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RESOLUTION NO. R-2017-061

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OAKLAND PARK, FLORIDA, APPROVING AND AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE THE SECOND AMENDMENT TO THE PARKING WAIVER AGREEMENT WITH AKB REALTY, LLC; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission deems it to be in the best interests of the City to approve and authorize the appropriate city officials to execute the Second Amendment to the Parking Waiver Agreement with AKB Realty, LLC.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF OAKLAND PARK, FLORIDA THAT:

SECTION 1. The foregoing "WHEREAS" clauses are true and correct and hereby ratified and confirmed by the City Commission. All exhibits attached hereto are hereby incorporated herein.

SECTION 2. In accepting the recommendation of City staff, the City Commission of the City of Oakland Park, Florida, hereby approves and authorizes the proper City officials to execute the Second Amendment to the Parking Waiver Agreement with AKB Realty, LLC.

SECTION 3. All Resolutions or parts of Resolutions in conflict herewith, be and the same are repealed to the extent of such conflict.

SECTION 4. If any clause, section or other part of this Resolution shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered eliminated and will in no way affect the validity of the other provisions of this Resolution.

SECTION 5. This Resolution shall become effective immediately upon its passage and adoption.

ADOPTED by the City Commission of the City of Oakland Park, Florida this 7th, day of June, 2017.

CITY OF OAKLAND PARK, FLORIDA

MAYOR JOHN ADORNATO III

J. ADORNATO

NO

S. GUEVREKIAN

YES

M. SPARKS

YES

M. CARN

YES

T. LONERGAN

YES

ATTEST:

Kevin Short

RENEE M. SHROUT, CMC
CITY CLERK

SECOND AMENDMENT TO PARKING WAIVER AGREEMENT

WHEREAS, the City of Oakland Park, a Florida municipal corporation (the "City") and **AKB Realty, LLC**, a Florida limited liability company (the "AKB") entered into that certain Parking Waiver Agreement (the "Agreement") dated November 17th, 2014; and

WHEREAS, the City and AKB Realty entered into a First Amendment to the Agreement on September 21, 2016; and

WHEREAS, AKB Realty is proposing a new use for Suite A resulting in a net parking requirement decrease from the original proposed use; and

WHEREAS, the City and AKB Realty desire to enter into a Second Amendment to the Parking Waiver Agreement.

NOW THEREFORE, in consideration of the mutual covenants, the City and AKB do agree to enter into this First Amendment to provide that:

1. The aforementioned Whereas clauses are hereby ratified and confirmed.
2. Any language in the Parking Waiver Agreement, its exhibit(s) or the First Amendment thereto limiting the use of Suite "A" to "Office" and "Restaurant", be hereby amended to allow for Suite "A" to be operated as an "Athletic Facility".
3. In the event of any inconsistencies between this First Amendment and the Agreement, the provisions contained in this First Amendment shall prevail. In all other respects, the terms and provisions of the Agreement are ratified and confirmed.

CITY:
CITY OF OAKLAND PARK, FLORIDA

By: David Hebert

Title: City Manager

Date: _____

Property Owner:
AKB REALTY, LLC

By: _____

Title: _____

Date: 8/7/17

R.2017-061