

RESOLUTION NO. 2023-086

A RESOLUTION OF THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A FIRST AMENDMENT TO THE FAÇADE LICENSE AGREEMENT WITH SUNBEAM PROPERTIES INC. TO ALLOW THE VILLAGE TO INSTALL LIGHTING FOR THE HEART OF THE BAY MURAL ON THE GROVE BY THE BAY BUILDING LOCATED AT 1400 79TH STREET CAUSEWAY; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 30, 2022, the North Bay Village (the “Village”) Commission adopted Resolution 2022-068 authorizing the Village Manager to negotiate and execute a façade license agreement (the “License Agreement”) with Sunbeam Properties Inc. (“Owner”) to have a mural installed on the west-facing exterior wall of the Grove by the Bay building located at 1400 79th Street Causeway, North Bay Village, Florida (the “Building”); and

WHEREAS, on September 12, 2022, the Village and Owner entered into the License Agreement and the Village subsequently installed the “Heart of the Bay” mural at the Building (the “Mural”); and

WHEREAS, the Village desires to make the Mural visible at night by providing lighting for the Mural; and

WHEREAS, the Village and Owner have agreed to enter into a first amendment to the License Agreement, in substantially the form attached hereto as Exhibit “A”, to allow the Village to uplight the Mural (the “First Amendment”); and

WHEREAS, the Village Commission desires to approve the First Amendment and authorize the Village Manager to execute the First Amendment with the Owner in substantially the form attached hereto as Exhibit “A”; and

WHEREAS, the Village Commission finds that this Resolution is in the best interest and welfare of the residents of the Village.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AS FOLLOWS:

Section 1. Recitals. That each of the above-stated recitals are hereby adopted, confirmed, and incorporated herein.

Section 2. Approval. That the Village Commission hereby approves the First Amendment.

Section 3. Authorization. That the Village Commission hereby authorizes the Village Manager to execute the First Amendment with Owner, in substantially the form attached hereto as Exhibit "A," subject to the approval of the Village Attorney as to form, content, and legal sufficiency.

Section 4. Implementation. That the Village Manager is hereby authorized to take such action as may be necessary to implement the purpose and provisions of this Resolution and the First Amendment.

Section 5. Effective Date. That this Resolution shall be effective immediately upon adoption.

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

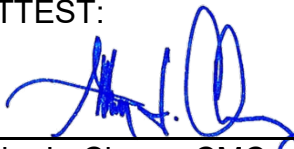
Mayor Brent Latham	<u>No</u>
Vice Mayor Richard Chervony	<u>Yes</u>
Commissioner Goran Cuk	<u>Yes</u>
Commissioner Andy Rotondaro	<u>Yes</u>
Commissioner Rachel Streitfeld	<u>Yes</u>

PASSED AND ADOPTED on this 13th day of June, 2023.



Brent Latham, Mayor


ATTEST:



Alba L. Chang, CMC
Village Clerk



APPROVED AS TO FORM AND LEGAL SUFFICIENCY:



Weiss Serota Helfman Cole & Bierman, PL
Village Attorney



Budget Amendment Form

Department General Government	Date 6/13/2023
Fund(s) to be changed: General Fund	

GL Account	GL Line Item	Transfer to:	Transfer from:
001.00.329.3294	Community Contribution Fees	\$ -	\$ 15,000.00
001.19.519.4602	Repair & Replacement of Equipment & Buildings	\$ 15,000.00	\$ -
TOTAL (Columns must be equal)		\$ 15,000.00	\$ 15,000.00

Description:

Allocate \$15,000 of the Sunbeam Community Contribution Fees to the Mural Uplighting