



Item: Express Building Modification of Dedication Agreement
From: Cheryl Patton, Assistant City Manager
Initiated By: Express Building Condominium Association
Presented By: Cheryl Patton, Assistant City Manager
Action Requested: Approve Agreement

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission approve the Agreement with the Express Building Condominium Association, Modifying the Dedication Agreement between the City and the Express Building Condominium Association.

2. Mayor calls for a second, discussion, inquiries from the public, and calls the vote.

Staff Recommendation: Staff and the Express Building Condominium Association recommend that the City Commission approve the agreement.

Background: In 1984 the City accepted the dedication of the paved access road behind the Civic Center and the paved parking area owned by the Express Building Association. In exchange for the access behind the Civic Center the City agreed to control traffic; enforce parking rules and reservations; and maintain the area by removing snow, striping the parking etc.

The Dedication Agreement further reserved 58 parking spaces, including 10 spaces on the west side of the Civic Center, for exclusive use of the Express Building.

With the increased use and activity for the Civic Center Theater and Convention Center, the City found it prohibitively difficult to enforce the exclusive parking of the 10 spaces west of the Civic Center for the Express Building. When the Broadway Series began, it became crucially important that buses and semi trailers have access to the overhead door on the west wall of the Civic Center, thereby blocking parking in those spaces to Express Building tenants, employees and customers.

During his tenure, former City Manager John Lawton and Neil Ugrin, a former owner of the Condominium Association now deceased, negotiated a solution to trade the problematic 10

spaces adjacent to the west wall of the Civic Center for 16 of the most westerly spaces in the parking lot between the Express Building and the Children's Museum and four spaces closest to the Express Building across the railroad tracks. This results in reserving 10 additional spaces for the Express Building during the hours of 8:00 AM and 5:00 PM Monday through Friday, excluding all legal holidays, and Saturdays from 8:00 AM until 12:00 Noon.. This agreement was administratively implemented but neither party can find evidence that the agreement was ever signed by the City or approved by the City Commission.

The Express Building Owners desire to have the agreement formally executed. City staff believes this solves logistic and enforcement problems for the City and is in the City's interest to approve the agreement to not risk having the dedication of the access way behind the Civic Center be reversed.

Concurrences: The City Attorney has reviewed the agreement and has determined that sections 17.36.2.060 and 17.36.1.030(C) of the OCCGF provide authority to modify the dedication agreement providing additional spaces to the Express Building Condominium Association and releasing back to the City the ten spaces directly west of the Civic Center Building.

Fiscal Impact: There is no direct fiscal impact to the City but the agreement modification helps to protect the dedication of the access way behind the Civic Center building. If the agreement is approved the City will grant easement of 10 net parking spaces in exchange for the spaces directly west of the Civic Center building.

Alternatives: If the dedication agreement is not modified and the City finds it impossible to consistently ensure that the 10 spaces west of the Civic Center building are reserved during the hours specified for the Express Building, the Dedication Agreement approved in 1984 can be reversed. This would leave the Civic Center building without roadway access to the rear of the building.

Attachments/Exhibits:

Agreement Granting Easement and Modifying Dedication Agreement and Map Exhibit A
(Attachments not available online; on file in City Clerk's Office.)