

STATE OF TEXAS        )  
                          )  
COUNTY OF DALLAS    )

FIRST AMENDMENT TO CONTRACT:  
DALLAS MUSEUM OF ART

W I T N E S S E T H :

WHEREAS, the Dallas Museum of Art ("Museum"), formerly known as the Dallas Museum of Fine Arts and the Dallas Art Association, was incorporated in the public interest to establish, maintain, promote and operate a museum of art and, pursuant to its restated Articles of Incorporation and its Bylaws, has the power and capacity to acquire, by gift, donation, and purchase, funds and property to be held and used in furtherance of its corporate purposes;

WHEREAS, on October 30, 1972, the City of Dallas, Texas ("City") entered into an Agreement relating to the operation of an art museum at Fair Park, a copy of which is attached hereto and incorporated by reference herein;

WHEREAS, at an election held November 6, 1979, the voters of the City approved the issuance of \$24.8 million of general obligation bonds, which amount, together with over \$20 million in private donations, was used for the construction of a new museum facility;

WHEREAS, in contemplation of the completion of the new facility at 1717 North Harwood Street and the move of the Museum and the art collection from Fair Park to 1717 North Harwood Street, the parties entered into a Memorandum of Agreement dated December 23, 1980, a copy of which is incorporated by reference herein;

WHEREAS, the City and the Museum wish to facilitate an aggressive campaign on the part of the Museum to acquire works of art and endowment funds to make the collection one of world-class level;

NOW, THEREFORE, the City and the Museum, for and in consideration of these premises, the mutual benefits accruing thereunder, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, agree that Article 3 of the Agreement dated October 30, 1972 between the City and the Museum be hereby amended to be and read as follows:

"3.0 PROPERTY:

3.1. TITLE TO MUSEUM FACILITY:

The Dallas Museum of Art acknowledges without reservation that the City has title to the land and museum building at 1717 North Harwood Street, said land and building heretofore and presently occupied by the Dallas Museum of Art in accordance with this and prior agreements.

3.2 TITLE TO CURRENT COLLECTION:

It is irrevocably acknowledged and agreed by the Dallas Museum of Art that all right, title and interest in and to all paintings, sculpture and other works of art which, prior to the date of this Agreement, were purchased by, or donated to, the Dallas Museum of Art are absolutely and unconditionally vested in the City of Dallas under the operational jurisdiction and control of the Park and Recreation Board. Title to art objects on loan from private owners and works of art owned by the Foundation for the Arts remains in such owners.

3.3 TITLE TO FUTURE ART ADDITIONS:

It is irrevocably acknowledged and agreed by the City of Dallas that all right, title and interest in and to all paintings, sculpture and other works of art which, on or after the date of this Agreement, are purchased by, or donated to, the Dallas Museum of Art are absolutely and unconditionally vested in the Dallas Museum of Art. Nothing herein shall prevent the future ownership by the City of Dallas to future gifts of art made expressly to the City."

IN WITNESS WHEREOF, the City of Dallas has executed this Memorandum of Agreement through its City Manager, and the Dallas Museum of Art, through its President, on this 12<sup>th</sup> day of September, 1984.

APPROVED AS TO FORM:  
ANALESLIE MUNCY  
City Attorney

*AM*

CITY OF DALLAS  
CHARLES S. ANDERSON  
City Manager

BY *Helen M. Sparks*  
Assistant City Attorney

BY *[Signature]*  
Assistant City Manager

ATTEST:

PARK AND RECREATION BOARD  
OF THE CITY OF DALLAS

*Jean Craft*  
JEAN CRAFT, Secretary

*Billy R. Allen*  
BILLY ALLEN, President

ATTEST:

DALLAS MUSEUM OF ART

*Nancy P. Shutt*  
NANCY P. SHUTT, Secretary

BY *Vincent A. Carozza*  
VINCENT A. CARROZZA, President

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