



Agenda Item # C - 5

**Village of Royal Palm Beach
Village Council
Agenda Item Summary**

Agenda Item:

APPROVAL OF A SEASONAL VENDOR PERMIT APPLICATION BY PUBLIX AT CRESTWOOD SQUARE TO SELL CHRISTMAS TREES FROM NOVEMBER 29TH THROUGH DECEMBER 24TH, 2009, BETWEEN 7:00 AM AND 11:00 PM AT 11977 SOUTHERN BOULEVARD; BY AGENT DAVID AMAZZO.

Issue:

The applicant is requesting to sell Christmas trees from November 29th through December 24th, 2009, at the northeast corner of Crestwood Boulevard and Southern Boulevard, on the sidewalk in front of the Publix at Crestwood Square. The sale will run from 7 a.m. until 11 p.m., seven (7) days a week.

Recommended Action:

Approval of Seasonal Vendor Permit, subject to the attached conditions (Exhibit A).

Initiator:	Village Manager Approval	Agenda Date	Village Council Action
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Senior Planner	11-19-09
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EXHIBIT A

1. The event may only occur between November 29th through December 24, 2009, from 7:00 am until 11:00 pm.
2. Merchandise shall be displayed in such a manner that the sidewalk is not blocked for pedestrian use and no exit doors from the building are blocked.
3. Any tents used shall be flame resistant.
4. An occupational license is required and permits must be obtained for all temporary electrical services, generators or temporary power poles and must be inspected prior to commencement of sales.
5. All electrical circuits shall be GFI protected.
6. Only one sign is permitted, and no banners or balloons may be displayed. Signage shall be set back at least 10 feet from the property line and shall not interfere with sight lines along public roadways and shall conform to the requirements of Sec. 20-73 of the Village Code of Ordinances.
7. A clearly defined paved parking area must be provided.
8. The applicant shall provide for portable restroom facilities including at least one handicapped accessible facility if public facilities are not within 500' of accessibility.
9. Adequate trash receptacles shall be provided for tree trimming and other debris, which may accumulate on site.
10. Limitations. Permits for temporary seasonal vendors are limited as follows:
 - a. Sale must be located on a surfaced area as defined in subsection (b)(1) b. hereinabove with sufficient parking for the proposed sale;
 - b. Ingress and egress must be by means of an approved existing roadway;
 - c. No more than seasonal vendor's permits may be issued per location per year;
 - d. Permits are allowed for seasonal retail sales only as defined in subsection (b)(1) a. hereinabove; no wholesale sales are allowed by this type of permit;
 - e. Applicant must pay for additional police officers to patrol area, if deemed necessary by the village council;
 - f. Any temporary services needed will be paid for by the applicant;
 - g. Sale shall be limited to thirty (30) days' maximum for Christmas tree sales and fourteen (14) days for all other sales;
 - h. Sale shall be located on private property zoned for retail sales. No sale shall be permitted on road right-of-ways.

11. If trailer is to be used on site for security purpose, the applicant shall obtain temporary trailer permit from the Village Building Department. This trailer may not be used for overnight sleeping purposes.

A FULLY COMPLETED APPLICATION MUST BE SUBMITTED TO THE VILLAGE CLERK 30 DAYS IN ADVANCE OF THE EVENT. FAILURE TO SUBMIT A COMPLETE APPLICATION MAY RESULT IN REJECTION OF THE APPLICATION.

RECEIVED BY:
Village of Royal Palm Beach

OCT 16 2009

VILLAGE OF ROYAL PALM BEACH
SEASONAL VENDOR PERMIT APPLICATION

DATE: 10-16-09
I/We Publix Supermarket Inc. #620
(Name of applicant)
of 11977 Southern Blvd. Royal Palm Beach, FL 33411
(Mailing address)
Name and phone number of contact person David Amazzo or Manau Patel
792-2100
on behalf of Publix Supermarket #620
(Name of person, corporation, organization, etc.)

hereby request a Seasonal Vendor Permit from the Village of Royal Palm Beach in order to:

Sell Christmas trees on front sidewalk

In support of such application, I submit the following information:

1. Proposed location: Front sidewalk K of Publix #620
11977 Southern Blvd. Royal Palm Beach, FL 33411
(Owner's written consent and affidavit of responsibility is attached.)
2. Proposed date, time of commencement and duration of temporary sales permit:
November 29, 2009 through December 24, 2009
3. Items to be sold: Christmas Trees
4. Number of sales persons involved: 2-3
5. Insurance company and policy number: Hartford Fire Insurance Co

20 ECSD 7010

(Copy of Certificate of Insurance showing general liability & property damage coverage is attached.)

