

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number \_\_\_\_\_

Meeting Type: Regular

Meeting Date: 1/24/2013

Action Requested By:  
Legal

Agenda Item Type  
Resolution

**Subject Matter:**

Amendment to Lease Agreement with the Arts Council for Panoply.

**Exact Wording for the Agenda:**

Resolution authorizing the Mayor to execute an Amendment to the lease between the City of Huntsville and the Arts Council of the City of Huntsville for the Panoply of the Arts Festival.

**Note: If amendment, please state title and number of the original**

Item to be considered for: Action

Unanimous Consent Required: No

Briefly state why the action is required; why it is recommended; what Council action will provide, allow and accomplish and; any other information that might be helpful.

[Empty box for providing details on why the action is required, recommended, and what Council action will provide, allow, and accomplish.]

Associated Cost:

Budgeted Item: Yes

MAYOR RECOMMENDS OR CONCURS: Yes

Department Head: \_\_\_\_\_

Date: 1/22/2013

RESOLUTION NO. 13-\_\_\_\_\_

BE IT RESOLVED by the City Council of the City of Huntsville, Alabama, that the Mayor be, and is hereby authorized to enter into a Amendment to the Lease Agreement by and between the City of Huntsville and The Arts Council of the City of Huntsville, on behalf of the City of Huntsville, a municipal corporation in the State of Alabama, which said agreement is substantially in words and figures similar to that certain document attached hereto and identified as "Amendment to the Lease Agreement between the City of Huntsville and The Arts Council," consisting of three (3) pages including Exhibit A, and the date of January 24, 2013, appearing on the margin of the first page, together with the signature of the President or President Pro Tem of the City Council, an executed copy of said document being permanently kept on file in the Office of the City Clerk-Treasurer of the City of Huntsville, Alabama.

ADOPTED this the 24th day of January, 2013.

\_\_\_\_\_  
President of the City Council of  
the City of Huntsville, Alabama

APPROVED this the 24th day of January, 2013.

\_\_\_\_\_  
Mayor of the City of  
Huntsville, Alabama

Amendment to the Lease Agreement between the City of Huntsville and the Arts Council, Inc. dated March 24, 2011 as adopted by the City Council of the City of Huntsville by Resolution No. 11-212.

STATE OF ALABAMA )  
 )  
COUNTY OF MADISON )

**AMENDMENT TO LEASE AGREEMENT**

THIS AMENDMENT TO LEASE AGREEMENT is entered into on this the 24<sup>th</sup> day of January, 2013 by and between the City of Huntsville, Alabama (City) and the Arts Council, Inc. (Arts Council).

**WITNESSETH**

WHEREAS, the parties previously entered into that certain Lease Agreement dated March 24, 2011, as adopted by the City Council of the City of Huntsville by Resolution No. 11-212; and

WHEREAS, the term of the Lease granted by the said Agreement was four (4) years commencing on April 22, 2011; and

WHEREAS, the parties desire to amend the said agreement;

NOW THEREFORE, in consideration of the mutual covenants set forth herein, the City and the Arts Council agree to the following amendment to the Lease Agreement:

1. Amend Exhibit A, at the second full paragraph of the Lease Agreement, to reflect capital improvements to Big Spring Park and "Leased Premises," to add the following language after the words "(and being a portion of Big Spring Park and other properties":

"inclusive of the Thrasher Fountain area)"

2. Amend Paragraph Four (4) to read as follows:

"4. Lessee shall be permitted to sell alcoholic beverages on the leased premises. Prices charged for alcoholic beverages shall remain fixed for the duration of Panoply. Lessee agrees to prevent any person from bringing alcoholic beverages into the leased premises, except as provided hereinabove. Lessee agrees to

\_\_\_\_\_  
President of the City Council of the  
City of Huntsville, Alabama  
Date: \_\_\_\_\_

prevent any person from leaving the leased premises while in possession of any alcoholic beverage. Lessee further agrees to post signs at each access way into the leased premises informing patrons or visitors that (1) access will be denied to any person who attempts to bring alcoholic beverages into the leased premises, and (2) that no alcoholic beverages will be allowed to be removed from the leased premises.”

IN WITNESS WHEREOF, the parties have executed this Amendment to the said Lease Agreement on the day and year first above written.

ARTS COUNCIL, INC.

