI
[Witness print/type name]

[Signature]
[Witness Signature]

Taravalle
[Witness print/type name]

STATE OF Florida)
COUNTY OF Alameda) SS

The foregoing instrument was acknowledged before me this MAY 12, 2017, by Arthur Falcone, General Partner for AJF Holdings, LLC, a Florida limited liability company, which the Managing Member for AF Encore Management, LLC, a Florida limited liability company, which is the Manager for Encore Housing Opportunity Fund Investment Manager, LLC, a Florida limited liability company, which is Manager for Belmar Development Associates, LLC, a Florida limited liability company, who freely and voluntarily executed this instrument on behalf of said Florida limited liability company. He is personally known to me or has produced N/A as identification or is known to me personally.

(Seal)



Cora DiFiore
NOTARY PUBLIC
STATE OF FLORIDA
Comm# FF097137
Expires 5/7/2018

LICENSEE:

BELMAR DEVELOPMENT ASSOCIATES, LLC, a
Florida limited liability company

By: Encore Housing Opportunity Fund II
G.P. LLC, a foreign Manager for Belmar
Development Associates, LLC, a Florida limited
liability company

By: AF Encore Management, LLC, a Florida limited
liability company, Managing Member for Encore
Housing Opportunity Fund II G.P. LLC

By: AJF Investments, LLLP, a Florida limited
partnership, Managing Member for AF Encore
Management, LLC, a Florida limited liability
company

By: AJF Holdings, LLC, a Florida limited liability
company General Partner for AJF Investments,
LLLP, Florida limited partnership

By: [Signature]
Arthur Falcone, Manager for AJF Holdings, LLC,
a Florida limited liability company

[Signature]
Notary Public, State of Florida

Cora D. Fiori
Name of Notary Typed, Printed or Stamped

My Commission Expires: 5/7/2018

This instrument prepared by:

Robert B. Dunkel,
Assistant City Attorney
City of Fort Lauderdale
100 North Andrews Avenue
Fort Lauderdale, FL 33301

FIRST AMENDMENT
TO
REVOCABLE LICENSE

THIS IS THE FIRST AMENDMENT TO REVOCABLE LICENSE granted this 7th day of July, 2015 by and between:

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

and

BELMAR DEVELOPMENT ASSOCIATES, LLC, a Florida
Limited Liability Company, FEI/EIN # 46-2456982, whose
principal address is 1645 Palm Beach Lakes Blvd., Suite
1200, West Palm Beach, FL 33401 , its successors and
assigns ("LICENSEE")

WHEREAS, CITY and LICENSEE entered into a Revocable License the 6th day of January 2015 relative to a Development Project at 701 North Fort Lauderdale Beach Boulevard (State Road A-1-A) securing the closure of portion of the public right-of-way bounding the Development Site on the North, West and South; and

WHEREAS, the Revocable License dated January 6, 2015 was recorded in the Public Records of Broward County, Florida on January 30, 2015 at 10:29 AM under Instrument # 112778681; and

WHEREAS, LICENSEE now seeks permission to place two (2) temporary construction trailers within the parking area on the North side of Belmar Street adjacent to the Development Site; and

WHEREAS, this application for a First Amendment to the Revocable License was reviewed by the City's Property and Right-Of-Way Committee on May 26, 2015 under PRW Case No. 15008 and the Committee recommended that the City Commission approve the application and authorize execution of the First Amendment to the Revocable License

First Amendment to Revocable License
Licensee: BELMAR DEVELOPMENT ASSOCIATES, LLC
701 N. Atlantic Boulevard

WHEREAS, the City Commission of the City of Fort Lauderdale, by Motion, adopted July 7, 2015, has authorized execution of this First Amendment to Revocable License by the property City officials;

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained in this 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. Paragraph 2, "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.

. . .

