



Legislation Text

File #: 18-115, Version: 1

TO: Mayor and Commissioners
FROM: Missie Barletto, Deputy Director Program and Project Management, Public Works Department
THROUGH: Mark R. Lauzier, City Manager
DATE: February 20, 2018

REVOCABLE LICENSE AGREEMENT WITH THE DOWNTOWN DEVELOPMENT AUTHORITY (DDA) TO USE THE DELRAY BEACH VISITOR INFORMATION CENTER

Recommended Action:

Motion to approve a Revocable License Agreement with the Downtown Development Authority (DDA) to use of the Delray Beach Visitor Information Center to provide information about downtown business and programs to visitors and residents of the City.

Background:

The Delray Beach Visitor Information Center is located in the historic Sarah Gleason building at the Southeast corner of Ocean Blvd and Atlantic Avenue, which is owned by the City of Delray Beach (City). The Visitor Information Center occupies the easterly portion of the building, and the remainder of the building houses the public restrooms and the pumping equipment that runs the building's external water feature, known as the Wall of Water. The DDA has occupied and managed the Delray Beach Visitor Information Center for more than 10 years, however it has never had a formal agreement with the City to occupy the site. The City and the DDA recently partnered to perform significant renovations to the Visitor Information Center, and now that the renovations have been completed, Staff recommends that the City enter into this License Agreement with the DDA to clarify the maintenance obligations of the parties and to ensure that the City is indemnified against any claims or lawsuits that arise out of the DDA's use of the premises.

The term of the License Agreement is 10 years with an option to renew for two additional five-year terms. In exchange for allowing the use of the site, the DDA will pay the City \$1 per year and provide the staff and resources to manage the Visitor Information Center. The DDA will be responsible for payment of the utility charges (except for water and sewer) and for the maintenance and repair of the interior portions of the Visitor Information Center. DDA is also required to enter into a separate Air Conditioning maintenance contract with a service provider to ensure that the HVAC system is adequately maintained. The City is responsible for repair and maintenance of all structural aspects of the Visitor Center, HVAC repairs not covered under the separate service contract, landscaping, signage and all items that are on the exterior portion of the Visitor Center. This maintenance arrangement is consistent with the maintenance obligations of other City-owned buildings occupied by third-parties, with the exception of the following addition. Because the public restrooms and the Wall of Water are associated with the City's use of the property, the City will be responsible for the water and sewer utility charges and any damage to the premises that is directly or indirectly caused by these amenities.

City Attorney Review:

Approved as to form and legal sufficiency.

Funding Source/Financial Impact:

N/A

Timing of Request:

The renovations to the building were completed February 1, and the DDA has resumed occupancy of Visitor Center. Therefore, this License Agreement should be executed as soon as possible.