



CITY OF BETHLEHEM
OFFICE OF THE CITY SOLICITOR

5D

CORRESPONDENCE

SUBJECT: SoccerFest Use Permit Amendments
TO: City Council
FROM: Matthew J. Kloiber, Assistant City Solicitor
DATE: June 27, 2014

ARTSQUEST and City of Bethlehem, entered into a Use Permit Agreement dated June 13, 2014 (Permit) for SoccerFest. SoccerFest was extremely successful in creating a community environment to watch the 2014 World Cup Soccer Games. The United States games have drawn extensive crowds. Based on this success, ARTSQUEST expanded SoccerFest to show additional games.

Given the potential strong turnout of supporters for the United States games, ARTSQUEST requested to expand the Permit to cover future United States games as well as the Championship game. The request was made after the last Council meeting. Some of the games would take place prior to the next Council meeting on July 1, 2014.

Administration officials and the City Solicitor's office were in communication with the President of Council and the Council Solicitor about the request. The President of Council was in agreement with amending the use permit for any individual days the US World Cup team plays prior to next Council meeting. Accordingly, the City and ARTSQUEST executed an Amendment to cover the United States game on Thursday, June 26, 2014. A copy of this Amendment (with signatures) is attached.

Following this game, the United States advanced to the next stage of the World Cup. The next United States game will be on July 1, 2014 at 4:00 p.m., several hours prior to the next Council meeting. Accordingly, the City and ARTSQUEST will be executing a Second Amendment prior to the July 1, 2014 game that addresses this game and the other potential United States games in this next stage of the World Cup. A copy of this Amendment (without signatures) is attached.

Also attached is a proposed Resolution ratifying these two amendments.

cc: Mayor Donchez
Ralph Carp, Director of Parks and Public Property
Jeff Parks, President of ARTSQUEST

By: 
Assistant City Solicitor

CITY OF BETHLEHEM
Bethlehem, Pennsylvania

AMENDMENT TO USE PERMIT AGREEMENT FOR PUBLIC PROPERTY

THIS AMENDMENT TO USE PERMIT AGREEMENT is entered into this _____ day of _____, 2014, by and between ARTSQUEST, with its mailing address at 25 W. 3rd Street, Suite 300, located in the City of Bethlehem, Pennsylvania, 18015 (hereinafter referred to as the "Permittee");

- AND -

The CITY OF BETHLEHEM, a municipal corporation organized and existing under the laws of the Commonwealth of Pennsylvania, with its offices and principal place of business situate at 10 East Church Street, Bethlehem, Northampton County, Pennsylvania, 18018 (hereinafter referred to as the "City").

WITNESSETH:

WHEREAS, the SoccerFest event at ARTSQUEST and Levitt Pavillion has been extremely successful in creating a community environment to watch the 2014 World Cup Soccer Games;

WHEREAS, the United States games in particular have drawn extensive attendees;

WHEREAS, on the afternoon of Thursday, June 26, 2014, the United States Team advanced to the next round of the World Cup;

WHEREAS, ARTSQUEST, has extended the SoccerFest event to show these additional games;

WHEREAS, the large screen will return for at least a portion of these games;

WHEREAS, the attendance at these prior United States games suggests additional United States games will be well attended;

WHEREAS, ARTSQUEST has extended the duration of the insurance required by the Agreement. A copy of the documentation showing this extension is attached to this Amendment document;

WHEREAS, the parties desire to amend the Use Permit Agreement dated June 13, 2014 (hereinafter referred to as "Agreement") as more fully set forth below.

NOW THEREFORE, in consideration of the sum of One and 00/100 (\$1.00) Dollar and the other amounts, if any, hereinafter identified to be paid by the Permittee to the City concurrently herewith, the sufficiency of which is hereby acknowledged, and intending to be legally bound hereby, the parties agree as follows:

1. The Duration of the Agreement is extended to include days in which the United States Soccer Team plays, as well as the Championship game (whether or not the United States plays in the game).
2. The Premises is hereby amended to include the 100 Block of Founders Way.
3. Paragraph A.2., Event Dates and Times, is amended to include Tuesday, July 1, 2014, Saturday, July 5, 2014 (if the United States plays), Wednesday, July 9, 2014 (if the United States plays), Saturday, July 12, 2014 (if the United States plays), and Sunday, July 13, 2014 (Championship game). The times for each event will be from 10:30 a.m. until 9:00 p.m.; the City of Bethlehem may adjust these dates and times to reflect schedule changes for games and public safety concerns.
4. All other terms and conditions contained in the original Use Permit Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, and intending to be legally bound hereby, the Permittee and the City, have caused this Amendment to Use Permit Agreement to be duly executed the day and year first above written.

