

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING THE ASSIGNMENT OF INTEREST OF COCA-COLA REFRESHMENTS USA, INC. (BOTTLER) TO COCA-COLA BEVERAGES FLORIDA, LLC (ASSIGNEE), IN CONNECTION WITH THAT CERTAIN AGREEMENT BETWEEN THE CITY, BOTTLER AND COCA-COLA NORTH AMERICA, A DIVISION OF THE COCA-COLA COMPANY, DATED MARCH 14, 2012; SAID ASSIGNMENT BEING SUBJECT TO ASSIGNEE ASSUMING ALL OF BOTTLER'S OBLIGATIONS UNDER THE AGREEMENT AND THE EXECUTION BY BOTTLER AND ASSIGNEE OF AN ASSIGNMENT DOCUMENT IN THE FORM ACCEPTABLE TO THE CITY ATTORNEY; AND FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE ANY NECESSARY DOCUMENTS TO EFFECTUATE THE ASSIGNMENT OF THE AGREEMENT.

WHEREAS, the City, Coca-Cola Refreshments USA, Inc. (Bottler) and Coca-Cola North America, a division of The Coca-Cola Company, entered into an agreement dated March 14, 2012; and

WHEREAS, the partnership allows the City the opportunity to leverage its strong brand presence by collaborating with Coca-Cola in a manner that generates good publicity and marketing for the City, while at the same time generating revenue or providing savings to the City; and

WHEREAS, Bottler has entered into an asset purchase agreement, which includes the transfer of the exclusive distribution rights for Coca-Cola products in the State of Florida to Coca-Cola Beverages Florida, LLC (Assignee) in a transaction to be completed on or around February 24, 2017; and

WHEREAS, as a result of this transaction, Assignee will own all of Bottler's operations, including all equipment and facilities, and will continue to operate the bottling services as Bottler had been doing previously; and

WHEREAS, once the transaction is complete, all of Bottler's right, title and interest in and to the Contract will be assigned and transferred to Assignee as part of a transition to new ownership, and Assignee will assume the obligations and liabilities of Bottler under the Contract; and

WHEREAS, the Administration recommends approving the assignment of Bottler's interest in the Contract to Assignee, subject to the parties executing any required assignment documents in the form acceptable to the City Attorney.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby approve the assignment of interest of Coca-Cola Refreshments USA, Inc. (Bottler) to Coca-Cola Beverages Florida, LLC (Assignee), in connection with that certain agreement between the City, Bottler and Coca-Cola North America, a division of The Coca-Cola Company, dated March 14, 2012; said assignment being subject to assignee assuming all of Bottler's obligations under the agreement and the execution by Bottler and Assignee of an assignment document in the form acceptable to the City Attorney; and further authorize the City Manager to execute any necessary documents to effectuate the assignment of the agreement.

PASSED and ADOPTED this _____ day of _____, 2017.

ATTEST:

MAYOR

CITY CLERK

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney *BT*

2-1-17

Date