



## **Memo**

To: Honorable Mayor Armitage; City Council  
From: Bryan Myrkle, Community Development Director  
Date: May 12, 2022  
Re: Staff report on proposed licensing of City owned property near Beach Market

### **Background**

As you may remember, the Friends of Beach Market, a federal 501(c)3 non-profit corporation, hopes to 'adopt' and develop the recently created concrete plaza area adjacent to the historic farmer's market, which is owned by the City of Charlotte.

This open area was previously an alley that the City of Charlotte closed when it redeveloped Parking Lot No. 1. This area could complement events and activities at Beach Market by providing additional outdoor space at the market.

The City of Charlotte has no plans to further develop this space, however the Friends of Beach Market is interested in installing new overhead lighting, additional seating and public art in a style similar to that found at Timepiece Park across the street from City Hall. This will take some time to accomplish, because the Friends organization will need to rely on grants, donations and other fund raising.

While this has been discussed for some time, the FOBM is proposing to formalize the arrangement through a long-term license agreement with the City. The basic terms of this proposed license are that the FOBM would have exclusive rights to use the space for Beach Market events, and would allow use by the general public at other times. In return, the FOBM would help keep the space in good shape, develop it as funds become available, and return the space to the City in good condition if a time comes when it no longer has use for it.

The FOBM are proposing to license use of the entire plaza area, except for approximately 5 feet on the east side of the space in order to preserve pedestrian access between Lovett St. and the parking lot. As specified in the license, the FOBM will maintain appropriate liability insurance coverage and name the City of Charlotte as an additionally-insured party.

The proposed license agreement has been reviewed and approved by City Attorney Hitch, and is included with your meeting materials.

### **Recommendation**

Approve the proposed the license agreement.

**Financial Impacts**

There are no identified negative financial impacts to this agreement. Rather, it will facilitate what is essentially a public improvement, and the caretaking thereof, with another party bearing the expense.

**Suggested Motion**

[I make a motion that the] City Council approves the proposed license agreement between the Friends of Beach Market and the City of Charlotte for the use and development of City-owned open space adjacent to Beach Market.