

A-1803 TC

REVOCABLE LICENSE AGREEMENT EXTENSION

WHEREAS, A CERTAIN REVOCABLE LICENSE AGREEMENT was made and entered into on or about March 20, 2024 which expired on November 1st of the same year ("Expiration Date") by and between the City of Atlantic City (the "City"), having an address at 1301 Bacharach Boulevard, Atlantic City, New Jersey 08401 and Dectrinity, LLC (the "Licensee"), having a business address at d/b/a The Biergarten address at 2701 Boardwalk, Atlantic City, NJ 08401. a/k/a Lot 8 in Block 32

WHEREAS, City Code Sections 222-26 (D) and (G) require that such License Agreements be reviewed for renewal annually by the Planning Director; and

WHEREAS, the Licensee has requested that the License be renewed and the Planning Director having no objection to said renewal;

NOW, THEREFORE in consideration of the annual License fee of \$ 27,096.00 (\$160 x 169.35 ft.) paid to the City of Atlantic City, the City hereby consents to the renewal of the referenced Revocable License Agreement for an additional season to the Expiration Date of November 1, 2025. The Licensee acknowledges and agrees that the terms of the original License Agreement, as amended in writing by the City heretofore, and in this instrument, and the provisions of the City Code, as may be amended from time to time, shall be binding upon the Licensee during this and any subsequent renewal periods.

The original License Agreement is specifically amended as follows:

1. The Insurance required by Paragraph 6 of the original License Agreement shall be for limits of no less than \$1,000,000 combined Single Bodily Injury and Property Damage and shall include Personal and Products Liability coverage. The insurance shall be issued by carriers rated no less than B-IX in the current edition of Best's Guide. A certificate of said insurance showing the City as additionally insured shall be included with the renewal and supplements filed with the City during any new policy period.

- 1a. Exhibits attached specify the permitted structures and improvements in the Licensed Area as requested by the Casino Reinvestment Development Authority in conjunction with issuance of the Certificate of Land Use Compliance.

CONDITIONS

2. This License extension is contingent on adherence to the following conditions:
 - a. Umbrellas with product advertisements are not permitted. Umbrellas with the name and/or logo of the establishment, or no lettering at all shall be acceptable.
 - b. Temporary (un-mounted) signage is not permitted, please consider wall-mounted signage.
 - c. Free-standing menu boards are not permitted.
 - d. This document shall be posted in a conspicuous place on the premises and shall be available for inspection.
 - e. An updated in force copy of the Licensees Certificate of Insurance shall be provided to the Division of Planning upon expiration of the current insurance policy.
 - f. The Licensee assumes full responsibility for the cleanliness of the Licensed Area, and the 50 foot perimeter around the Licensed Area.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals
the day and year first below written.

ATTEST:

CITY OF ATLANTIC CITY

Paula Geletei
Paula Geletei, City Clerk

Marty Small Sr.
Hon. Marty Small Sr., Mayor

Date: 5/14/2025

Planning Approval

By: Jacques Howard

Date: 5/9/25

Jacques Howard, Planning Director
Dectrinity, LLC

Rama M. Wilson
Witness Signature

By: [Signature]
By Licensee:

Date: 5/8/25

Nikolaos Dounoulis
Print Name:
by his attorney-in-fact
Konstantine Dounoulis
Title: President
Date: 5/8/25

The within Agreement is approved as to form and execution.

By: [Signature]
City Solicitor

Date: 5-9-25

Note: Please submit the following items with your License Extension

1. The signature page signed, printed name below with title and date.
2. Your fee in full made payable to the City of Atlantic City.
3. A copy of your Certificate of Insurance if it has expired.

