

A RESOLUTION APPROVING A LEASE AGREEMENT WITH THE CHAPEL HILL-CARRBORO CHILDREN'S MUSEUM, D/B/A KIDZU CHILDREN'S MUSEUM AND AUTHORIZING THE TOWN MANAGER TO TAKE STEPS REQUIRED FOR THE EXECUTION OF SAID LEASE (2009-11-09/R-5)

WHEREAS, the Chapel Hill-Carrboro Children's Museum, a North Carolina not for profit corporation d/b/a Kidzu Children's Museum ("Kidzu") has proposed a plan to construct and operate a children's museum on the roof level of the Town-owned James C. Wallace Parking Plaza at the corner of Rosemary and Henderson Streets; and,

WHEREAS, Kidzu has proposed that it lease a portion of the roof level of the Wallace Parking Plaza pursuant to a proposed lease attached to the report received by the Town Council at its November 9, 2009, Council meeting; and,

WHEREAS, the Town Council has reviewed the proposed lease, conducted a work session with Kidzu and received public comment at a public forum on the proposed lease; and,

WHEREAS, the Town Council finds that the operation of this museum, to be opened to the public, is a public purpose for which the Town can provide financial support and sell property to by private sale; and,

WHEREAS, the proposed lease of the Wallace Parking Plaza roof, for a term of 99 years, is to be treated as a sale of property; and,

WHEREAS, the Council finds that the proposed lease and development of roof of the Wallace Parking Plaza as a children's museum and outdoor display and program area is consistent with the Council's goal of promoting the economic vitality of downtown Chapel Hill.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that Town Manager is authorized to execute on behalf of the Town the attached Lease Agreement with Kidzu, in substantially the form as presented to the Council on November 9, 2009, subject to minor non-substantive and technical corrections that the Manager or Town Attorney may deem appropriate;

BE IT FURTHER RESOLVED that a copy of this resolution shall be published following its adoption and the lease shall be executed ten days following the publication of the resolution.

This the 9th day of November, 2009.