



## Legislation Details (With Text)

**File #:** 23-1073      **Version:** 1      **Name:**

**Type:** CONSENT AGENDA      **Status:** Approved

**File created:** 4/12/2023      **In control:** Park & Recreation Department

**On agenda:** 5/10/2023      **Final action:**

**Title:** Authorize a twenty-year development, operation, and maintenance agreement, with one five-year renewal option, with CityMark 3100 McKinnon SPE, LLC, a Delaware limited liability company for the development, operation, and maintenance of pedestrian sidewalks, bike racks, grading, and landscape improvements for the purposes of connecting to and providing access from an adjacent development to the Katy Trail located at 3100 McKinnon Street - Financing: No cost consideration to the City

**Sponsors:**

**Indexes:** 14

**Code sections:**

**Attachments:** 1. Map, 2. Resolution, 3. Exhibit A

Date	Ver.	Action By	Action	Result
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**STRATEGIC PRIORITY:** Quality of Life, Arts & Culture

**AGENDA DATE:** May 10, 2023

**COUNCIL DISTRICT(S):** 14

**DEPARTMENT:** Park & Recreation Department

**EXECUTIVE:** John D. Jenkins

### SUBJECT

Authorize a twenty-year development, operation, and maintenance agreement, with one five-year renewal option, with CityMark 3100 McKinnon SPE, LLC, a Delaware limited liability company for the development, operation, and maintenance of pedestrian sidewalks, bike racks, grading, and landscape improvements for the purposes of connecting to and providing access from an adjacent development to the Katy Trail located at 3100 McKinnon Street - Financing: No cost consideration to the City

### BACKGROUND

This action will authorize a twenty-year development, operation, and maintenance agreement, with one five-year renewal option, subject to Park Board approval, with CityMark 3100 McKinnon SPE, LLC, a Delaware limited liability company ("CityMark"), for the development, operation, and maintenance of pedestrian sidewalks, bike racks, grading, and landscape improvements for the purposes of connecting to and providing access from an adjacent development to the Katy Trail

located at 3100 McKinnon Street.

CityMark owns property located at 3100 McKinnon Street adjacent to the Katy Trail. CityMark is currently developing the open grassy area on the back of its property adjacent to the trail as an outdoor seating area for a new restaurant it is developing. This renovation will include outdoor seating, pergolas, landscaping, food service, including serving alcohol, and other improvements for patrons of CityMark. CityMark also desires to enhance the landscaping on the Katy Trail adjacent to its property and to provide Katy Trail access for its building residential and office patrons and patrons of the restaurant. Improvements to the Katy Trail will include enhanced landscaping, grading, bike racks, and other improvements (Exhibit A).

This action will authorize an agreement with CityMark for the development, operation, and maintenance of the improvements on a portion of the Katy Trail ("Licensed Area") and will be subject to the following terms:

1. The term is for twenty years, with one consecutive five-year renewal option, subject to Park Board approval.
2. CityMark at its own cost, is responsible for the development of the design, plans, and specifications for the improvements to be made to the park. CityMark will submit the design to the Park & Recreation Department for review and approval prior to commencement of construction.
3. CityMark at its own cost, is responsible for the maintenance and repair of the improvements during the term of the agreement.
4. CityMark will manage the design and construction through its own consultants and contractors and will be responsible for all permits and other approvals.
5. Either party may terminate the agreement without cause with a ninety-day notice. The Director may suspend or terminate the agreement with a ten-day notice should it find that the public interest, safety, health, comfort and/or welfare require such action.

#### **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On April 11, 2023, the Park and Recreation Board authorized a development, operation, and maintenance agreement with CityMark 3100 McKinnon SPE, LLC for the development, operation, and maintenance of trail improvements to the Katy Trail.

#### **FISCAL INFORMATION**

No cost consideration to the City.

#### **MAP**

Attached