



Legislation Text

File #: 23-0014, Version: 1

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

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 City and DHDP entered into a License Agreement to allow 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. The term of the initial License Agreement was January 1, 2018 to December 31, 2022. The City and DHDP desire to enter into a new License Agreement with substantially the same terms and conditions as the previous one.

Key terms within this License Agreement include:

- ☐ Licensed Areas (See Exhibit A):
 - 2500 square feet - Urban Beach
 - 2800 square feet - Dog Activity Area
 - 240 square feet - Storage Shed
- ☐ Term
 - 1 year beginning February 1, 2023 with opportunity for four, one-year renewals (up to 5 years total). Renewals are automatic.
 - City or DHDP may terminate the License Agreement for any reason with 30 days' notice to the other party.
- ☐ DHDP Responsibilities
 - Maintain Dog Activity Area & Urban Beach
 - Comply with all City Code permitting requirements for special events
- ☐ City Responsibilities
 - Provide Storage Shed and amenities such as chairs and tables

Changes from the 2018 License Agreement:

- ☐ The one-year renewal terms will occur automatically unless either party provides written notice of non-renewal to the other party at least 30 days prior to the expiration of the current term.
- ☐ Updated language included within the indemnification and insurance provisions.
- ☐ Added a provision regarding the City's governmental immunity and sovereign immunity.
- ☐ Removed language regarding activities which have already been completed, such as the installation of the dog activity area and urban beach area.

Discussion:

See Purpose/Background above.

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, since 2018, the City established a license agreement with the Downtown Hampton Development Partnership, Inc. (“DHDP”) to use of a portion of the Property for the purpose of conducting additional park activities;

WHEREAS, the license agreement has expired and the City and DHDP desire to enter into a new license agreement (the “License Agreement”) to continue DHDP’s use of a portion of the Property for the purpose of conducting additional park activities;

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 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 February 1, 2023 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 and conditions of the License Agreement are fair, reasonable, and acceptable.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hampton, Virginia, that it approves the License Agreement with the Downtown Hampton Development Partnership, Inc. for the purpose of conducting additional park activities over three portions of the City-owned property known as Carousel Park (LRSN 2002990); and accordingly, the City Manager, or her authorized designee, is hereby authorized to execute and deliver to DHDP, the License Agreement, and any related documents, in substantially the same form as attached hereto, upon approval by the City Attorney.

