

RESOLUTION NO. 101-2011

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; ADOPTING "THE LITTLE TOWN OF MALABAR" WRITTEN BY RICK AND CHRIS RAKAUSKAS AS THE OFFICIAL TOWN SONG; APPROVING THE SONG LICENSE AGREEMENT WITH RICK AND CHRIS RAKAUSKAS; AUTHORIZING THE MAYOR TO EXECUTE THE SAID CONTRACT; PROVIDING FOR CONFLICT AND PROVIDING AN EFFECTIVE DATE.

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Malabar, Brevard County, Florida, as follows:

SECTION 1: The Town Council hereby adopts "The Little Town of Malabar" written by Rick and Chris Rakauskas as the official Town Song and approves the execution by the Mayor of the attached Song License Agreement as made a part of this resolution.

SECTION 2. Conflicts.

All Resolutions or parts thereof in conflict herewith are hereby repealed to the extent of such conflict with this Resolution.

SECTION 3. Effective Date.

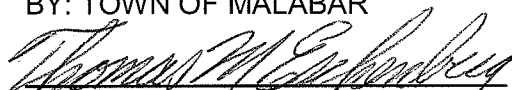
The effective date of this resolution is the date of adoption by the Malabar Town Council.

The foregoing Resolution was moved for adoption by council member Beatty. The motion was seconded by Council member Rivet and, upon being put to a vote, the vote was as follows:

Council member Carl Beatty	Aye
Council member David White	Aye
Council member Steve Rivet	Aye
Council member Jeffrey McKnight	Excused
Council member Marisa Acquaviva	Aye

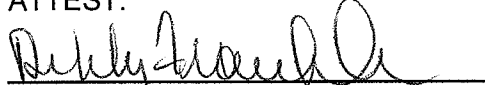
PASSED AND ADOPTED by the Town Council, Town of Malabar, Brevard County, Florida this 26th day of September, 2011.

BY: TOWN OF MALABAR



Mayor Thomas M. Eschenberg
Council Chair


ATTEST:



Debby Franklin, C.M.C
Town Clerk/Treasurer

(seal)

Approved as to form and
legal sufficiency by:



Karl W. Bohne, Jr., Town Attorney

SONG LICENSE AGREEMENT

This is a Song License Agreement (hereinafter "Agreement") dated this 28th day of September, 2011 and shall be effective commencing on October 1, 2011 by and between: Rick and Chris Rakauskas, (hereafter referred to as the "LICENSOR"); and The Town of Malabar (hereafter referred to as the "LICENSEE").

Grant: The LICENSOR owns and holds a copyright for the song "*The Little Town of Malabar*" and hereby grants to the LICENSEE the exclusive license for the song "The Little Town of Malabar" (hereinafter the "SONG") and to use the said SONG and the words and music of said SONG at all Town sponsored events; on the Town web site; in and on all Town promotional materials and news letters and for any purpose in promoting the Town of Malabar. The Town of Malabar shall not use the SONG and the words and music for any other purpose.

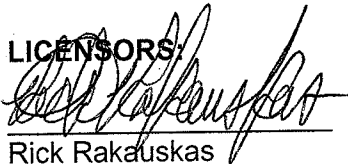
Term: This Agreement shall be for the term commencing October 1, 2011 and ending September 31, 2012 and shall automatically renew for successive annual terms unless terminated as provided for herein.

Consideration: For consideration of the grant, LICENSEE shall pay a yearly royalty of one dollar (\$1.00), the receipt and sufficiency of which is hereby acknowledged for the initial term. Said annual royalty payment shall be made on or before the expiration of the previous annual period.

Conditions of Use: Conditions for renewal are timely payment of the yearly royalty. The LICENSEE shall not sub-license the SONG and the words and music of said SONG for any consideration.

Termination: This Agreement may be terminated by either party, with or without cause, by giving the other party at least 60 days advanced written notice prior to the expiration of the current annual term of its intent to terminate this Agreement.

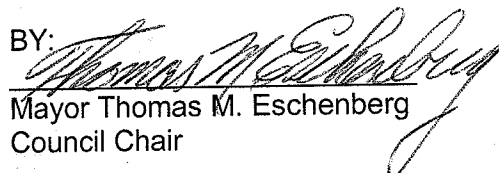
LICENSORS:


Rick Rakauskas

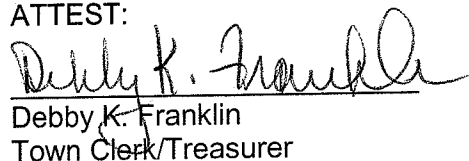

Chris Rakauskas

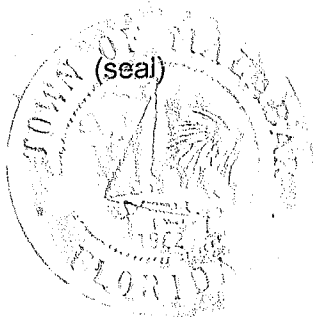
LICENSEE: TOWN OF MALABAR:

BY:


Mayor Thomas M. Eschenberg
Council Chair

ATTEST:


Debby K. Franklin
Town Clerk/Treasurer





TOWN OF MALABAR

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For 2011/2012