Project Improvements means the improvements to be constructed, installed, operated, maintained, repaired and reconstructed from time to time within the License Area, including sidewalk resurfacing, signage and pavement markings, temporary mounted signs, temporary barrier fences and gates and dust screen within the License Area in conjunction with the Project. *Project Improvements* shall include the placement, installation and operation of three (3) temporary construction trailers within the parking area of License Area II. The term *Project Improvements* includes any portion thereof. Each trailer measures 30' x 10'. Of the ten (10) foot width of the temporary trailers, five (5) feet will be placed on the adjacent sidewalk, with the other five (5) feet being placed within the adjacent parking lane on the North side of Belmar Street, all within License Area II, , as more particularly illustrated in **Exhibit "A"** to this First Amendment. The temporary trailers will be removed on or before July 7, 2016.

. . .

Storage is synonymous with *Staging of Materials or Equipment* during the assembling or construction of the Project Improvements and shall mean the placement of materials or equipment within the License Area or any public right of way within two blocks of the Property in such a manner as would constitute *Staging of Materials or Equipment* if the materials or equipment were within the License Area, provided however that the placement, installation and operation of three (3) temporary construction trailers within the parking area of License Area II shall be permitted.

. . .

3. This First Amendment shall be in full force and effect upon (a) execution of the First Amendment by CITY and LICENSEE and (b) recordation of the First Amendment in the Public Records of Broward County, Florida at LICENSEE's expense.

4. In the event and to the extent that there is any conflict between the terms and conditions of the Revocable License and the terms and conditions of this First Amendment to Revocable License, then the terms and condition of this First Amendment shall supersede and prevail over any such conflicting terms in the underlying Revocable License.

5. In all other respects, the parties ratify and confirm the Revocable License date January 6, 2015.

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

WITNESSES:

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

Quadruputi Smith
Quadruputi Smith
[Witness print or type name]

(CORPORATE SEAL)



CITY OF FORT LAUDERDALE

John P. "Jack" Seiler
John P. "Jack" Seiler Mayor

Lee R. Feldman
Lee R. Feldman, City Manager

ATTEST:

Jeffrey A. Modarelli
Jeffrey A. Modarelli, City Clerk

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

Lynn Solomon
Lynn Solomon, Assistant City Attorney

First Amendment to Revocable License
Licensee: BELMAR DEVELOPMENT ASSOCIATES, LLC
701 N. Atlantic Boulevard

THE CITY OF NEW YORK
OFFICE OF THE COMPTROLLER
IN CHARGE

TO THE HONORABLE THE COMPTROLLER
IN CHARGE
OF THE CITY OF NEW YORK

FOR THE PURPOSE OF
RECEIVING THE
Said

THE CITY OF NEW YORK
OFFICE OF THE COMPTROLLER
IN CHARGE

TO THE HONORABLE THE COMPTROLLER
IN CHARGE
OF THE CITY OF NEW YORK

FOR THE PURPOSE OF
RECEIVING THE
Said

THE CITY OF NEW YORK
OFFICE OF THE COMPTROLLER
IN CHARGE

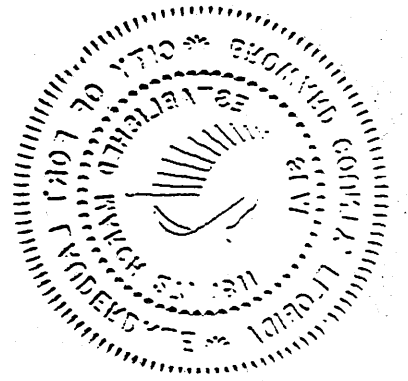
TO THE HONORABLE THE COMPTROLLER
IN CHARGE
OF THE CITY OF NEW YORK

FOR THE PURPOSE OF
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THE CITY OF NEW YORK
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IN CHARGE

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IN CHARGE
OF THE CITY OF NEW YORK

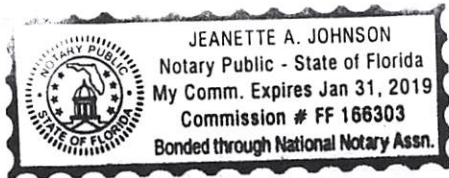
FOR THE PURPOSE OF
RECEIVING THE
Said



STATE OF FLORIDA:
COUNTY OF BROWARD:

The foregoing instrument was acknowledged before me this 14th day of June, 2017, 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)



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

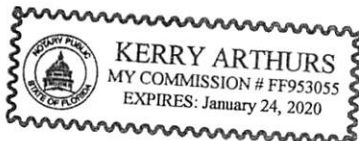
Commission Number FF 166303

STATE OF FLORIDA:
COUNTY OF BROWARD:

The foregoing instrument was acknowledged before me this June 12th, 2017, 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.

