

FIRST AMENDMENT TO LEASE AGREEMENT

THIS FIRST AMENDMENT TO THE LEASE AGREEMENT (“First Amendment”) is made and entered into this 1ST day of October 2017, by and between the CITY OF DALLAS, a municipal corporation of the State of Texas and a home rule city, hereinafter called “City,” and DSM MANAGEMENT GROUP. INC., a Texas non-profit corporation, hereinafter called “Lessee”; and

WHEREAS, City and Lessee executed a Lease Agreement (the “Lease”) effective on July 1, 2009 whereby Lessee leased the Music Hall at Fair Park (“Leased Premises”), located at 909 First Avenue, Dallas, Dallas County Texas, which is a multi-story building located in Fair Park and bounded generally by First Avenue, Parry Avenue, Robert B. Cullum Boulevard, and Grand Avenue and consisting of approximately 75,300 square feet of space being situated on Lot 1A of City Block C/812, in Fair Park; and

WHEREAS, by resolutions 14-1795 dated October 22, 2014, 15-1949 dated October 28, 2015, 16-1749 dated October 26, 2016 and 17-1658 dated October 25, 2017 the Dallas City Council authorized its annual Office of Cultural Affairs’ Cultural Services Program contracts for cultural services inclusive of the Lease; and

WHEREAS, by said authorizations Council appropriated an increase to the City’s contributions to the Lessee to provide payments to Lessee for Operations and Utility costs for the Leased Premises; and

WHEREAS, the parties cooperated to perform under the Lease in accordance with said appropriation and erred in failing to modify the Lease as required therein; and

WHEREAS, the parties desire to enter into this First Amendment to the Lease to amend the Lease to correct the parties’ past error; and

WHEREAS, the City desires to increase its contribution and Lessee accepts the increased contribution for the remainder of the term subject to annual appropriations as herein provided below:

NOW THEREFORE, for and in consideration of the foregoing, and the mutual covenants set forth below, it is agreed that said Lease is hereby modified and amended as follows:

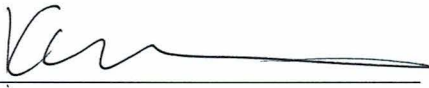
1. City contributions to Operations and Utility Costs for Leased Premises. The City Council authorizes reimbursements of operations and utility costs from City to Lessee in the amount of up to \$290,000 per year, for operation of the Leased Premises for the period beginning on October 1, 2017 through June 30, 2029, and subject to annual appropriations.

In the event of any conflict between this Amendment and Lease, the terms of this Amendment shall govern. Except as supplemented and amended hereby, the Lease remains in full force and effect, unmodified, and all terms herein shall have the same definition given them in the Lease, unless the context requires otherwise.

WHEREFORE, the parties have executed this First Amendment to Lease Agreement the day and year first above written.

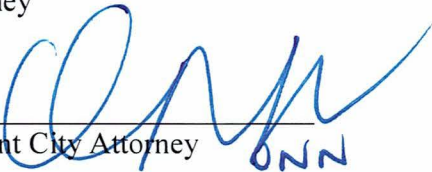
LESSEE:
DSM MANAGEMENT GROUP, INC.,
a Texas non-profit corporation

CITY:
THE CITY OF DALLAS,
T.C. BROADNAX
City Manager

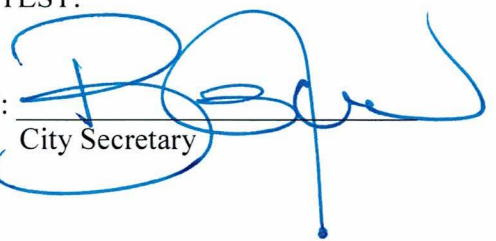
By: 
Kenneth T. Novice, President

By: 
Assistant City Manager

APPROVED AS TO FORM:
LARRY E. CASTO
City Attorney

By: 
Assistant City Attorney ONN



ATTEST:
BY: 
City Secretary

February 28, 2018

WHEREAS, on May 13, 2009, City Council authorized a Lease Agreement with DSM Management Group, Inc. (DSMMGI) for use of the Music Hall at Fair Park located at 909 First Avenue by Resolution No. 09-1226; and

WHEREAS, beginning in Fiscal Year 2014-15, as part of the annual Office of Cultural Affairs' Cultural Services Program contracts for cultural services, the City Council authorized a contract with DSMMGI for operations and utility reimbursements up to \$290,000 for operation of the Music Hall facility by Resolution No. 14-1795; and

WHEREAS, the City desires to enter into the first amendment to the Lease Agreement to memorialize the City's contribution for operations and utility costs of the Music Hall facility.

Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the City Manager is hereby authorized to sign the first amendment to the Lease Agreement with DSM Management Group, Inc., approved as to form by the City Attorney, for contribution to operations and utility costs for the Music Hall at Fair Park, up to \$290,000 per year, subject to annual appropriations, for the period October 1, 2017 through June 30, 2029, and for related revisions.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse, in periodic payments, to the DSM Management Group, Inc., an amount not to exceed \$3,480,000 (subject to annual appropriations) from Fund 0001, Department PKR, Unit 5206, Object 3099, Encumbrance/Contract No. MASC OCA-2018-00005201, Vendor VS0000049924.

SECTION 3. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

APPROVED BY
CITY COUNCIL

FEB 28 2018



Interim City Secretary