

RESOLUTION 16D-16

**RESOLUTION AUTHORIZING AN AMENDMENT TO THE
LICENSE AGREEMENT WITH THE CITY OF DULUTH FOR DEDA LOT B**

RESOLVED by the Duluth Economic Development Authority ("DEDA") that the proper DEDA officials are hereby authorized to enter into an Amendment to the License Agreement with the City of Duluth, substantially in the form of that attached hereto (Contract No. 15 860 780¹) extending the term of the Agreement.

Approved by the Duluth Economic Development Authority this 27th day of April, 2016.

ATTEST:



Executive Director

STATEMENT OF PURPOSE: This resolution authorizes an Amendment to the License Agreement (Agreement) with the City of Duluth (City) which allows the City to operate DEDA Lot B in Bayfront for vehicular parking and to further allow the City use of DEDA-owned property adjacent to Lot B located in Bayfront Festival Park for Bayfront Festival Park-related purposes. The term of the License was set to expire on April 30, 2016. The anticipated land exchange of DEDA Lot B to the City and City operated Canal Park parking lots to DEDA has been delayed due to title and survey issues. This amendment extends the term of the License Agreement until December 31, 2017 (which is when the City's agreement with the DECC for managing the Lot expires) or until such time as DEDA Lot B is conveyed to the City, whichever is earlier.

AMENDMENT TO LICENSE AGREEMENT

THIS AMENDMENT TO LICENSE AGREEMENT is entered into by and between the DULUTH ECONOMIC DEVELOPMENT AUTHORITY, an economic development authority created and existing under the laws of the State of Minnesota, ("DEDA"), and the CITY OF DULUTH, a municipal corporation created and existing under the laws of the State of Minnesota, ("City").

The parties acknowledge the following:

A. The City owns certain property located in the Bayfront area of the City of Duluth known as Bayfront Festival Park upon which various festivals and activities occur ("Bayfront Festival Park").

B. DEDA owns certain property located in the Bayfront area of the City of Duluth indicated as Lot B (the "DEDA Lot") and certain property adjacent to Lot B ("Adjacent Property").

C. DEDA and the City entered a License Agreement (DEDA Contract #15 860 780/ City Contract #22551) to allow the City to operate the DEDA Lot for vehicular parking and to allow the City use of the Adjacent Property for Bayfront Festival Park-related purposes.

D. The parties desire to amend the License Agreement to extend the term of the License Agreement.

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained in this Agreement, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. Paragraph 4, TERM OF THE AGREEMENT, is amended in its entirety as follows:

Notwithstanding the date of execution of this Agreement, this Agreement shall be deemed to commence on May 1, 2015, and shall continue through December 31, 2017, or until such time as the Licensed Premises are conveyed to the City, whichever is earlier.

2. Except as provided in this Amendment, the terms and conditions of the License Agreement shall remain in force and effect.

[Remainder of this page intentionally left blank.]

IN WITNESS WHEREOF, the parties have set their hands the day and date first shown below.

DULUTH ECONOMIC DEVELOPMENT
AUTHORITY

CITY OF DULUTH

By: _____
Its President

By: _____
Its Mayor

Date: _____

Date: _____

By: _____
Its Secretary

Attest: _____
City Clerk

Date: _____

Date: _____

Countersigned:

City Auditor

Date: _____

Approved as to form:

City Attorney