ATTEST: PERMITTEE:
ARTSQUEST

Secretary

By: _____ (SEAL)
Name: _____
Title: _____

ATTEST: CITY:
CITY OF BETHLEHEM

City Controller

By: _____ (SEAL)
Robert J. Donchez
Mayor

The within Use Permit Agreement is certified to be needed, necessary and appropriate.

By: _____
City of Bethlehem Department Head
Print Name: Ralph E. Carp

CITY OF BETHLEHEM
Bethlehem, Pennsylvania

AMENDMENT TO USE PERMIT AGREEMENT FOR PUBLIC PROPERTY

THIS AMENDMENT TO USE PERMIT AGREEMENT is entered into this 25th day of June, 2014, by and between ARTSQUEST, with its mailing address at 25 W. 3rd Street, Suite 300, located in the City of Bethlehem, Pennsylvania, 18015 (hereinafter referred to as the "Permittee");

- AND -

The CITY OF BETHLEHEM, a municipal corporation organized and existing under the laws of the Commonwealth of Pennsylvania, with its offices and principal place of business situate at 10 East Church Street, Bethlehem, Northampton County, Pennsylvania, 18018 (hereinafter referred to as the "City").

WITNESSETH:

WHEREAS, the parties desire to amend the Use Permit Agreement dated June 13, 2014 (hereinafter referred to as "Agreement") as more fully set forth below.

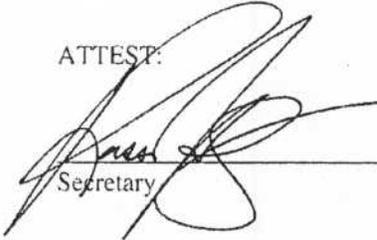
WHEREAS, ARTSQUEST has extended the duration of the insurance required by the Agreement. A copy of the documentation showing this extension is attached to this Amendment document.

NOW THEREFORE, in consideration of the sum of One and 00/100 (\$1.00) Dollar and the other amounts, if any, hereinafter identified to be paid by the Permittee to the City concurrently herewith, the sufficiency of which is hereby acknowledged, and intending to be legally bound hereby, the parties agree as follows:

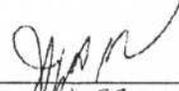
1. The Duration of the Agreement is extended to include Thursday, June 26, 2014.
2. The Premises is hereby amended to include the 100 Block of Founders Way.
3. Paragraph A.2., Event Dates and Times, is amended to include Thursday, June 26, 2014 from 10:30 a.m. to 5:00 pm.
4. All other terms and conditions contained in the original Use Permit Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, and intending to be legally bound hereby, the Permittee and the City, have caused this Addendum to Use Permit Agreement to be duly executed the day and year first above written.

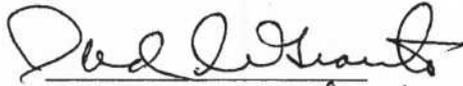
ATTEST:


Secretary

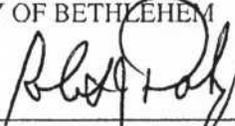
PERMITTEE:
ARTSQEST

By:  (SEAL)
Name: Jeffrey A. Parks
Title: President # CQO

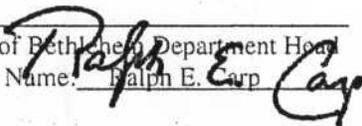
ATTEST:


City Controller 6/26/14

CITY:
CITY OF BETHLEHEM

By:  (SEAL)
Robert J. Donchez
Mayor

The within Use Permit Agreement is certified to be needed, necessary and appropriate.

By: 
City of Bethlehem Department Head
Print Name: Ralph E. Corp