

RESOLUTION NO. 12888-16

A RESOLUTION APPROVING A FIVE YEAR LICENSE AGREEMENT CONCERNING STREET REPAIRS AND USE OF EAST BOUNDARY ROAD (A/K/A E. BOUNDARY ROAD) IN NEWPORT NEWS, VA AND DIRECTING THE CITY MANAGER TO EXECUTE AND THE CITY CLERK TO ATTEST, ON BEHALF OF THE CITY OF NEWPORT NEWS, VIRGINIA, THAT CERTAIN LICENSE AGREEMENT BY AND BETWEEN THE CITY OF NEWPORT NEWS, VIRGINIA, AND THE MARINERS' MUSEUM DATED THE 26TH DAY OF JANUARY, 2016.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Newport News:

1. That it hereby approves a five year license agreement which the City will donate the street repair materials and labor to repair potholes on East Boundary Road (a/k/a E. Boundary Road) in Newport News, Virginia, in exchange for The Mariners' Museum allowing the City to utilize E. Boundary Road for the annual marathon, pursuant to the terms of that certain License Agreement by and between the City of Newport News, Virginia, and The Mariners' Museum dated the 26th day of January, 2016, hereinafter referred to as the License Agreement.
2. That it hereby authorizes and directs the City Manager to execute and the City Clerk to attest the License Agreement on behalf of the City of Newport News.
3. That a copy of the Agreement is attached hereto and made a part hereof.
4. That this resolution shall be in effect on and after the date of its adoption, January 26, 2016.

PASSED BY THE COUNCIL OF THE CITY OF NEWPORT NEWS ON JANUARY 26, 2016

Mabel Washington Jenkins, MMC
City Clerk

McKinley L. Price, DDS
Mayor

A true copy, teste:

City Clerk

**LICENSE AGREEMENT BETWEEN
THE CITY OF NEWPORT NEWS, VIRGINIA AND THE MARINERS' MUSEUM
REGARDING ROAD REPAIRS ON EAST BOUNDARY ROAD**

THIS License Agreement (this "Agreement") is dated January 26, 2016 and is entered into by and between the **City of Newport News, Virginia** (the "City") and **The Mariners' Museum** (the "Museum") and is based on the following premises:

- A. The City has advised the Museum that the City will hold the "One City Marathon" (the "Marathon") on Sunday, March 13, 2016 and each subsequent year during the month of March on a date to be announced, and desires to utilize East Boundary Road (a/k/a E. Boundary Road) as a part of the race route.
- B. East Boundary Road is a private street owned by the Museum and is located on the southern side of Lake Maury running between Warwick Boulevard and Museum Drive.
- C. The City has requested permission from the Museum to utilize East Boundary Road (a/k/a E. Boundary Road) as a part of the race route.
- D. In a review of the proposed race route, East Boundary Road was observed by the City to have a number of potholes and other surface deficiencies.
- E. The City Council has indicated their support for the provision of street repair materials and labor to patch the potholes and perform other repairs prior to the annual Marathon. The total cost of the repair materials is estimated by the City to be approximately no more than \$5,000 per year.

NOW, THEREFORE, WITNESETH: that as an accommodation to the City, and for and in consideration for the following provisions, the City and the Museum agree as follows:

- 1. The City agrees to donate the street repair materials (estimated by the City to cost approximately no more than \$5,000 per year) and labor to patch the potholes and perform other street repairs on East Boundary Road as necessary to eliminate the potholes and other surface deficiencies such that East Boundary Road shall be a safe running surface for participants in the Marathon (the "Repair Work"). The parties acknowledge that the Museum has no expertise in determining the repairs required to Boundary Road to provide such a safe running surface and are relying on the experience and expertise of the City to accomplish the required repairs to provide such a safe running surface.
- 2. The Museum agrees to make East Boundary Road available for the Repair Work to occur at the City's convenience.

APPROVED AS TO FORM:

Collins L. Owens, Jr., City Attorney Date