



Legislation Text

File #: 18-0159, **Version:** 1

Resolution Approving and Authorizing the Execution of a Second Amendment to Lease Agreement by and Among the City of Hampton, Hampton Watersports LLC and Virginia Beach Watersports LLC for the Purpose of Conducting Watersports Activities and Concession Services at Buckroe Beach

PURPOSE/BACKGROUND:

On March 22, 2017, the City of Hampton entered into a Lease Agreement with Hampton Watersports LLC and Virginia Beach Watersports LLC (Tenant) for the purpose of providing watersport rental activities and concessions at Buckroe, specifically.

- 40,200 square feet variable width on the public beach - (the “**Beach**”);
- 1,500 square feet (30’ x50’), LRSN: 12007407- (the “**Concession Facility**”); and
- 500 square feet (10’ x 50’), LRSN: 12006702 - (the “**Storage Area**”)

The Lease Agreement was amended by First Amendment to Lease Agreement dated December 11, 2017.

Tenant has duly noted its intent to renew the Lease Agreement but has asked for several changes dealing with the Annual Fee, the location of the Concession Facility and the ability to sell food products other than pre-packaged food. The City has agreed to a different fee structure for years two, three and four. The Fee for the remaining term, year five, will be negotiated if and when Tenant renews. The City has also clarified provisions requiring the payment of all applicable taxes, the placement of tables, chairs and umbrellas within the Concession Facility to be consistent with tables, chairs and umbrellas to be provided by PR&LS in the rest of Buckroe Beach, records accounting and the amendment of Exhibits to show a different location for the Concession Facility and a different configuration of the Storage Area to 20’ x 25’.

City staff recommends approval of the Resolution.

Discussion:

See Purpose/Background above.

Impact:

\$1,200.00.

Recommendation:

Conduct a Public Hearing and Approve the Resolution

WHEREAS, the City entered into a Lease Agreement with Hampton Watersports LLC and Virginia Beach Watersports LLC on March 23, 2017 as amended by that First Amendment to Lease Agreement dated December 11, 2017 (collectively, "the Lease") for the purpose of providing watersport rental activities and concessions at Buckroe Beach;

WHEREAS, Hampton Watersports LLC and Virginia Beach Watersports LLC, have notified the City of their intent to renew the Lease but require certain amendments to the provisions thereof;

WHEREAS, City staff has negotiated certain amendments to the Lease; and

WHEREAS, the Council has determined that the terms and conditions contained in the Second Amendment to the Lease Agreement as attached hereto are acceptable.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Hampton, Virginia, that it approves the Second Amendment to Lease Agreement by and among the City of Hampton, Hampton Watersports LLC and Virginia Beach Watersports LLC for Buckroe Beach and, accordingly, the City Manager or her authorized Designee is authorized to execute and deliver to Hampton Watersports LLC and Virginia Beach Watersports LLC, the Second Amendment to Lease Agreement in substantially the same form as hereto attached.