

**RESOLUTION 21-22 - LEASE AMENDMENT BETWEEN THE DELAWARE RIVER AND BAY AUTHORITY AND FERRY PARK, LLC AT THE CAPE MAY FERRY TERMINAL**

WHEREAS, The Delaware River and Bay Authority (the “Authority”), is the operator of the Cape-May Lewes Ferry (“CMLF”) which includes the terminal building located in Cape May, New Jersey (the “Cape May Terminal Building”); and

WHEREAS, Ferry Park, LLC owned by Jack Wright, desires to lease approximately 11,748 rentable square feet of space in the Cape May Terminal Building and 15,547 rentable square feet of contiguous patio space (the “Leased Premises”) and have periodic exclusive access to the contiguous green; and

WHEREAS, the Leased Premises is being leased in its “as-is” condition and Ferry Park, LLC commits to undertake at least One Million Nine Hundred Thirty-Nine Thousand Dollars (\$1,939,000) of capital improvements in the first three lease years; and

WHEREAS, the initial term of the lease is ten (10) years with both parties having the option to mutually agree to extend the lease for two additional periods of five (5) years each; and

WHEREAS, on April 20, 2021, the Board passed Resolution 22-10 authorizing the Executive Director to finalize the terms and conditions of the Lease Agreement with Ferry Park, LLC; and

WHEREAS, during those negotiations the parties have agreed to reduce the first year annual base rent from One Hundred Twenty-Five Thousand Dollars (\$125,00.00) to Ninety-Six Thousand, Seven Hundred and Fifty Dollars (\$96,750.00) annual base rent during the first year of the lease; and

WHEREAS, all other terms and conditions set forth in Resolution 21-10 remain unchanged.

NOW, THEREFORE, BE IT RESOLVED, that the Executive Director is hereby authorized to finalize the terms and conditions of the Lease Agreement as amended with Ferry Park, LLC and, with the advice and consent of counsel, to have such Lease Agreement executed by the Chairperson, Vice Chairperson, and the Executive Director.

## **Resolution 21-22 - Executive Summary**

**Resolution:** Authorizing the Execution of a Lease Agreement between the Delaware River and Bay Authority and Ferry Park, LLC.

**Committee:** Budget & Finance

**Committee/Board Date:** May 18, 2021

**Purpose of Resolution:** To authorize a lease amendment with Ferry Park, LLC to operate food and retail establishments in the Cape May Terminal Building of the Cape-May Lewes Ferry.

### **Background for Resolution:**

Ferry Park, LLC will be serving and selling alcohol under a Concessionaire Agreement with the DRBA until their permit for the sale and service of alcohol has been granted by the State of New Jersey. As a result, the base rent for months 1-3 shall be reduced to \$1,000.00 per month. This will reduce the first year annual base rent from \$125,000 to \$96,750.00. All other terms previously authorized by the Board in Resolution 21-10 remain unchanged.