



CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING

#18-1097

TO: Honorable Mayor & Members
Fort Lauderdale City Commission

FROM: Lee R. Feldman, ICMA-CM, City Manager

DATE: October 9, 2018

TITLE: Motion to Approve a Consent to Assignment and Assumption of Revocable License for Outdoor Dining Area Located at 401 E. Las Olas Boulevard

Recommendation

It is recommended that the City Commission approve a Consent to Assignment and Assumption of Revocable License for outdoor dining area at 401 E. Las Olas Boulevard.

Background

On February 20, 2014, the City entered into Revocable License (Exhibit 1) with the 401 East Las Olas, LLC. and The Grille on Las Olas, LLC, owners and tenant of the Grille 401 restaurant to allow for the construction and operation of an outdoor dining area over City right-of-way.

On November 1, 2016, Commission approved the First Amendment to the Revocable License. There was a change in ownership from Grille on Las Olas, LLC to Epic 401, LLC. Presented before Commission is a new Assignment and Assumption agreement as Epic 401, LLC sold its business to Tuscan Prime, LLC. Taff GG Las Olas, LP, building owner and successor to 401 East Las Olas LLC, continues to be a Licensee under the Revocable License and as a condition to delivery of the City's written consent to the Assignment and Assumption, the current owner shall provide satisfactory evidence of the Owner's consent to the Assignment.

The Licensees will continue to be required to maintain the improvements, provide standard insurance, indemnify the City and restore the right-of-way to original conditions upon termination. The license may be revoked by the City at any time for non-compliance, for public health/safety reasons or if there is ever a conflict with a higher public purpose.

Resource Impact

There is no fiscal impact to the city associated with this item.

Strategic Connections

This item is a *Press Play Fort Lauderdale Strategic Plan 2018* initiative, included within the Public Places Cylinder of Excellence, specifically advancing:

- Goal 3: Be a community that finds opportunities and leverages partnerships to create unique, inviting, and connected gathering places that highlight our beaches, waterways, urban areas, and parks.

This item advances the *Fast Forward Fort Lauderdale 2035 Vision Plan: We Are Community*.

Attachments

Exhibit 1 – Revocable License Agreement with First Amendment

Exhibit 2 – Assignment by Assignor and Assumption by Assignee

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