

RESOLUTION 17D-35

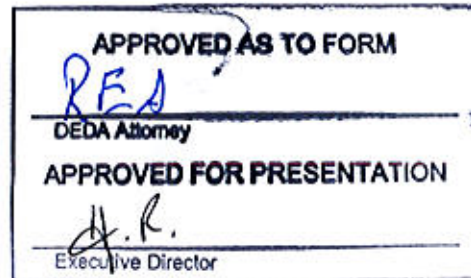
**RESOLUTION AUTHORIZING A SECOND AMENDMENT TO THE
LICENSE AGREEMENT WITH THE CITY OF DULUTH FOR DEDA LOT B**

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 780²) extending the term of the Agreement.

Approved by the Duluth Economic Development Authority this 29th day of November, 2017.

ATTEST:

Executive Director



STATEMENT OF PURPOSE: This resolution authorizes a Second Amendment to the License 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 is set to expire on December 31, 2017. This amendment extends the term of the License Agreement until December 31, 2018. The License Agreement is at no cost to the City.

SECOND AMENDMENT TO LICENSE AGREEMENT

THIS SECOND 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) which was amended by Amendment to License Agreement (the License Agreement and Amendment thereto hereinafter referred to as the Agreement") 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 further amend the Agreement to extend the term of the Agreement.

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained herein, 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, 2018.

2. Except as provided in this Second Amendment, the terms and conditions of the 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