

RESOLUTION NO. 30350

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A THIRD AMENDMENT TO PREMISES USE AGREEMENT AND OPTION TO RENEW, IN SUBSTANTIALLY THE FORM ATTACHED, WITH RIVERMONT YOUTH ATHLETIC ASSOCIATION, INC. FOR THE USE OF PROPERTY LOCATED ON A PORTION OF TAX MAP NO. 118K-A-009 AT 1096 LUPTON DRIVE, FOR AN ADDITIONAL TERM OF ONE (1) YEAR.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, that it is hereby authorizing the Mayor to enter into a Third Amendment to Premises Use Agreement and Option to Renew, in substantially the form attached, with Rivermont Youth Athletic Association, Inc. for the use of property located on a portion of Tax Map No. 118K-A-009 at 1096 Lupton Drive, for an additional term of one (1) year.

ADOPTED: May 19, 2020

/mem

THIRD AMENDMENT TO PREMISES USE AGREEMENT AND OPTION TO RENEW

This Third Amendment to Premises Use Agreement (“Third Amendment”) is made and entered into as of the ____ day of _____, 2020, by and between City of Chattanooga (“City”) and Rivermont Youth Athletic Association, Inc. (“Rivermont”) (City and Rivermont are collectively referred to as the “Parties”). The Parties agree as follows:

RECITALS

- A. The Parties entered into that certain Premises Use Agreement dated July 1, 2016 (the “Original Agreement”).
- B. The Parties entered into a First Amendment to the Original Agreement on September 27, 2016.
- C. The Parties entered into an Agreement to Exercise Option to Renew the Original Agreement on June 10, 2019.
- D. The Parties entered into a Second Amendment to the Original Agreement on December 3, 2019.
- E. The Parties now wish to amend the Original Agreement as provided herein.

AMENDMENT

Paragraph 9 of the Original Agreement is hereby deleted in this entirety and replaced by the addition of the following:

- 9. Law Observance. Tenant agrees that every person connected with the Tenant’s occupancy and use of the Premises covered by this Agreement shall abide by, conform to and comply with all the laws of the United States of America, State of Tennessee, ordinances of the City of Chattanooga and Hamilton County, Tennessee, and rules and regulations of the Landlord for management of the Premises. Additionally, Tenant agrees to abide by all Executive Orders issued by both the Governor of the State of Tennessee and the Mayor of the City of Chattanooga related to COVID-19. Tenant will not do or allow to be done anything on the Premises during the Term of this Agreement in violation of any such laws, ordinances, rules or regulations, or Executive Orders and if the attention of the Tenant is called to any such violation on the part of Tenant, Tenant shall agree to immediately desist from and correct the violation.

RENEWAL

As set forth in Paragraph 2 of the Original Agreement, the Parties wish to extend the Term one (1) year beginning on July 1, 2020 and ending on June 30, 2021, which is the last renewal term of the Original Agreement.

NO OTHER AMENDMENTS

Except as expressly amended herein, the Original Agreement as amended remains in full force and effect.

IN WITNESS WHEREOF, the Parties hereto have executed this Third Amendment as of the day and year first above written.

CITY OF CHATTANOOGA

**RIVERMONT YOUTH ATHLETIC
ASSOCIATION, INC.**

By: _____
Andy Berke, Mayor

By: _____
M. Evan Hughes, President