



Legislation Text

File #: 17-0386, Version: 1

Resolution Authorizing the Execution of a License Agreement with the Downtown Hampton Development Partnership, Inc. Over Three Portions of the City-Owned Property Known as Carousel Park for the Purpose of Conducting Additional Park Activities

PURPOSE/BACKGROUND:

In February 2017, the City of Hampton received an Unsolicited Proposal from the Downtown Hampton Development Partnership, Inc. (DHDP) for the purpose of providing additional activation of Carousel Park. The attached License Agreement would permit the Licensee, DHDP, to enter upon three areas within the Park for installation and maintenance of an urban beach, dog activity area, and storage shed. The License is non-exclusive, meaning that the general public may continue to use the park during park hours.

Key terms within the License Agreement include:

- Licensed Areas (See Exhibit A):
 - o 2500 square feet - Urban Beach
 - o 2800 square feet - Dog Activity Area
 - o 240 square feet - Storage Shed
- Term
 - o 1 year beginning January 1, 2018 with opportunity for four, one-year renewals (up to 5 years total)
 - o City or DHDP may terminate the License Agreement for any reason with 30 days' notice to the other party.
- DHDP Responsibilities
 - o Install and maintain Dog Activity Area & Urban Beach
 - o Comply with all City Code permitting requirements for improvements and special events
- City Responsibilities
 - o Provide Storage Shed, 10 folding Adirondack chairs, and utilities

Impact:

No fiscal impact.

Recommendation:

1. Conduct a Public Hearing
2. Approve the Resolution.

WHEREAS, the City of Hampton (the "City") is the owner of a parcel of property in Downtown Hampton known as Carousel Park and designated as LRSN 2002990 (the "Property");

WHEREAS, the Downtown Hampton Development Partnership, Inc. ("DHDP") submitted an

unsolicited proposal to the City requesting permission to use portions of the Property for the purpose of adding an urban beach, dog activity area, and storage shed to attract Downtown Hampton residents, visitors, and employees to the Property;

WHEREAS, accordingly, the City and DHDP negotiated the license agreement attached as Exhibit A (the "License Agreement");

WHEREAS, the License Agreement would grant a non-exclusive license to DHDP over three (3) portions of the Property depicted within the License Agreement, including: (1) 2,500+/- square feet to be used as an "Urban Beach Area"; (2) 2,800+/- square feet to be used as a "Dog Activity Area"; and (3) 240+/- square feet to be used as a storage shed area (collectively, the "Licensed Areas");

WHEREAS, among other terms, the License Agreement would require DHDP to install and maintain the Urban Beach Area and Dog Activity Area and would require the City to provide a storage shed, specified additional park furniture, and to continue its regular grass mowing and garbage collection for the Property;

WHEREAS, the License Agreement would commence on January 1, 2018 and continue for an initial one (1)-year term with the option for up to four (4) one (1)-year renewal terms;

WHEREAS, in accordance with Sections 15.2-1800 and 15.2-2100 of the Code of Virginia, a public hearing was held concerning the License Agreement; and

WHEREAS, the City Council has determined that the grant of the license to DHDP is in the best interest of the City and its citizens, and that the terms of the License Agreement are fair, reasonable, and acceptable.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hampton, Virginia, as follows:

1. The City Manager or her authorized designee is authorized and directed to execute the License Agreement in substantially the same form and content as that which is attached as Exhibit A, to execute any other related documents, and to perform other such acts as may be necessary and appropriate for fulfillment of the City's obligations under the License Agreement.
2. This resolution shall take effect immediately upon adoption.