Access and Development Agreement:

- Term: Through completion of the scope of development subject to development timeline
- Scope of Development: building a new Riverfront Promenade with cafe zones, including expanding the existing Heritage Riverfront Trail into a trail and curbless street
- Development Timeline: the development will be completed in time for the 2026 World Cup
- Developer will:
    - Incur all costs of development
    - Perform all development activities as related to agreed upon scope
    - Complete development activities in compliance with proposed development schedule
    - Install and maintain lighting and security fencing during construction
    - Comply with all applicable City, state, and federal contracting requirements including but not limited to prevailing wage
    - Indemnify the City for claims arising from facts occurring during the term of the access and development agreement
    - Be responsible for obtaining all necessary permits and development entitlements
    - Obtain and provide documentation of all approvals necessary by external regulatory bodies (US Army Corps of Engineers, etc.) in coordination with the Water Services Department
    - Obtain City-approved insurance coverage
    - Except as approved by US Army Corps of Engineers and Water Services Department, Developer shall not interfere with the operations of the levee
- City will:
    - Provide access to City-owned Subject Property
    - Work with the developer to review plans and process permits expeditiously
    - Work in good faith with Developer and adjacent property owners to determine whether any portion of Parcel 11 can be acquired or otherwise used for parking or development
- Terms for failure to comply:
    - If Developer fails to complete the project, Developer shall restore the site to its original condition
- No assignments without City Manager approval

Maintenance and Operations Agreement:

- Term: 50 years; subject to five ten-year extensions upon City approval
- Developer will:
    - Incur all costs associate with maintenance and operations of the improvements

    - Maintain the improvements to a standard of safe, operable, quality order consistent with City code and U.S. Army Corps of Engineers standards and with the surrounding amenities
    - Maintain public access to all public improvements through agreed upon hours of operation
    - Unless otherwise approved for special events, provide unobstructed, cohesive access through adjacent public amenities, sidewalks, trails, and rights of way
    - Make requests for event programming pursuant to standard City processes and obtain required approvals for all operational amenities
    - Provide adequate and quality trash, lighting, landscaping, snow removal, mowing, and general maintenance services consistent with City code and to a standard equal to or greater than the surrounding amenities in Berkley Riverfront
    - Work with adjacent property owners to activate the property as a public asset
    - Maintain City-required insurance and indemnify the City to the extent such claims are not protected by sovereign immunity
    - Seek City approval for substantial modifications to the property as described in the scope
    - Developer shall have the authority to brand and advertise on the property subject to city approval
    - In the event of significant flooding and damage, developer will at their expense, repair the property back to the status of its previous condition
    - Once terminated, Developer shall restore the site to its original condition in coordination with the US Army Corps of Engineers and Water Services Department.
- City will:
    - Work in good faith to support activation of the property
    - Provide access as needed to maintain and operate the improvements as stated above
- Assignments must be approved by City Manager
- In the event of breach, City may terminate this agreement and maintain and operate the improvements at its own cost or require that Developer return the property to its original condition