

**RESOLUTION NO. 54-11-16**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A SECOND AMENDMENT TO THE AGREEMENT WITH FREEDOM ADVENTURES, LLC D/B/A FREEDOM BOAT CLUB; PROVIDING FOR THE TO LEASEING OF ADDITIONAL SLIPS AT THE LAKE PARK HARBOR MARINA; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Town has all of the powers and authority conferred upon it pursuant to the Florida constitution and Chapter 166, Florida Statutes; and

**WHEREAS**, pursuant to its proprietary functions and authority, the Town owns and operates a marina known as the Lake Park Harbor Marina (the Marina) which leases slips to the operators of both recreational and commercial vessels; and

**WHEREAS**, Freedom Boat Club (FBC) has acquired the right to own and operate an exclusive Palm Beach County FBC franchise and would like to base its franchise at the Lake Park Harbor Marina; and

**WHEREAS**, FBC has negotiated an agreement with the Town whereby it would lease 10 slips to accommodate vessels it owns and leases to its members; and

**WHEREAS**, FBC has requested an amendment to its agreement with the Town to lease 2 additional slips for a total of 12 slips, and a 12 month option to lease 2 more additional slips for a total of 14 slips, based on availability.

**WHEREAS**, the Town Manager and Marina Director have recommended to the Town Commission that entering into the Second Amendment to the Agreement with FBC is in the best interests of the Marina.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA:**

**Section 1.** The foregoing recitals are incorporated herein.

**Section 2.** The Mayor is hereby authorized and directed to execute the Agreement with FBC which is attached hereto and incorporated herein as **Exhibit "A"**.

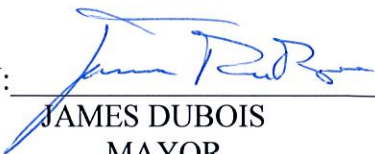
**Section 3.** This Resolution shall be effective upon adoption.

The foregoing Resolution was offered by Commissioner Flaherty who moved its adoption. The motion was seconded by Commissioner Lynch and upon being put to a roll call vote, the vote was as follows:

	AYE	NAY
MAYOR JAMES DUBOIS	<u>  /  </u>	<u>  —  </u>
VICE-MAYOR KIMBERLY GLAS-CASTRO	<u>  /  </u>	<u>  —  </u>
COMMISSIONER ERIN FLAHERTY	<u>  /  </u>	<u>  —  </u>
COMMISSIONER ANNE LYNCH	<u>  /  </u>	<u>  —  </u>
COMMISSIONER MICHAEL O'ROURKE	<u>  Absent  </u>	<u>  —  </u>

The Town Commission thereupon declared the foregoing Resolution NO. 54-11-16 duly passed and adopted this 16 day of November 2016.

TOWN OF LAKE PARK, FLORIDA

BY:   
JAMES DUBOIS  
MAYOR


ATTEST:

  
VIVIAN MENDEZ  
TOWN CLERK



FLORIDA

Approved as to form and legal sufficiency:

BY:   
THOMAS J. BAIRD  
TOWN ATTORNEY

**SECOND AMENDMENT TO THE DOCKAGE AGREEMENT TO LEASE SLIPS TO  
FREEDOM ADVENTURES, LLC (dba Freedom Boat Club)  
at LAKE PARK HARBOR MARINA**

This Second Amendment to the Dockage Agreement to Lease Slips to Freedom Adventures, LLC, aka Freedom Boat Club (FBC) and the Town of Lake Park (the Agreement) is made this 16<sup>th</sup> day of November, 2016.

**WHEREAS**, the Town has all of the powers and authority conferred upon it pursuant to the Florida constitution and Chapter 166, Florida Statutes; and

**WHEREAS**, pursuant to its proprietary functions and authority, the Town owns and operates a marina known as the Lake Park Harbor Marina (the Marina) which leases slips to the operators of both recreational and commercial vessels; and

**WHEREAS**, FBC has acquired the right to own and operate an exclusive Palm Beach County FBC franchise and would like to base its franchise at the Lake Park Harbor Marina; and

**WHEREAS**, the Town and FBC have previously entered into a Dockage Agreement whereby FBC leases slips at the Marina; and

**WHEREAS**, FBC has requested that it be permitted to lease additional slips at the Marina; and

**WHEREAS**, the Marina Director is recommending an increase in the rent of the slips and a penalty provision in the event that the rent is not timely paid.

**NOW THEREFORE THE PARTIES HAVE AGREED TO AMEND THE AGREEMENT AS FOLLOWS:**

3. **PROPERTY SUBJECT TO LEASE.**

The property to be leased by the Town to FBC is located within the Marina as shown on Exhibit "A" attached hereto and incorporated herein. As shown in Exhibit "A", FBC is permitted to lease additional slips G98 and G99, for a total of 12 slips. In addition, the Town agrees to provide FBC an option to lease slips G100 and G101, based upon the Marina Director's determination of their availability and for a period of time to be determined by the Marina Director in his sole discretion.

6. **RENT.**

a. FBC shall pay a monthly slip rental fee of \$17.50 per foot of dock space. Payment shall be due by the 10<sup>th</sup> day of each month. If payment is not received on or

before the 10<sup>th</sup> day of each month, the Marina Director may assess a penalty of 5% of the monthly rent.

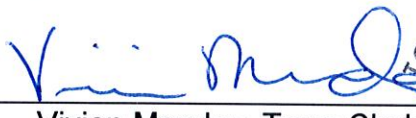
b. FBC shall pay all fuel charges on a weekly basis. Payment for the prior week shall be due on the following Monday no later than 5 pm.

c. FBC shall reimburse the Town for the cost of electricity provided to all rented slips at the established rate of .11 cents per kilowatt or at the prevailing rate during the term of this Agreement.

d. Water service shall be provided through the Town at a cost of \$60.00 per month for all rented slips

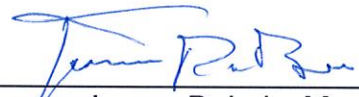
**IN WITNESS WHEREOF**, the parties hereto have made and executed this Agreement as of the day and year last executed below.

**ATTEST:**

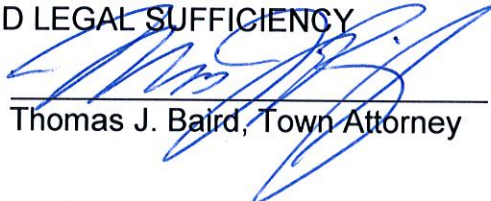
By:   
Vivian Mendez, Town Clerk




**TOWN OF LAKE PARK**

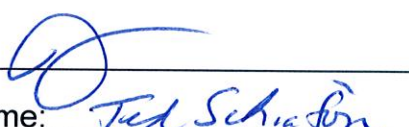
By:   
James Dubois, Mayor  
Date: November 16, 2016

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

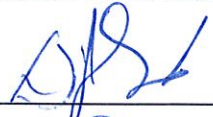
By:   
Thomas J. Baird, Town Attorney

WITNESSES:

  
Print Name: John Payne

  
Print Name: Ted Schaefer

FREEDOM ADVENTURES, LLC  
(dba Freedom Boat Club)

By:   
Print Name: Daniel J. Lund  
Title: Manager