



Cover Memorandum/Staff Report

File #: 25-1372

Agenda Date: 11/18/2025

Item #: 7.B.

TO: Mayor and Commissioners
FROM: City Attorney, Lynn Gelin
DATE: November 18, 2025

APPROVAL OF AMENDMENT NO. 2 TO THE PARKING SPACE AGREEMENT AND COVENANT WITH CDR DELRAY FEC, LLC

Recommended Action:

Motion to approve Amendment No. 2 to the Parking Space Agreement and Covenant with CDR Delray FEC, LLC.

Background:

On January 24, 2020, the City Commission approved a Parking Space Agreement and Covenant (the "Agreement") with CDR Delray FEC, LLC ("CDR Delray"). As part of the Agreement, CDR Delray constructed, at its sole cost, 61 parking spaces within the FEC right-of-way. Of those 61 spaces, 29 parking spaces were allocated for the use of the OG restaurant and the remainder of the spaces were dedicated to the public. The Agreement expressly contemplated CDR Delray utilizing the excess public spaces (32) as offsite parking spaces for any future projects.

On March 5, 2024, the City Commission approved Amendment No. 1 to the Agreement to allow CDR Delray to utilize 28 excess parking spaces to satisfy its parking requirement for the project known as 101 Delray Triangle located at 101 SE 2nd Avenue. At that time, four remaining parking spaces remained dedicated to the public. Amendment No. 1 also increased the allowable reimbursement to CDR Delray for its construction expenses from \$325,000 to \$618,124.44.

Now, CDR Delray seeks to further amend the Agreement in order to take over collection of the parking revenue and assume responsibility for the enforcement of the City's parking ordinances and regulation with respect to all of the parking spaces.

City Attorney Review:

Approved as to form and legal sufficiency.