

1 RESOLUTION NO. 2017-

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3 A RESOLUTION OF THE BOARD OF COUNTY
4 COMMISSIONERS OF BROWARD COUNTY, FLORIDA,
5 CONSENTING TO THE ASSIGNMENT OF A
6 NONEXCLUSIVE CARGO HANDLER SERVICES
7 FRANCHISE FROM COLEARY TRANSPORT COMPANY,
8 INC., TO LOGISTEC EVERGLADES LLC TO PROVIDE
9 CARGO HANDLER SERVICES AT PORT EVERGLADES;
10 AND PROVIDING FOR NONDISCRIMINATION,
11 COMPLIANCE WITH APPLICABLE LAW, SEVERABILITY,
12 AND AN EFFECTIVE DATE.

13 WHEREAS, the Broward County Board of County Commissioners (the "Board")
14 adopted Resolution No. 94-1302 creating Chapter 32 of the Broward County
15 Administrative Code, effective November 22, 1994, to provide for the regulation of
16 businesses requiring franchises to conduct operations at Port Everglades; and

17 WHEREAS, Coleary Transport Company, Inc. (Assignor), has submitted an
18 application for the assignment of its nonexclusive cargo handler services franchise to
19 Logistec Everglades LLC (Assignee), and the Board has relied on the representations
20 made by Assignee, and reviewed the application in light of the requirements of Chapter 32
21 of the Broward County Administrative Code; and

22 WHEREAS, the public hearing required for this franchise was conducted on
23 August 22, 2017; and

24 WHEREAS, based on representations of the Assignor and the Assignee and
information presented by County staff and the public, the Board does hereby find,
determine, and declare the assignment of the nonexclusive franchise to be in the public
interest, NOW, THEREFORE,

1 BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF
2 BROWARD COUNTY, FLORIDA:

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4 Section 1. The foregoing "WHEREAS" clauses are true and correct and hereby
5 ratified by the Board of County Commissioners.

6 Section 2. ASSIGNMENT OF FRANCHISE FROM COLEARY TRANSPORT
7 COMPANY, INC., TO LOGISTEC EVERGLADES LLC.

8 The Broward County Board of County Commissioners hereby consents to the
9 assignment of a nonexclusive cargo handler services franchise from Coleary Transport
10 Company, Inc., to Logistec Everglades LLC.

11 Section 3. TERM OF ASSIGNED FRANCHISE.

12 The term of the assigned nonexclusive cargo handler services franchise shall
13 commence on the date this franchise assignment is approved by the Board, and expire
14 on February 25, 2024, unless sooner terminated in accordance with the provisions of the
15 franchise, including Section 32.29 of the Broward County Administrative Code.

16 Section 4. NONDISCRIMINATION/APPLICABLE LAW.

17 By accepting this nonexclusive franchise, Assignee agrees that the effectiveness
18 is subject to strict compliance with Broward County Human Rights Act (Chapter 16-½,
19 Broward County Code of Ordinances), and all rules, regulations, and ordinances,
20 including the Broward County Administrative Code and Code of Ordinances, now or
21 hereafter promulgated by Broward County pertaining to the conduct of the business
22 operated pursuant to this franchise, and is also subject to the terms and provisions of all
23 federal and state laws, as amended from time to time, affecting the conduct of the
24 business for which Assignee is hereby franchised. The imposition and enforcement of

1 such laws to which this franchise shall be subject shall operate uniformly with respect to
2 all persons, firms, or corporations holding similar franchises within Port Everglades.

3 Section 5. SEVERABILITY.

4 If any portion of this Resolution is determined by any Court to be invalid, the invalid
5 portion shall be stricken, and such striking shall not affect the validity of the remainder of
6 this Resolution. If any Court determines that this Resolution, or any portion hereof, cannot
7 be legally applied to any individual(s), group(s), entity(ies), property(ies), or
8 circumstance(s), such determination shall not affect the applicability hereof to any other
9 individual, group, entity, property, or circumstance.

10 Section 6. EFFECTIVE DATE.

11 This Resolution shall become effective upon adoption.

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14 ADOPTED this _____ day of _____, 2017.

15 Approved as to form and legal sufficiency:
16 Joni Armstrong Coffey, County Attorney

17 By: Russell J. Morrison 5/23/17
18 Russell J. Morrison (Date)
19 Senior Assistant County Attorney

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