6. Will state, municipal or county controlled property be involved? Yes _____ No

If yes, please describe: _____

(State, municipal or county permit or written consent, if applicable,
to utilize the above property is attached.)

7. What temporary services will be needed? If none, so state.

None

8. Sales tax number: 60-801272 6205-9
(A copy of sales tax number certificate is attached)

9. Site plan for proposed temporary sales location showing layout of all facilities, including parking and size and location of signage, is attached hereto along with a fully executed hold harmless agreement as required by Section 16-12B. of the Village Code of Ordinances.

10. Have any other seasonal vendor permits been issued for this location within the past year? Yes _____ No

If yes, please indicate date: _____

11. Please address the following items:

A. How will you assure that the proposed temporary sale will have no adverse vehicular or pedestrian traffic impacts which cannot be prevented by the imposition of conditions?

Sales will have no adverse impacts

B. How will you assure that the proposed temporary sale will have no adverse impacts on adjacent properties and will not be detrimental to their use and peaceful enjoyment of their property?

Sales will be only on front sidewalk in front of store and will not have an impact on any other properties

C. How will you assure that the proposed temporary sale will not cause objectionable noise, vibrations, fumes, odors, glare or physical activity which cannot be prevented by the imposition of conditions?

Sales will not cause any problems

D. How is the proposed temporary sale compatible with the character of the location for which it is proposed?

Retail Sales

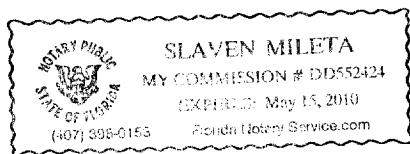
I affirm that all facts set forth herein are true and correct and understand that the Village of Royal Palm Beach may impose reasonable conditions upon the Seasonal Vendor Permit in order to reduce adverse impacts and to protect the health, safety and welfare of all.

David M. Amazzo
Signature of Applicant

David Amazzo Store Manager
Print name and office held, if applicable

THE STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 16 day of OCTOBER, 20 09, by DAVID M. AMAZZO, who is personally known to me or who has produced a Florida driver's license as identification and who did/did not take an oath.



[Signature]
NOTARY PUBLIC

HOLD HARMLESS AGREEMENT

The undersigned hereby requests a Special Events/Seasonal Vendor permit from the Village of Royal

(circle one)

Palm Beach, Florida ("Village") and states as follows:

1. The owner of the real property to be utilized for the proposed Special Event or Temporary Sale has granted me/us permission to use the property for this purpose and acknowledges responsibility (owner's affidavit is attached hereto).

NOW, THEREFORE, for and in consideration of the issuance of the permit by the Village and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, I/we agree as follows:

I/we hereby agree that I/we will indemnify and hold the Village harmless from and against any and all claims, demands, lawsuit, settlements, damages, costs and expenses, including attorneys' fees, suffered or incurred by the Village and arising out of or in connection with the Special Event or Seasonal Vending conducted.

Executed this 16th day of October, 2009.

WITNESSES:

Signature

Printed Name

Signature

Printed Name

Applicant

Printed Name

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 16 day of OCTOBER, 2009 by DAVID M. AMAZZO, who is personally known to me or who has produced a Florida driver's license as identification and who did/did not take an oath.



Notary Public
State of Florida



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
09/24/2009

PRODUCER Marsh USA Inc. 3475 Piedmont Road NE, Suite 1200 Atlanta, GA 30305 Attn: Atlanta.CertRequest@marsh.com / Fax# 212-948-4321		
101045-ALL-ALL-09-10	620	::
INSURED Publix Super Markets, Inc. PO Box 32016 Lakeland, FL 33802		

THIS CERTIFICATION IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURERS AFFORDING COVERAGE	NAIC #
INSURER A: Hartford Fire Insurance Co	19682
INSURER B: N/A	N/A
INSURER C:	
INSURER D:	
INSURER E:	

