

Introduced by: Councilmember Smith

CITY OF TAKOMA PARK, MARYLAND

**RESOLUTION 2012-46
AUTHORIZING THE CITY MANAGER TO SIGN AN AMENDMENT
TO THE LAND LICENSE WITH TPSS CO-OP FOR PARKING, LOADING DOCK,
AND DESIGNATED USES**

WHEREAS, the City of Takoma Park and the Takoma Park Silver Spring Cooperative, Inc. entered into a Land License on July 28, 1998 for use of a portion of the City lot in Takoma Junction for parking spaces, containerized storage, trash receptacles, and a loading dock in conjunction with the grocery store; and

WHEREAS, in consideration for the right to use portions of the lot, the Co-op has paid a fee to the City in semi-annual installments as follows: in Years 1-4, the annual license fee was \$12,000; in Years 5-7, the fee was \$15,000; in Years 8-11, the fee was \$18,000; and

WHEREAS, for Year 12 and beyond, the fee is subject to negotiation; and

WHEREAS, the fee for Years 12-14 was \$18,000 per year; and

WHEREAS, the attached amendment to the Land License provides for a fee of \$18,000 for Year 15, \$19,000 for Year 16, and \$19,250 for Year 17; and

WHEREAS, Years 18 and beyond are subject to negotiation between the parties.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND THAT the City Manager is authorized to execute the attached Second Amendment to Land License for Parking, Loading Dock and Designated Uses.

Adopted this 30th day of July, 2012.

Attest:

Jessie Carpenter, CMC
City Clerk

**SECOND AMENDMENT TO
LAND LICENSE FOR PARKING, LOADING DOCK, AND DESIGNATED USES**

THIS SECOND AMENDMENT TO LAND LICENSE FOR PARKING, LOADING DOCK, AND DESIGNATED USES (“Land License”) made this ____ day of _____, 2012, by the City of Takoma Park, Maryland,¹ a municipal corporation, (“Licensor”) for the benefit of the Takoma Park-Silver Spring Cooperative, Inc., a Maryland corporation (“Licensee”).

WHEREAS, on July 28, 1998, the Licensor and Licensee entered into a Land License providing for Licensee to use portions of land owned by Licensor for parking spaces, containerized storage, trash receptacles, and a loading dock in conjunction with Licensee’s operation of a retail grocery store known as the TPSS Co-op at 201 Ethan Allen Avenue, Takoma Park, MD 20912; and

WHEREAS, in consideration for the right to use portions of Licensor’s land for these purposes, the Land License provides for Licensee to pay a license fee to Licensor; and

WHEREAS, section 3.1 of the Land License states that the license fee for Years 8 - 11 (July 1, 2005 - June 30, 2009) is \$18,000.00 per year, payable in semi-annual installments; and

WHEREAS, the Land License provides that the License Fee for Year 12 (July 1, 2009 - June 30, 2010) and later years during which the Land License remains in effect is “subject to negotiation between Licensor and Licensee”; and

WHEREAS, Licensor and Licensee reached an agreement that the license fee to be paid for Year 12 (July 1, 2009 - June 30, 2010), Year 13 (July 1, 2010 - June 30, 2011), and Year 14 (July 1, 2011 – June 30, 2012) remained at \$18,000.

WHEREAS, a First Amendment to the Land License was signed by the parties on December 24, 2009 and January 11, 2010.

WHEREAS, Licensor and Licensee have reached an agreement that the license fee to be paid in Year 15 (July 1, 2012 – June 30, 2013) will remain at \$18,000. The license fee to be paid in Year 16 (July 1, 2013 – June 30, 2014) will be \$19,000. The license fee to be paid in Year 17 (July 1, 2014 – June 30, 2015) will be \$19,250.

NOW, THEREFORE, in consideration of the mutual covenants and promises of the parties and other good and valuable consideration, the receipt and sufficiency of which is acknowledged, Licensor and Licensee agree as follows:

1. Year 15 (July 1, 2012 - June 30, 2013) License Fee. Licensee shall pay to Licensor a fee for Year 15 in the amount of \$18,000. This license fee shall be paid in semi-annual installments of \$9,000; the first semi-annual installment is be due upon

¹ The City of Takoma Park, Maryland, is referred to in the July 28, 1998, Land License as the “Mayor and City Council of Takoma Park, Maryland.”

execution of this Second Amendment to Land License by Licensee and the second semi-annual installment is due by January 1, 2013.

- 2. Year 16 (July 1, 2013 - June 30, 2014) License Fee. Licensee shall pay Licensor a license fee for Year 16 in the amount of \$19,000, payable semi-annually on July 1, 2013, and January 1, 2014.
- 3. Year 17 (July 1, 2014 - June 30, 2015) License Fee. Licensee shall pay Licensor a license fee for Year 17 in the amount of \$19,250, payable semi-annually on July 1, 2014, and January 1, 2015.
- 3. All other provisions of the Land License for Parking, Loading Dock, and Designated Uses made July 28, 1998, shall remain in full force and effect.

IN WITNESS WHEREOF, Licensor and Licensee have signed this Second Amendment to Land License effective on the day and year first above written.

Attest: CITY OF TAKOMA PARK, MARYLAND,
Licensor

By: _____ (SEAL)
Barbara B. Matthews, City Manager

Date signed: _____

Attest: TAKOMA PARK-SILVER SPRING
COOPERATIVE, INC., Licensee

By: _____ (SEAL)
Print Name and Title: _____

Date signed: _____

Authorized by City Council Resolution 2012-46