



Cover Memorandum/Staff Report

File #: 19-1142

Agenda Date: 11/19/2019

Item #: 6.E.

TO: Mayor and Commissioners
FROM: Lynn Gelin, City Attorney
DATE: November 19, 2019

APPROVAL OF RESOLUTION 208-19 OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A PARKING SPACE AGREEMENT AND COVENANT WITH CDR DELRAY FEC, LLC

Recommended Action:

Motion to Approve Resolution 208-19 approving a parking space agreement and covenant with CDR Delray FEC, LLC.

Background:

Through a related entity, CDR owns and operates The O.G. ("OG"), a bar located at 166 SE 2nd Avenue, Delray Beach. In a separate application, OG has submitted a Class III site plan modification to transfer from stand-alone bar to restaurant. The restaurant conversion requires twenty-nine (29) parking spaces.

CDR acquired the lease rights to a portion of the FEC right-of-way that is adjacent to OG. CDR desires to construct sixty-one (61) parking spaces within its leased premises. Twenty-nine (29) of the parking spaces will be for the use of the new restaurant with the remainder of the parking spaces dedicated to the public.

The highlights of the agreement include:

CDR will be responsible for all construction costs for the parking lot, including the purchase of two city parking meters.

The City will enforce its parking regulations for this surface lot and received reimbursement in the amount of \$1,400.00/month.

City and CDR will have a revenue share arrangement after CDR is reimbursed for its construction costs up to \$325,000. Thereafter, the parties will share in parking revenue with a 50/50 split.

CDR shall maintain the parking lot, its landscaping and lighting at its sole cost and expense.

In the event that the FEC does not renew CDR's lease, CDR will be responsible for identifying replacement parking spaces or payment of an in lieu parking fee if this occurs within the first ten (10) years of this agreement.

City Attorney Review:

Approved as to form and legal sufficiency.