

**Town of Cape Charles
Lease of Harbor Property
Terms and Conditions**

1. **Demised Premises.** Approximately one half acre of waterfront at the west end of the West Dock, Tax Parcel 83A3-OA-00-010, adjacent to the floating slips. Actual area will be dependent on size and configuration of restaurant building, any outside decks, required parking spaces and necessary supporting infrastructure. Decks may extend up to 18 feet into the Harbor Area building setback, to adjoin with the Town walkway.
2. **Use of Property.** To be used to build and operate a casual, seafood-themed restaurant on either a seasonal or year round basis. Emphasis should be on simple preparation of local seafood products; e.g. steamed, raw bar, and the like. Alcoholic beverages permitted, subject to Virginia Alcoholic Beverage Control Board licensure. Live entertainment permitted. Outside noise must comply with restrictions in Town Code.
3. **Utilities.** Tenant responsible for connecting to existing public utilities available nearby (electric, water and sewer). Tenant responsible for all costs to connect, including any connection charges required by Accomack Northampton Electric Cooperative and the Town of Cape Charles. Tenant responsible for all utilities usage fees and charges.
4. **Laws and Regulations.** Tenant must comply with all applicable laws and regulations of the United States, the Commonwealth of Virginia, and the Town of Cape Charles, including Harbor Area Zoning requirements (building setbacks, architectural design standards, Harbor Development Certificate process, etc).
5. **Insurance.** Combined single liability limits of not less than \$1,000,000 per occurrence and \$1,000,000 in the aggregate, with landlord as an additional named insured on all policies.
6. **Real Property Taxes.** Tenant responsible for taxes on leasehold improvements.
7. **Rent:** Base rent of _____ per month, plus _____ percent of gross sales for previous month.
8. **Payments.** Due on first of the month; late payment charge of 5% after 10 days.
8. **Term:** Minimum of 5 years, maximum of 40 years, to be proposed by tenant.
9. **Assignment and Subletting.** Only upon prior written consent of the landlord.
10. **Termination.** Automatically at the end of the lease term; immediately upon dissolution of the tenant; at landlord's option if the property ceases to be used for its stated purpose for a period of more than 6 months; upon written agreement of landlord and tenant.
11. **Disposition of Leasehold Improvements.** Upon termination of lease, to be removed by tenant or, at the landlord's option, to be purchased by landlord at the then current appraised value.
12. **Other.** Customary provisions related to: delivery and surrender of the property; prohibiting mechanic's, materialman's or similar liens; indemnification and release, default and remedies, costs and attorneys' fees, notices, etc.

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10/07/11
Cash Basis

Cape Charles Volunteer Fire Company, Inc.
Profit & Loss
January 1 through October 7, 2011

	TOTAL
Income	
4000 - Donations	
4001 Donations - Letter Drive	11,460.00
4005 Donations - Other	5,063.60
Total 4000 - Donations	16,523.60
4100 - Local Government	
4101 - Local Govt - County	15,606.00
4103 - Fire Tax Levy - County	1,507.33
4104 - Fire Tax Levy - Town	3,029.17
4107 - Insurance - Town	2,750.00
Total 4100 - Local Government	22,892.50
4200 - Fire Programs	
4101 - VDFP - County	5,394.00
4202 - VDFP - Town	8,000.00
Total 4200 - Fire Programs	13,394.00
4300 - Fund Raising	
4302 - Tool Mania	250.00
4303 - Texas Hold'em	2,319.79
4304 - Blessing of the Fleet	2,553.79
4305 - Store Boot Drive	700.00
4306 - 4th of July Festivities	3,602.40
4307 - Seafood Festival	9,787.86
4308 - Renovator's Ball	569.00
4309 - Ephiaphany Party	702.18
4310 - Harbor Party	676.73
4311 - Buy Boat Reunion	1,508.15
4312 - CC 125th Celebration	491.00
Total 4300 - Fund Raising	23,160.90
4400 - Insurance Proceeds	
4401 - Insurance - Refund	128.00
4402 - Insurance - Claim	8,079.90
Total 4400 - Insurance Proceeds	8,207.90
4600 - Program Income	
4601 - Program Service Fees	865.00
Total 4600 - Program Income	865.00
4700 - United Way	1,440.61
4800 - Dress Uniforms	378.14
Total Income	86,862.65
Expense	
5000 - Utilities	
5002 - Heating Fuel	3,830.26
5003 - Phone & Internet Service	1,040.00
5004 - Cable TV	0.76
Total 5000 - Utilities	4,871.02
5100 - Administration	
5102 - Postage, Mailing	110.45
5104 - Office Supplies	153.93
5105 - Website Maintenance	264.65
5106 - Cleaning Supplies	55.52
Total 5100 - Administration	584.55

