

RESOLUTION NO. 29960

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A SECOND AMENDMENT TO LEASE AGREEMENT AND AGREEMENT TO EXERCISE OPTION TO RENEW, IN SUBSTANTIALLY THE FORMS ATTACHED, WITH BESSIE SMITH CULTURAL CENTER, TO INCLUDE EXTENSION OF THE AGREEMENT TERM TO JULY 1, 2024.

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BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, that it is hereby authorizing the Mayor to enter into a Second Amendment to Lease Agreement and Agreement to Exercise Option to Renew, in substantially the forms attached, with Bessie Smith Cultural Center, to include extension of the agreement term to July 1, 2024.

ADOPTED: June 25, 2019

/mem

**SECOND AMENDMENT TO LEASE AGREEMENT**

This Second Amendment to Lease is made and entered into as of this \_\_\_\_\_ day of \_\_\_\_\_ 2019 by and among the City of Chattanooga, Tennessee, Hamilton County, Tennessee (collectively, "Lessor") and the Chattanooga African American Museum and Research Center (now known as Bessie Smith Cultural Center) ("Lessee"). The parties agree as follows:

**RECITALS**

WHEREAS, Lessor and Lessee entered into a Lease dated July 20, 2009 (the "Lease"); and

WHEREAS, Lessor and Lessee entered into a First Amendment to the Lease dated January 6, 2015; and

WHEREAS, the parties now desire to amend the Lease as provided herein.

**AMENDMENT**

1. Amendment of Section XVI. Section XVI of the Lease is hereby amended as follows:

"Lessee shall not assign or transfer this Lease or any interest herein nor sublease the Property or any part thereof to anyone without the express written approval of Lessor. If Lessee subleases the Property, Lessee agrees that the sublease tenant must be a registered non-profit organization."

2. No Other Amendments. Except as expressly amended herein the Lease shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Second Amendment to Lease as of the day and year first above written.

**CITY OF CHATTANOOGA, TENNESSEE**

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

ANDY BERKE, *Mayor*

**HAMILTON COUNTY, TENNESSEE**

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

JIM M. COPPINGER, *Mayor*

**CHATTANOOGA AFRICAN AMERICAN MUSEUM  
AND RESEARCH CENTER**

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

PAULA WILKES, *President*

HB

**AGREEMENT TO EXERCISE OPTION TO RENEW**

Agreement Title: LEASE AGREEMENT

Effective Date: July 1, 2009

Initial Expiration Date: July 1, 2019

Number of Previously Exercised Options: None

Tax Map Number: 145D-Y-008

Property Address: 200 E. Martin Luther King, Jr. Boulevard

Lessor: City of Chattanooga and Hamilton County, Tennessee

Licensee: Bessie Smith Cultural Center

Initial Term: Ten years

Term Renewal Option: Five Years

Term Renewal Expiration: July 1, 2024

By written mutual agreement of the above named Lessor and Lessee, the option to extend the original term of the Agreement is exercised. With the option to extend the term being exercised, the original Agreement of July 1, 2009, is hereby extended for five years to the date of July 1, 2024. There remains one option to extend the terms of the original Agreement of July 1, 2009. All terms and conditions of the original Agreement of July 1, 2009 and any subsequent Amendments shall remain in full force and effect.

Agreed upon this the \_\_\_\_ day of \_\_\_\_\_, 2019.

Lessor:

Lessee:

**CITY OF CHATTANOOGA**

**BESSIE SMITH CULTURAL CENTER**

\_\_\_\_\_  
ANDY BERKE, Mayor

\_\_\_\_\_  
PAULA WILKES, President

**HAMILTON COUNTY, TENNESSEE**

\_\_\_\_\_  
Jim M. Coppinger, Mayor

*HB*