

FIRST AMENDMENT TO LEASE AND JOINT-USE OPERATING AGREEMENT

This First Amended Lease and Joint-Use Operating Agreement ("Agreement") is entered into by and between the City of Mansfield ("City"), a Texas municipal corporation, and Historic Mansfield Performance Park ("HMPP"), a Texas non-profit corporation. For convenience, the City and HMPP may be referred to herein collectively as "parties" and individually as a "party."

RECITALS

WHEREAS, the City of Mansfield ("City") owns certain adjoining tracts of real property located at 110 S. Main Street and 109 W. Broad Street respectively (collectively "Property"); and

WHEREAS, with the approval of Ordinance No. OR-1945-15 the City and HMPP entered into a Lease and Joint-Use Operating Agreement in April of 2015 (the "Agreement"); and

WHEREAS, the Agreement provided that the Improvements (as defined in the Agreement) to the Property be completed by a certain date; and

WHEREAS, HMPP has been working diligently to complete the Improvements, but will not meet the required completion date; and

WHEREAS, the City Council deems it appropriate and necessary to extend the completion date for the Improvements; and

WHEREAS, the City Council desires to authorize the City Manager to execute documents necessary to amend the Agreement.

NOW, THEREFORE, for and in consideration of the mutual promises and covenants set forth in this First Amendment to the Agreement, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties do hereby agree as follows:

SECTION 1.

Subsection 2.1(c) "Commencement and Completion" of Section II "Improvements" is hereby amended to read as follows:

- (c) Commencement and Completion. The commencement of the construction of the Improvements shall be within three (3) months from the Commencement Date of this Agreement or at any later date agreed to by the parties, and construction of the Improvements shall be completed by April 30, 2016.

SECTION 2.

All other language in the Lease and Joint-Use Operating Agreement shall remain unchanged and fully effective.

SIGNED on this _____ day of _____, 2016 to be effective on the effective date.

CITY OF MANSFIELD

By: _____
Clayton Chandler, City Manager

ATTEST:

Susan Marin, City Secretary

HISTORIC MANSFIELD PERFORMANCE PARK

By: _____
Justin Gilmore, President

ACKNOWLEDGEMENT

BEFORE ME, the undersigned authority, personally appeared Justin Gilmore who after being duly sworn stated that he/she is the President of Historic Mansfield Performance Park and that he/she signed the foregoing instrument on behalf of said entity for the purposes expressed therein.

Notary Public, in and for the State of Texas

My commission expires: _____