CHRISTOPHER J. LAUERBLOOM, Acting

(SEAL)



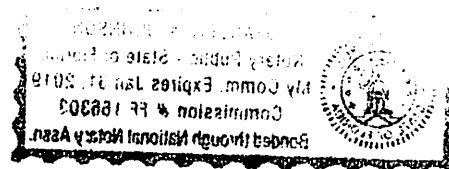
Kerry Arthurs
Notary Public, State of Florida
(Signature of Notary taking Acknowledgment)

Kerry Arthurs
Name of Notary Typed, Printed or Stamped

My Commission Expires:

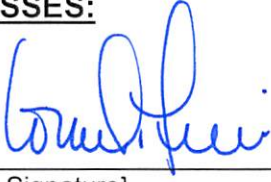
1/24/2020
Commission Number

First Amendment to Revocable License
Licensee: BELMAR DEVELOPMENT ASSOCIATES, LLC
701 N. Atlantic Boulevard



11/13/18 10:00 AM 11/13/18 10:00 AM 11/13/18 10:00 AM

WITNESSES:



[Witness Signature]

CORA D. GORI

[Witness print/type name]



[Witness Signature]

Taravalle

[Witness print/type name]

LICENSEE:

BELMAR DEVELOPMENT ASSOCIATES, LLC, a Florida limited liability company


By: Encore Housing Opportunity Fund II G.P. LLC, a foreign Manager for Belmar Development Associates, LLC, a Florida limited liability company

By: AF Encore Management, LLC, a Florida limited liability company, Managing Member for Encore Housing Opportunity Fund II G.P. LLC

By: AJF Investments, LLLP, a Florida limited partnership, Managing Member for AF Encore Management, LLC, a Florida limited liability company

By: AJF Holdings, LLC, a Florida limited liability company, General Partner for AJF Investments, LLLP, a Florida limited partnership

By:


Arthur Falcone, Manager for AJF Holdings, LLC, a Florida limited liability company

STATE OF Florida)
COUNTY OF PAUM BEACH) SS

The foregoing instrument was acknowledged before me this 12 day of MAY, 2017, by **Arthur Falcone**, General Partner for **AJF Holdings, LLC**, a Florida limited liability company, which the Managing Member for **AF Encore Management, LLC**, a Florida limited liability company, which is the is Manager for **Encore Housing Opportunity Fund Investment Manager, LLC**, a Florida limited liability company, which is Manager for **Belmar Development Associates, LLC**, a Florida limited liability company, who freely and voluntarily

First Amendment to Revocable License

Licensee: BELMAR DEVELOPMENT ASSOCIATES, LLC
701 N. Atlantic Boulevard

executed this instrument on behalf of said Florida limited liability company. He is personally known to me or has produced N/A as identification or is known to me personally.

Cora DiFiore
Notary Public

Cora DiFiore
Typed, printed or stamped name of Notary Public

My Commission Expires:

5/7/2018



Cora DiFiore
NOTARY PUBLIC
STATE OF FLORIDA
Comm# FF097137
Expires 5/7/2018



COMMISSION AGENDA ITEM
DOCUMENT ROUTING FORM

226
6/15/17

Today's Date: 6/12/2017

DOCUMENT TITLE: First Amendment to Revocable License - Belmar Development Associates, LLC and Second Amendment to Revocable License - Belmar Development Associates, LLC

COMM. MTG. DATE: 5/2/2017 CAM #: 17-0562 ITEM #: _____ 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: 6/12/2017 LS
Initials

3) City Clerk's Office: # of originals: 2 Routed to: Gina Ri/CMO/X5013 Date: 6/12/17

4) City Manager's Office: CMO LOG #: Jun-31 Date received from CCO: 6/12/17

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: 6/13/17

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

INSTRUCTIONS TO CLERK'S OFFICE

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

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

Original document has to be recorded