



Cover Memorandum/Staff Report

File #: 24-1023

Agenda Date: 8/5/2024

Item #: 6.B.

TO: Mayor and Commissioners
FROM: Lynn Gelin, City Attorney
DATE: August 5, 2024

APPROVAL OF PARKING FACILITY EASEMENT AGREEMENT AND PROJECT COVENANT

Recommended Action:

Motion to Approve Parking Facility Easement Agreement and Project Covenant.

Background:

Sundy Village West, LLC, (“Developer”) owns the real property located on Block 69 of the development known as the Sundy Village Project. On December 12, 2023, the City Commission approved Developer’s request to utilize the parking garage located on Block 69 for public and private parking (the “Garage”) and directed staff to prepare the instant agreement to memorialize the intent of the Commission to ensure that the Garage would provide public parking spaces. Developer received site plan approval of a 165-space parking garage by the Historic Preservation Board on January 31, 2024. As a condition of the approval of the Garage, Developer agreed to grant an exclusive easement to the City to allow public use of 138 parking spaces located on floors two through four and the roof level of the Garage in accordance with the terms and limitations as set forth in the Parking Facility Easement Agreement and Project Covenant (the “Agreement”).

As part of the Agreement, Developer is required to provide 138 parking spaces for use by the public. The remaining parking spaces in the Garage are private parking spaces for Developer’s exclusive use. Developer will manage and maintain the Garage and is permitted to close the Garage four days a month. The Agreement prohibits Developer from charging parking rates that exceed the City’s rates along Atlantic Avenue. If Developer fails to comply with the terms of the Agreement, inter alia, with regard to its closure of the Garage or by engaging in predatory parking practices, the Agreement authorizes the City to impose fines ranging from \$1000-\$5000 for each violation.

City Attorney Review:

Approved as to form and legal sufficiency.