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR ADD'L LTR	INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YYYY)	POLICY EXPIRATION DATE (MM/DD/YYYY)	LIMITS
A	X	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> SIR \$1,000,000 GENERAL AGGREGATE LIMIT APPLIES PER <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC	20ECSD70740	01/01/2009	01/01/2010	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
		AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS				COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
		GARAGE LIABILITY <input type="checkbox"/> ANY AUTO				AUTO ONLY - EA ACCIDENT \$ OTHER THAN EA ACC \$ AUTO ONLY: AGG \$
		EXCESS / UMBRELLA LIABILITY <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> DEDUCTIBLE <input type="checkbox"/> RETENTION \$				EACH OCCURRENCE \$ AGGREGATE \$ \$ \$ \$
		WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE Y/N OFFICER/MEMBER EXCLUDED? <input type="checkbox"/> (Mandatory in NH) If yes, describe under SPECIAL PROVISIONS below				WC STATUTORY LIMITS <input type="checkbox"/> OTH-ER \$ E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
		OTHER				

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS
RE: STORE #620 - CRESTWOOD SQUARE - 11977 SOUTHERN BOULEVARD - ROYAL PALM BEACH, FL 33411; SPECIAL EVENT: CHRISTMAS TREE SALE HELD FROM NOVEMBER 29TH THRU DECEMBER 24TH, 2009
VILLAGE OF ROYAL PALM BEACH IS INCLUDED AS ADDITIONAL INSURED AS RESPECTS THE GENERAL LIABILITY POLICY REFERENCED HEREIN PER WRITTEN CONTRACT SUBJECT TO POLICY TERMS, CONDITIONS, AND EXCLUSIONS.

CERTIFICATE HOLDER ATL-002058620-05

CANCELLATION

VILLAGE OF ROYAL PALM BEACH
BUILDING AND ZONING DEPARTMENT
1050 ROYAL PALM BEACH BLVD.
ROYAL PALM BEACH, FL 33411

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL **30** DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE
of Marsh USA Inc.
Kim Newhouse

Kim Newhouse

ACORD 25 (2009/01)

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45795 11/14/08

2009 Florida Annual Resale Certificate for Sales Tax

DR-13
R. 01/09

THIS CERTIFICATE EXPIRES ON DECEMBER 31, 2009

Business Name and Location Address
PUBLIX SUPER MARKETS INC #620
PUBLIX SUPER MARKETS INC
11977 SOUTHERN BLVD
WEST PALM BEACH FL 33411-7619

Registration Effective Date 07/25/97
Certificate Number 60-8012726205-9

This is to certify that all tangible personal property purchased or rented, real property rented, or services purchased on or after the above Registration Effective Date by the above business are being purchased or rented for one of the following purposes:

- Resale as tangible personal property.
- Re-rental as tangible personal property.
- Resale of services.
- Re-rental as real property.
- Incorporation into and sale as part of the repair of tangible personal property by a repair dealer.
- Re-rental as transient rental property.
- Incorporation as a material, ingredient, or component part of tangible personal property that is being produced for sale by manufacturing, compounding, or processing.

This certificate cannot be reassigned or transferred. This certificate can only be used by the active registered dealer or its authorized employees. Misuse of this Annual Resale Certificate will subject the user to penalties as provided by law. **Use signed photocopy for resale purposes.**

Presented to: _____ (insert name of seller on photocopy) _____ (date)
Presented by: _____ Authorized Signature (Purchaser) _____ (date)

VILLAGE OF ROYAL PALM BEACH, FLORIDA
OWNER'S AFFIDAVIT OF CONSENT AND RESPONSIBILITY

DATE: 9.25.09

APPLICATION FOR: Special Events Permit _____ OR Seasonal Vendor Permit

PROPOSED LOCATION FOR SPECIAL EVENT OR TEMPORARY SALE:

Publix Supermarket Inc #620
11977 Southern Blvd
Royal Palm Beach, FL 33411

I/We, SEC Commercial Realty Group Inc, own the property referenced above and hereby grant my/our consent for Publix #620 to utilize the property for Christmas Tree Sales acknowledging that I/we will be responsible for the activities conducted thereon.

