

**10720. RESOLUTION 13-35 – FIRST AMENDMENT TO LEASE AGREEMENTS BETWEEN THE DELAWARE RIVER AND BAY AUTHORITY AND CLEAR CHANNEL OUTDOOR**

WHEREAS, The State of Delaware (“Delaware”) was the owner of certain real property located in the New Castle Hundred, New Castle County, State of Delaware and identified as County Tax Parcel No. 10-014.00-070(part) (the “Property”); and

WHEREAS, Delaware, through its division, Delaware Transit Corporation (“Transit”), entered into certain Lease Agreements (“Agreements”) (#’s 102-20314 & 102-20315) for a portion of the property , dated February 4, 2004 with Clear Channel Outdoor and

WHEREAS, by deed dated August 30, 2010, Delaware transferred title to the Property to the Delaware River and Bay Authority (the “Authority”); and

WHEREAS, the parties wish to formally acknowledge the transfer of the Property to the Authority and the substitution of the Authority for Delaware Transit Corporation in the Leases; and

WHEREAS, Clear Channel Outdoor’s current lease expires September 15, 2013; and

WHEREAS, Clear Channel Outdoor shall have the right to renew these Agreements for four (4) additional ten (10) year terms; and

WHEREAS, Clear Channel Outdoor wishes to renew both of the existing Agreements for an additional ten (10) years;

WHEREAS, Clear Channel agrees to pay Six Thousand Dollars (\$6,000.00) annually for each billboard during the initial term; and

WHEREAS, rent during each year of the renewal term shall increase by 2.5%.

NOW, THEREFORE, BE IT RESOLVED, that the Executive Director is hereby authorized to finalize the terms and conditions of the Agreements with Clear Channel Outdoor and, with the advice and consent of counsel, to have such Agreements executed by the Chairperson, Vice Chairperson, and the Executive Director.

A motion to approve Resolution 13-35 was made by Commissioner Downes, seconded by Commissioner Wilson, and approved by a roll call vote of 9-0.

## **Resolution 13-35 Executive Summary Sheet**

**Resolution:** Authorizing the Executive Director to execute First Amendments to Lease Agreements with Clear Channel Outdoor.

**Committee:** Economic Development

**Committee Date:** September 17, 2013

**Board Date:** September 17, 2013

### **Purpose and Background for Resolution:**

The State of Delaware transferred a 2.77 acre parcel to the Authority in 2010 in relation to a road construction project. The Delaware Transit Corporation had executed leases with Clear Channel Outdoor for the erection of two advertising billboards on the parcel. This resolution acknowledges the leases and their transfer to the Authority. It also modifies the agreements to create a specific number of renewal terms and adjusts the rent for the space to \$6,000 a year annual rent for each billboard.