Attest: \_\_\_\_\_

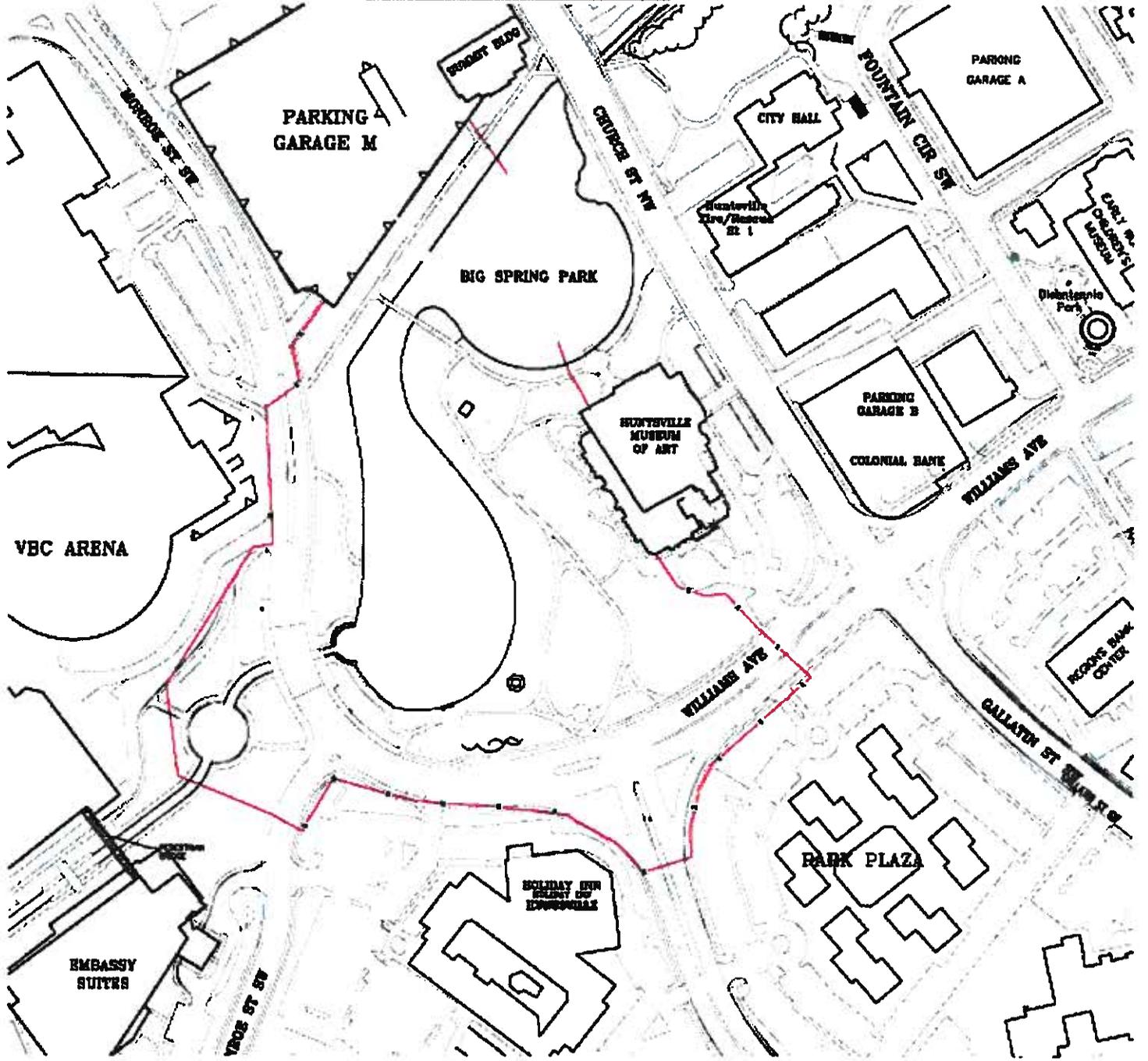
By: \_\_\_\_\_  
Its: \_\_\_\_\_

THE CITY OF HUNTSVILLE,  
ALABAMA

Attest: \_\_\_\_\_  
Charles E. Hagood  
Clerk-Treasurer

By: \_\_\_\_\_  
Tommy Battle  
Mayor

**PANOPLY**  
ARTS FESTIVAL  
A PROGRAM OF THE ARTS COUNCIL, INC.



## ROUTING SLIP CONTRACTS AND AGREEMENTS

Originating Department: Legal

Council Meeting Date: 1/24/2013

Department Contact: Peter Joffrion

Phone # 427-5026

Contract or Agreement: Amendment to Lease Agreement with Arts Council

Document Name: Amendment to Lease Agreement with Arts Council for Panoply

City Obligation Amount: 0

Total Project Budget:

Uncommitted Account Balance:

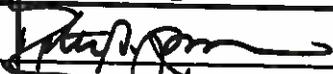
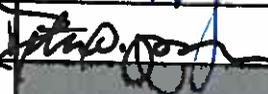
Account Number:

### Procurement Agreements

<b>Not Applicable</b>	<b>Not Applicable</b>
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### Grant-Funded Agreements

<b>Not Applicable</b>	<b>Grant Name:</b>
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Department	Signature	Date
1) Originating		1-21-13
2) Legal		1-21-13
3) Finance 		1/23
4) Originating		1-21-13
5) Copy Distribution		
a. Mayor's office (1 copies)		
b. Clerk-Treasurer (Original & 2 copies)		