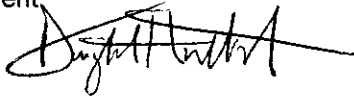




City of Rochester

Inter-Departmental Correspondence

To: Fashun Ku, Commissioner, Economic Development
From: Dwight Hubbard, Municipal Parking Coordinator 
Date: April 9, 1996
Subject: WXXI Parking Permit Agreement -- High Falls Garage

Attached for your review and signature are 4 copies of an agreement between the City and WXXI to sell thirty-five keycards to WXXI for monthly parking at the High Falls Garage. This agreement is on a month-to-month basis effective May 1, 1996, and City Council approval is not needed.

DH:eaq
xc: L. Seltzer



022028

PARKING PERMIT AGREEMENT

DATE: 4/2/ 1996

PARTIES:

This Parking Permit Agreement ("Agreement") is made by and between the following parties:

"CITY":	City of Rochester, a municipal corporation with offices at City Hall, 30 Church Street, Rochester, New York 14614
"WXXI":	WXXI Public Broadcasting Council, with offices at 280 State Street, Rochester, New York 14601

RECITALS:

WHEREAS, the City is the owner of the High Falls Parking Garage (hereinafter "Garage") located at 242 State Street, Rochester, New York; and

WHEREAS, WXXI wishes to arrange parking in the Garage for its employees; and

WHEREAS, the City has agreed to sell WXXI thirty-five (35) monthly keycards for parking at the Garage for WXXI employees

NOW, THEREFORE, the parties agree as follows:

SECTION ONE

RESERVED PERMITS

The City hereby agrees to sell, through its Garage operator, and WXXI hereby agrees to purchase, thirty-five (35) monthly keycards for parking at the Garage. All such keycards shall be used only by employees of WXXI.

SECTION TWO

PERMIT DISTRIBUTION

A. Employee List - WXXI shall furnish the Garage operator, no later than five (5) days prior to the first calendar month of this Agreement, with a list (the "List") of WXXI employees eligible to purchase the monthly keycards for the first month. Thereafter, WXXI shall furnish the Garage operator, no later than the fifth last day of each calendar month, with an updated list of employees to be deleted from or added to the List. Said List shall constitute those WXXI employees eligible to purchase the monthly keycards for the applicable month.

B. Permit Issuance - On or before the first day of each month of this Agreement, the Garage operator shall issue or renew as applicable, 35 monthly keycards to the eligible WXXI

employees designated on the List. There is an initial deposit of \$5.00 for each keycard issued, which is refundable providing that the keycard is returned in working condition.

C. Permit Adjustments - Upon thirty (30) days' prior written notice to the City, WXXI may decrease the number of WXXI spaces or increase the number (provided that additional parking spaces are available), upon the same terms and conditions as in this Agreement.

SECTION THREE

PAYMENT

No later than the first day of each month during the term of this Agreement, WXXI shall pay to the Garage operator the then current rate at the Garage charged the general public for monthly keycards excluding New York State sales tax, for the 35 monthly keycards issued by the Garage operator in accordance with this Agreement. The City reserves the right to adjust such monthly rates at any time. The monthly rate of \$32.41 per keycard will be charged.

~~NEW~~ NEW rate would be \$7.41 but no one pays sales tax now.

SECTION FOUR

USE OF THE GARAGE

Each monthly keycard issued pursuant to this Agreement entitles the user to park within the Garage, within designated parking areas as they are available, subject to all rules and regulations governing the general public's use of the Garage. The keycard does not entitle the user to a reserved space of any kind.

SECTION FIVE

TERM

The term of this Agreement shall be on a month-to-month basis, commencing on May 1, 1996. Each party may terminate this Agreement upon thirty (30) days written notice to the other party.

SECTION SIX

ASSIGNMENT

This Agreement is not assignable.

SECTION SEVEN

NOTICES

Any notice, demand or request given under this Agreement shall be sufficiently given or served in writing and signed by the party giving it and addressed to the party to be notified as follows:

TO CITY:

City of Rochester
Municipal Parking Division
City Hall - Room 012A
30 Church Street

Rochester, New York 14614

TO WXXI:

WXXI Public Broadcasting Council
P. O. Box 21
280 State Street
Rochester, New York 14601

IN WITNESS WHEREOF, the City and the WXXI have signed this Agreement as of the date first written above.

WXXI PUBLIC BROADCASTING
COUNCIL


CITY OF ROCHESTER

BY: 
Norm Silverstein
President & CEO

BY: 
Fashun Ku, Commissioner
Economic Development

APPROVED AS TO FORM

BY: 
Corporation Counsel
City of Rochester


SIGNATURE WAIVED
NO FUNDS REQUIRED
DEPARTMENT OF FINANCE

STATE OF NEW YORK)
COUNTY OF MONROE)
CITY OF ROCHESTER)

SS:

On this 29th day of April, 1996, before me, the subscriber personally came Fashun Ku, to me known, who being by me duly sworn, did depose and say that he resides in the City of Rochester; that he is the Commissioner of Economic Development, the Municipal Corporation described in and which executed the above instrument; and that he signed his name to the foregoing instrument by virtue of the statutes of the State of New York and local laws and ordinances of the City of Rochester, New York.

Catherine Ann Reber

Notary Public

STATE OF NY
COUNTY OF Monroe
CITY OF Rochester

SS:

CATHERINE ANN REBER
Notary Public in the State of New York
Monroe County
No 01CA4811536
My Commission Expires in 12-31-96

On this 2nd day of April, 1996, before me personally came and appeared Miriam Silverstein to me known, who being by me duly sworn did depose and say that she/he resides in Rochester in the City of Rochester County of Monroe and State of New York that she/he is the President (CEO) of WXII the corporation described in and which executed the above instrument; that she/he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation, and that she/he signed her/his name thereto by like order.

FRANCES R. LIPANI
Notary Public, State of New York
Monroe County
Commission Expires December 31, 1997

Frances R. Lipani
Notary Public