

RESOLUTION R-13-081

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING A LICENSE AGREEMENT WITH THE BRADEN RIVER LITTLE LEAGUE, INC AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Florida Statutes § 125.38 provides that a county may lease or convey real and personal property owned by the county to the United States or any department or agency thereof, the State or any political subdivision or agency thereof, or any municipality of the State, or corporation or other organization not-for-profit which may be organized for the purpose of promoting community interest and welfare, at such price, whether nominal or otherwise, as the Board may fix; and

WHEREAS, the County owns and operates Braden River Park; and

WHEREAS, § 2-24-3(l)(c) of the Manatee County Code prohibits the construction or erection of any structure in any County park property without prior authorization; and

WHEREAS, § 2-24-11 of the Manatee County Code prohibits providing concession services of any sort without obtaining a franchise license, on any County park property without prior authorization; and

WHEREAS, Braden River Little League, a not-for-profit corporation (hereinafter "League"), has applied to the County for a franchise license of a portion of the Braden River Little League, and desires to continue to operate a combination building, which includes a refreshment/concession, clubhouse and storage facilities; and

WHEREAS, the Board is satisfied that the operation of a concessions building within the Park will promote the community's interests and welfare, and that the real property referred to in this Resolution is required for the uses cited above, and is not needed for other County purposes.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA THAT:

1. A License to the League for a portion of the County's Braden River Park, substantially in the form attached hereto and herein referred to as the "License" is hereby authorized.
2. The License shall be for a term of five (5) years with both parties having the option to extend the term on the same terms as the license for four (4) periods of five (5) years with rent in the amount of Ten Dollars (\$10.00) per year.
3. The Chairman of the Board of County Commissioners is hereby authorized to execute the License. The County Administrator or designee is authorized to take such actions as may be required to implement the terms and conditions of the License.

BE IT FURTHER RESOLVED that this Resolution shall become effective immediately upon adoption.

ADOPTED, with a quorum present and voting this 21st day of May, 2013.

BOARD OF COUNTY COMMISSIONERS OF
MANATEE COUNTY, FLORIDA

By: Larry Bustle
Board of County Commissioners, Chairman



ATTEST: R.B. "CHIPS" SHORE

By: Vicki Jensen DC
Clerk of the Circuit Court

**LICENSE AGREEMENT
TEMPORARY OFFICE/STORAGE BUILDING
BRADEN RIVER LITTLE LEAGUE, INC.**

This is a license granted by MANATEE COUNTY, a political subdivision of the State of Florida (hereinafter "County"), whose mailing address is Post Office Box 1000, Bradenton, Florida 34206, to BRADEN RIVER LITTLE LEAGUE, INC., (hereinafter "Licensee"), a Florida not-for-profit corporation whose mailing address is P.O. BOX 20845, BRADENTON, FLORIDA 34204.

1. Grant of License: County hereby grants unto Licensee the right to use County-owned real property within BRADEN RIVER PARK located in the vicinity of the OLD DECKING AREA AND CONCESSION BUILDING DESTROYED BY FIRE WHICH WAS REMOVED AND DEMOLISHED BY THE COUNTY AND, at such specific location and pursuant to the final plans, including color and materials, as approved by the Manatee County Parks and Recreation Department Director. The property shall consist of APPROXIMATELY A 2,000 SQUARE FOOT SITE for the location of a 1,602 SQUARE FOOT TEMPORARY MODULAR BUILDING, along with a right of access to the licensed property (hereinafter the "Property"). THE BUILDING WILL BE PLACED ON THE SITE BY SOUTHERN BUILDING SOLUTIONS, INC.

2. Use: The property shall be used solely for OFFICE/STORAGE/SPACE required for Licensee athletic activities at BRADEN RIVER PARK and for no other purpose.

3. Term: This license shall be for a period of one (1) year, and may continue on thereafter provided that County may terminate the license at any time with at least thirty (30) days written notice in advance of the date of termination.

4. Liability and Risk of Loss: Licensee shall be solely responsible for any risk of loss to Licensee's facility and personal property stored thereon. Licensee shall indemnify, keep, and save harmless the County, its agents, officials, and employees against all claims, suits, actions, or proceedings arising from injuries, deaths, losses, or damages, and all costs and expenses which may accrue or be asserted against County arising out of Licensee's activities and use of County's Property pursuant to this license, including reasonable attorney's fees.

5. Licensee's Duties: Licensee shall be solely responsible for all costs and expenses associated with the construction or installation of Licensee's facility and maintenance of the facility, and shall obtain all permits and comply with all applicable laws, rules, regulations, codes, and ordinances related thereto, including but not limited to any site plan approvals and building permits. Licensee shall be solely responsible for any and all utility services furnished to the Property, including installation costs and the cost of any service and any deposits and use charges as they become due.

6. Termination: Licensee may terminate this license agreement at any time by providing notice to County. Upon termination by Licensee or as otherwise provided for herein, Licensee shall remove all improvements from the Property and restore the Property to the

IN WITNESS WHEREOF, the parties have caused this license agreement to be executed the day and year indicated below.

WITNESSES

Janet Riva
[Signature]

COUNTY

By: Cindy Turner
Print Name: CINDY TURNER
Title: DIRECTOR
Date: 6/25/07

WITNESSES

Janet Riva
Beth Van Vranken

By: Beth Van Vranken
Print Name: Beth Van Vranken
Title: President, BRLL
Date: 6/25/07