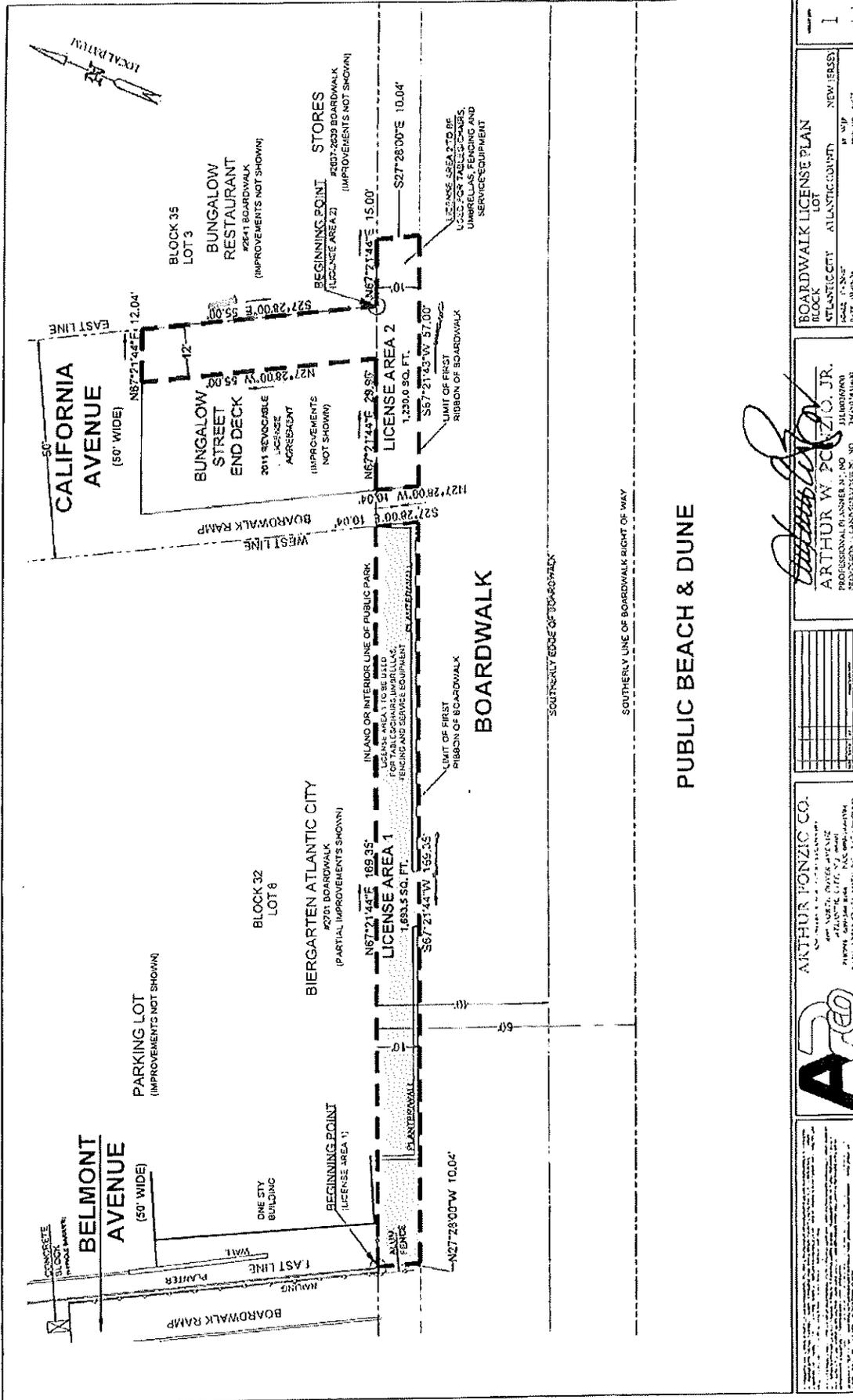


STATE OF NEW JERSEY BUSINESS REGISTRATION CERTIFICATE

Taxpayer Name:	DECTRINITY LLC
Trade Name:	THE BIERGARTEN
Address:	2701 BOARDWALK ATLANTIC CITY, NJ 08401
Certificate Number:	1884612
Effective Date:	June 25, 2014
Date of Issuance:	February 20, 2025

For Office Use Only:
20250220134349165

[Return](#)





ARTHUR PONZIO CO.