[Signature]
Marc A. Boucher, President
IES Managing Agent for Crestwood Square, Ltd.
Affiant

Affiant

STATE OF FLORIDA
COUNTY OF PALM BEACH

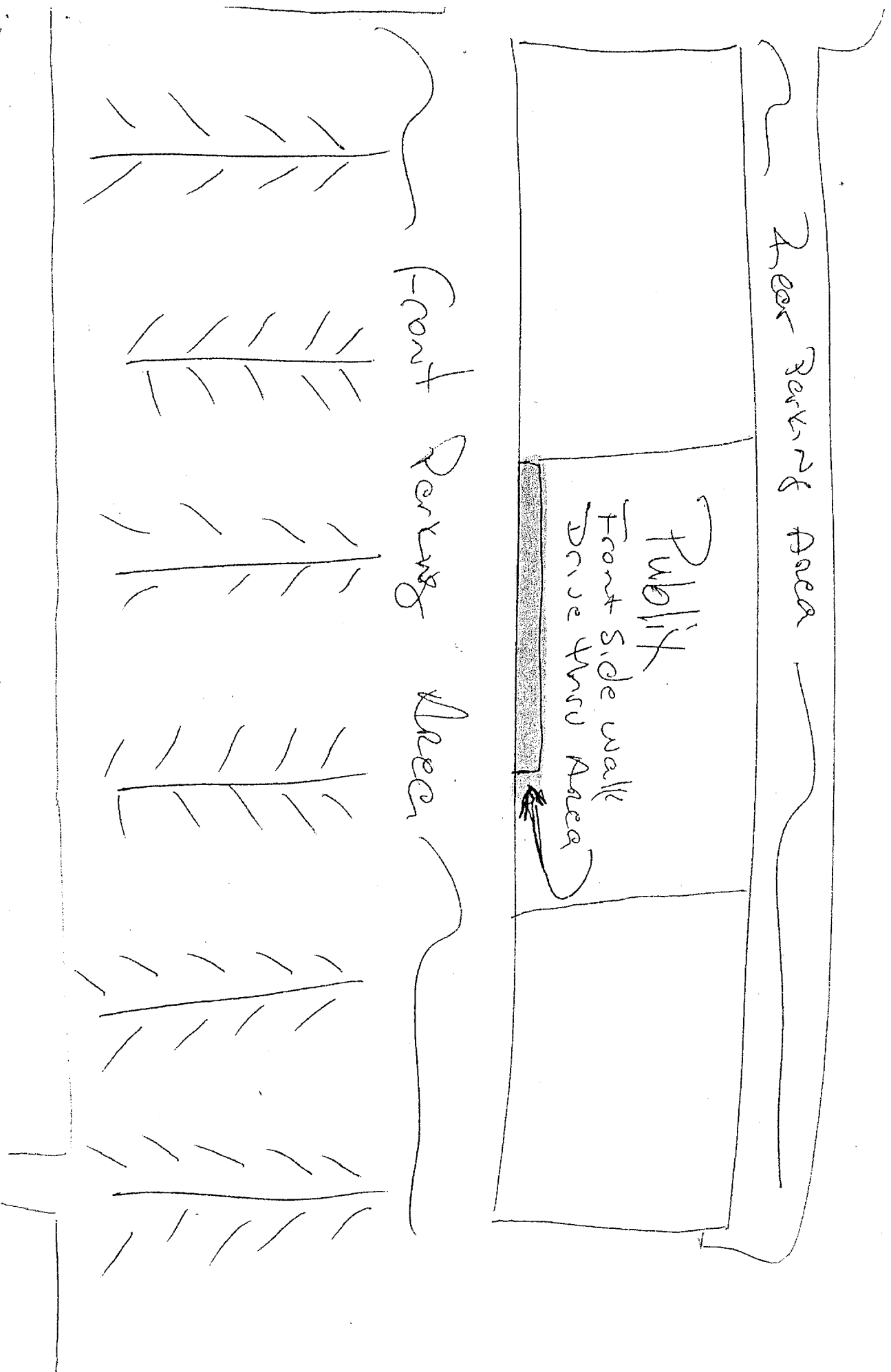
The foregoing instrument was acknowledged before me this 7th day of October, 2009 by Marc A. Boucher who is personally known to me or who has produced a Florida driver's license as identification and who ~~did not~~ take an oath.



MARCUS R. FRISCH
MY COMMISSION # DD 680946
EXPIRES: June 3, 2011
Bonded Thru Budget Notary Services

[Signature]
Notary Public
State of Florida
(Seal)

SITE PLAN FOR X-MAS TREES



Village of Royal Palm Beach

1050 Royal Palm Beach Boulevard

Royal Palm Beach, Florida 33411

Phone (561) 790-5100

Fax (561) 790-5174

DATE 10/16 20 09

Received of _____

Pukky

THE SUM OF

\$ 150.00

Dollars

FOR

Seasonal Event¹⁰⁰

Permit fee

inv # 09-157451764

THANK YOU

BY

[Signature]

CASH

CHECK

MONEY ORDER

58338