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10/07/11
Cash Basis

Cape Charles Volunteer Fire Company, Inc.
Profit & Loss
January 1 through October 7, 2011

	<u>TOTAL</u>
5200 - Insurance	
5201 - Liability	1,697.00
5202 - Auto	5,462.00
5203 - Portable Equipment	2,301.00
5204 - Property	1,159.50
5205 - Workers Compensation	7,119.50
5206 - Accident/Health	1,553.00
Total 5200 - Insurance	<u>19,292.00</u>
5300 - Fuel	
5301 - Vehicle Fuel	4,134.39
5302 - Small Engine Fuel	64.50
Total 5300 - Fuel	<u>4,198.89</u>
5400 - Vehicle Repairs	
5401 - Truck 15	1,938.66
5402 - Rescue 15	81.63
5403 - 15-3	335.44
5404 - 15-4	5,274.62
5407 - 15-7	47.99
5408 - 15-8	8,330.48
5409 - 15-9	41.32
5410 - General Maintenance	112.82
Total 5400 - Vehicle Repairs	<u>16,162.96</u>
5450 - Equipment Repairs	
5451 - PPE	2,232.64
5452 - SCBA	1,751.85
Total 5450 - Equipment Repairs	<u>3,984.49</u>
5500 - Building Repairs	
5501 - Heaters	65.00
5502 - Miscellaneous Repairs	48.45
Total 5500 - Building Repairs	<u>113.45</u>
5600 - NEW Equipment	
5602 - Communications Equipment	1,243.97
Total 5600 - NEW Equipment	<u>1,243.97</u>
5700 - Professional Services	
5701 - Accounting Fees	1,845.36
5703 - Bank Fees	448.74
5704 - Membership Fees	227.00
Total 5700 - Professional Services	<u>2,521.10</u>
5800 - Personnel	
5801 - Conf,Convent,Meeting	8.00
5803 - Food	84.14
Total 5800 - Personnel	<u>92.14</u>
5900 - Fund Raising	
5401 - Start \$\$	0.00
5902 - Tool Mania	4,065.58
5903 - Texas Hold'em	1,135.30
5904 - Blessing of the Fleet	2,638.22
5905 - Municipal Marketing	530.83
5906 - 4th of July Festivities	2,511.27
5907 - Seafood Festival	3,891.48
5911 - Buy Boat Reunion	919.71
Total 5900 - Fund Raising	<u>15,692.39</u>
5999 - Interest	119.46

**Advertisement of Proposed Ordinance
Granting a Lease of Town of Cape Charles Property
and Inviting Bids for Such Lease**

Pursuant to Section 15.2-2101 of the Code of Virginia, the Town of Cape Charles is considering an Ordinance to grant a lease of public property as follows:

1. Approximately one half acre of waterfront at the west end of the West Dock, adjacent to the floating slips.
2. To be used to build and operate a casual, seafood-themed restaurant on either a seasonal or year round basis.
3. Lessee responsible for connecting to existing public utilities (electric, water and sewer).
4. Lessee must comply with all requirements of the Virginia Department of Health, the Code of Virginia, and Town Ordinances, including Harbor Area Architectural Design Standards and Harbor Development Certificate.
5. Rent: base rent plus percentage of gross sales, to be proposed by lessee.
6. Term: minimum of 5 years, maximum of 40 years, to be proposed by lessee.

The Town invites bids for the lease to be granted by the proposed ordinance. A copy of the full text of the proposed ordinance can be downloaded at www.capecharles.org or viewed in the office of the Town Clerk and all bidders are encouraged to review it. Bids shall include a description of building to be constructed and concept of operations. All bids shall be in writing and delivered to the Town Clerk at 2 Plum Street, Cape Charles, Virginia, 23310, by 2:00 PM on September 29, 2011. The cost of this advertisement shall be reimbursed to the Town by the person to whom the lease is granted. The Town reserves the right to reject any and all bids.

phy 9/7, 14, '11