

28349

July 26, 2012

TO: Board of Acquisition and Contract

FROM: Kathleen M. O'Connor, Commissioner
Parks, Recreation and Conservation

RE: **AUTHORITY TO AMEND AN AGREEMENT WITH BIG BAR ENTERTAINMENT, LLC AND SLP CONCERTS, LLC FOR THE USE OF PLAYLAND TO HOLD CONCERTS DURING THE 2012 OPERATING SEASON IN ORDER TO INCLUDE ADDITIONAL SHOWS AND EXTEND THE TERM OF THE AGREEMENT.**

On April 5, 2012 your Honorable Board approved a resolution authorizing the County of Westchester to enter into a license agreement with Big Bar Entertainment, LLC, 583 City Island Avenue, Bronx, NY 10464 ("Big Bar") for the use of Playland Park, Playland Parkway, Rye, New York 10580 to hold concerts (the "Resolution") for the period May 7, 2012 through September 10, 2012. On June 7, 2012 your Honorable Board then amended the Resolution to authorize the County of Westchester to add SLP Concerts, LLC, 132 Kings Highway E, Suite 201, Haddonfield, NJ 08033 ("SLP") as an additional licensee who would be jointly and severally liable with Big Bar for all license obligations. The License Agreement (the "Agreement") has since been executed.

Authority is currently being sought to amend the agreement to include additional concerts beginning August 23, 2012 that would take place on Tuesday through Sunday dates when the amusement park is open for business. The acts for these shows would be mutually agreed upon. For these shows the County will retain all admission revenue for the first three hours the park is open. All admission revenue collected after the first three hours the park is open will be split with fifty percent (50%) being retained by the County, twenty five percent (25%) going to Big Bar and twenty five percent (25%) going to SLP.

Authority is also being sought to extend the term of the agreement through October 7, 2012 in order to hold additional shows on Saturdays or Sundays after the park has closed for the season. On these dates a limited number of rides will be open. It is anticipated that up to eight major and ten kiddyland rides would be available for these shows. Pricing on these dates will be determined based upon the act and the number of rides available. For shows held on weekend dates after September 16, 2012 all admission revenue will be split with fifty percent (50%) being retained by the County, twenty five percent (25%) going to Big

Bar and twenty five percent (25%) going to SLP. The revenue to the County which will result from the proposed amendment is estimated to be \$51,824.

All other terms and conditions of the executed agreement shall remain in full force and effect.

A resolution amending the agreement to include additional shows and extend the term of the agreement is attached for your favorable consideration.

KMO/DI/KH

APPROVED BOARD OF ACQUISITION & CONTRACT - 08/09/2012 - JOMARY VIEIRA SECRETARY

RESOLUTION

WHEREAS, on April 5, 2012, the Board of Acquisition and Contract approved a resolution which authorized the County of Westchester to enter into a license agreement with Big Bar Entertainment, LLC. to provide concerts at Playland Park (the "Resolution"); and

WHEREAS, on June 7, 2012, the Board of Acquisition and Contract amended the Resolution and authorized the County of Westchester to add SLP Concerts, LLC ("SLP") as an additional licensee; and

WHEREAS, additional shows should be added and the term of the agreement extended.

NOW, therefore, be it

RESOLVED, that the License Agreement dated June 26, 2012 between the County and Big Bar Entertainment, LLC and SLP Concerts, LLC ("the Agreement") is hereby amended to add additional shows beginning on August 23, 2012 and to extend the term of the agreement through October 7, 2012; and be it further

RESOLVED, that beginning on August 23, 2012, for each additional show held on a Tuesday through Sunday when the amusement park is open for business, the County will retain all admission revenue for the first three hours the park is open and all admission revenue collected after the first three hours the park is open will be split with fifty percent (50%) being retained by the County, twenty five percent (25%) going to Big Bar and twenty five percent (25%) going to SLP; and be it further

RESOLVED, that beginning on September 16, 2012, for each additional show held on a Saturday or Sunday, when the amusement park is normally closed, all admission revenue collected will be split with fifty percent (50%) being retained by the County, twenty five percent (25%) going to Big Bar and twenty five percent (25%) going to SLP; and be it further

RESOLVED, that all other terms and conditions of the agreement shall remain in full force and effect; and be it further

RESOLVED, that the County Executive or his duly authorized designee is hereby empowered to execute any and all instruments and take such other actions as may reasonably be necessary to effectuate the purposes thereof.

Original Agreement \$175,092
This Amendment \$ 51,824
 TOTAL \$226,916

Agreement #

Account to be
 Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
165	42	5520	9201		\$70,000 * est.
165	42	5520	9080		\$10,500 * est.
165	42	5520	4380		(\$2,636) * est.
165	42	5520	3200		(\$2,370) * est.
165	42	5520	1200		(\$13,800) * est.
165	42	5520	1400		(\$2,010) * est.
165	42	5520	4620		(\$480) * est.
165	42	5520	5390		(\$7,380) * est.

Budget Funding Year(s) 2012 Start Date 5/7/2012 End Date 10/7/2012
 (Must match resolution)

Funding Source

Tax Dollars _____

State Aid _____

\$51,824
 (must match resolution)

Federal Aid _____

Other _____ REVENUE _____

APPROVED BOARD OF ACQUISITION & CONTRACT - 8/19/2012 - ROMARY VIEIRA, SECRETARY