Engineering ◊ Surveying ◊ Planning
400 N Dover Avenue, Atlantic City, NJ 08401
Phone: (609) 344-8194

MARCH 13, 2023

LICENSE AREA 1

METES AND BOUNDS DESCRIPTION FOR PROPOSED LICENSE AREA ON THE BOARDWALK AT THE BIERGARTEN ATLANTIC CITY #2701 BOARDWALK, CITY OF ATLANTIC CITY, COUNTY OF ATLANTIC AND STATE OF NEW JERSEY BEING BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE EAST LINE OF BELMONT AVENUE (50' WIDE) WITH THE INLAND OR INTERIOR LINE OF PUBLIC PARK (60' WIDE) AND EXTENDING FROM SAID BEGINNING POINT; THENCE

1. NORTH 67 DEGREES, 21 MINUTES, 44 SECONDS EAST ALONG THE INLAND OR INTERIOR LINE 169.35' TO THE WEST LINE OF CALIFORNIA AVENUE (50' WIDE); THENCE
2. SOUTH 27 DEGREES 28 MINUTES, 00 SECONDS EAST ALONG SAME, IF EXTENDED 10.04' TO A POINT; THENCE
3. SOUTH 67 DEGREES, 21 MINUTES, 44 SECONDS WEST PARALLEL WITH THE FIRST COURSE IF REVERSED, 169.35 THE EXTENDED EAST LINE OF BELMONT AVENUE; THENCE
4. NORTH 27 DEGREES, 28 MINUTES, 00 SECONDS WEST ALONG SAME 10.04' TO THE POINT AND PLACE OF BEGINNING

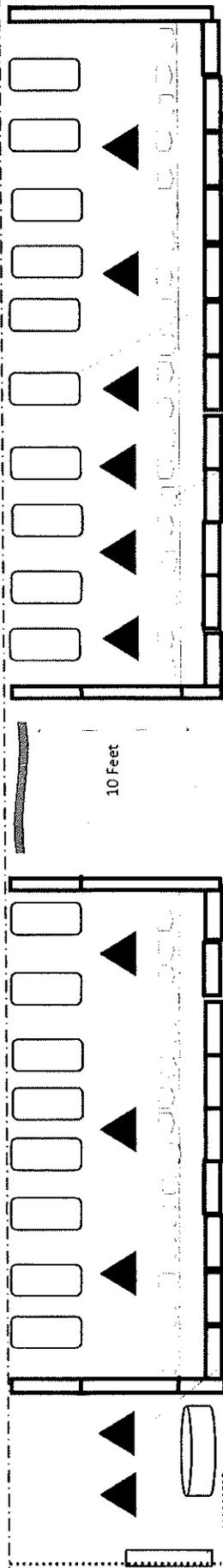
CONTAINING AN AREA OF 1,693.5 SQUARE FEET

DESCRIBED IN ACCORDANCE WITH A BOARDWALK LICENSE AREA PLAN PREPARED BY ARTHUR PONZIO COMPANY, DATED 3/13/2013, PROJECT NO 40175.

Prepared by:

Arthur W Ponzio, Jr., Professional Land Surveyor
New Jersey Registration No. 24GS028314

Biergarten



80 Feet

Tables & Chairs

Bar Stools

Drink Rati

Overhead Pylon Sign

10 Feet

53 Feet

Planter Stanchion

Portable Bar

Umbrella

Water cooler

Boardwalk

Boardwalk

Boardwal Fence





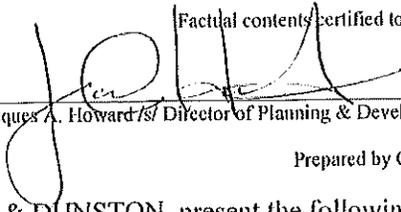


Resolution of the City of Atlantic City

No. 192

Approved as to Form and Legality on Basis of Facts Set Forth

Assistant City Solicitor /s/ Jack Berenato

Factual contents certified to by

Jacques A. Howard /s/ Director of Planning & Development

Prepared by City Solicitor's Office

Council Members SHABAZZ, MARSHALL, WEEKES & DUNSTON present the following Resolution:

RESOLUTION GRANTING REVOCABLE LICENSE AGREEMENT TO DECTRINITY, LLC

WHEREAS, Dectrinity, LLC (“Dectrinity”) is the owner and operator of The Biergarten located at 2701 Boardwalk, also known as Lot 8 in Block 32 (the “Biergarten”) and the Bungalow Restaurant located at 2641 Boardwalk and which is proposed to expand to 2637 thru 2639 Boardwalk, also known as part of Lot 3 in Block 35 (the “Bungalow Restaurant”); and

WHEREAS, Dectrinity leases certain real property identified as 2701 Boardwalk, also known as Lot 8 in Block 32 and the location of the Biergarten (“License Area 1”) and 2637 thru 2641 Boardwalk, including the deck located at the northwest corner of California Avenue and the Boardwalk, collectively also known as part of Lot 3 in Block 35 and is the location of the Bungalow Restaurant (“License Area 2”), (collectively, the “Licensee Property”); and

WHEREAS, the City of Atlantic City (“City”) owns the adjacent public right-of-way identified as the Boardwalk; and

WHEREAS, the Licensee Property is located where the Boardwalk is 40 ft. wide and City Code § 222-26 restricts the width of a Boardwalk license to 8 ft. on this portion of the Boardwalk; and

WHEREAS, Dectrinity desires to utilize an additional 2 ft. (for a total of 10 ft.) portion of the Boardwalk right-of-way adjacent to the Licensee Property to be used in connection with its outdoor seating all as shown on the exhibit entitled “Boardwalk License Plan;” dated March 13, 2023 prepared by Arthur W. Ponzio, Jr., P.P. and P.L.S. (attached hereto as **Exhibit “A”**) and as described on the Descriptions of Property prepared by Arthur W. Ponzio, Jr., P.P. and P.L.S., dated March 13, 2023 (attached hereto as **Exhibits “B” and “C”**); and

WHEREAS, this matter was considered by City Council’s Planning and Development committee on March 8, 2023; and

WHEREAS, the City seeks to promote the growth of tourism in the City and finds that the grant of a license supports tourism and promotes public safety and cleanliness; and

WHEREAS, City Council finds and declares that the public interest of the City will not be harmed by granting a license as herein proposes.

Resolution No. 192

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Atlantic City, that the Mayor is hereby authorized to execute and the City Clerk to attest to Revocable License Agreement to authorize Dectrinity and its affiliates to encroach upon the City's right-of-way consistent with this Resolution.

BE IT FURTHER RESOLVED, that Dectrinity shall enter into the License Agreement subject to the following terms and conditions:

1. The proposed License Agreement will be subject to review and approval by the City Solicitor;
2. The additional 2 ft.in width (10 ft. total) is permitted for a one year test period and Licensee shall reduce the seating area to 8 ft. after such one year period if directed to do so by the City.
3. The proposed License Agreement shall contain a provision by which the proposed licensee and its successors shall hold harmless and indemnify the City for all costs, liabilities and claims arising out of or related to the existence, maintenance, or use of the said encroachments upon the City's right-of-way;
4. The License Agreement shall be binding upon the heirs, assigns and/or successors in right, title or interest of the parties to the said agreement; and

BE IT FURTHER RESOLVED, that the form and language of the License Agreement authorized by this Resolution shall be approved by the City Solicitor prior to its execution.

ew March 23, 2023 9:08 AM

DO NOT USE SPACE BELOW THIS LINE													
RECORD OF COUNCIL VOTE ON FINAL PASSAGE													
COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	MOT.	SEC.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	MOT.	SEC.
DUNSTON	X						SHABAZZ	X				X	
KURTZ	X						TIBBITT	X					
MARSHALL	X						WEEKES	X					
MORSHED	X					X	ZIA	X					
							RANDOLPH, PRESIDENT	X					
X-Indicates Vote NV-Not Voting AB-Absent MOT-Motion SEC-Second													

This is a Certified True copy of the Original Resolution on file in the City Clerk's Office.

DATE OF ADOPTION: MARCH 22, 2023

Paula Geletei

/s/ Paula Geletei, City Clerk