



CITY OF BETHLEHEM
OFFICE OF THE CITY SOLICITOR

INTEROFFICE MEMORANDUM

To: Robert G. Vidoni, City Clerk


From: William P. Leeson, Esq., City Solicitor

Re: Amendment No. 1 to Use Permit Agreement for Public Property
Permittee Name: Mount Airy Neighborhood Association
Subpermittee Name: Fegley Enterprises, Inc.
Purpose: West Side Farmers Market
Location: Bethlehem Rose Garden

Date: September 9, 2020

Attached is a proposed Resolution and associated Amendment No. 1 to Use Permit Agreement for Council's consideration.

Please place this matter on City Council's agenda for review and appropriate action.



William P. Leeson, Esq., Solicitor

Cc: Robert J. Donchez, Mayor
Jodi M. Evans, Director of Recreation
Mary Toulouse, MANA
Ana McCaw, Fegley Enterprises

RESOLUTION NO. 2020-_____

Authorization For Use Permit Agreement

BE IT RESOLVED by the Council of the City of Bethlehem that Council authorizes and ratifies execution by the Mayor and the Controller and/or such other City officials as deemed appropriate by the City Solicitor an Amendment No. 1 to Use Permit Agreement and such other agreements and documents as are deemed by the City Solicitor to be necessary and/or related thereto, according to the terms and conditions indicated therein and made a part hereof, with the following named permittee, for the uses and purposes indicated below:

- 1. Name of Permittee: Mount Airy Neighborhood Association
- 2. Name of SubPermittee: Fegley Enterprises, Inc.
- 3. Premises: Bethlehem Rose Garden
- 4. Purpose: West Side Farmers Market
- 5. Duration: Extending End Date to October 31, 2020
- 6. Event Date/Times: Additional Dates:
October 17, 2020, October 24, 2020 and October 31, 2020
from 9:00 a.m. to 1:00 p.m.

Sponsored by _____

ADOPTED by Council this day of , 2020.

President of Council

ATTEST:

City Clerk

AMENDMENT NO. 1 TO
USE PERMIT AGREEMENT FOR PUBLIC PROPERTY
BY AND BETWEEN
CITY OF BETHLEHEM
AND
MOUNT AIRY NEIGHBORHOOD ASSOCIATION AND FEGLEY ENTERPRISES INC.

THIS AMENDMENT is entered into this ____ day of _____, 2020, by and between the CITY OF BETHLEHEM, Pennsylvania, hereinafter referred to as the "City" and MOUNT AIRY NEIGHBORHOOD ASSOCIATION, hereinafter referred to as "Permittee" and FEGLEY ENTERPRISES, INC. hereinafter referred to as "SubPermittee".

WHEREAS, the parties entered into a Use Permit Agreement dated June 16, 2020, pursuant to which the City granted a Use Permit to the Permittee for the use of the Bethlehem Rose Garden for the purpose of the West Side Farmer's Market and for the duration described therein; and

WHEREAS, the parties desire to amend the duration of the Use Permit Agreement on the following terms and conditions.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties hereto, intending to be legally bound hereby, covenant and agree as follows:

1. The Duration of the Use Permit Agreement is hereby amended to extend the end date to October 31, 2020.
2. Section A, Paragraph.1, Event Date and Times, Subparagraph A is hereby amended to include the following additional event dates and times:

October 17, 2020, October 24, 2020 and October 31, 2020 from 9:00 a.m. to 1:00 p.m.
3. All other terms and conditions contained in the original Use Permit Agreement shall remain in full force and effect.

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IN WITNESS WHEREOF, each of the parties hereto has caused this Amendment to be duly executed and attested as of the date first above written.

ATTEST:

Secretary

PERMITTEE:
MOUNT AIRY NEIGHBORHOOD
ASSOCIATION

By: _____ (SEAL)

1. Name: Mary Toulouse
2. Title: President
3. Certificate of Insurance Naming "City of Bethlehem And Its Officers and Employees" Has Been Provided: Yes/No
(NOTE: THIS CONTRACT WILL NOT BE PROCESSED FOR SIGNATURE BY CITY UNLESS REQUIRED CERTIFICATE OF INSURANCE HAS BEEN PROVIDED!!)

ATTEST:

Secretary

SUBPERMITTEE:
FEGLEY ENTERPRISES, INC.

By: _____ (SEAL)

1. Name: _____
2. Title: _____
3. Certificate of Insurance Naming "City of Bethlehem And Its Officers and Employees" Has Been Provided: Yes/No
(NOTE: THIS CONTRACT WILL NOT BE PROCESSED FOR SIGNATURE BY CITY UNLESS REQUIRED CERTIFICATE OF INSURANCE HAS BEEN PROVIDED!!)

ATTEST:

City Controller

CITY:
CITY OF BETHLEHEM

By: _____ (SEAL)

Robert J. Donchez
Mayor

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

By: _____
City of Bethlehem Department Head
Print Name: Jodi M. Evans