

RESOLUTION NO. 31050

A RESOLUTION AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ENTER INTO AMENDMENT NO. 2 AND A FOURTH AGREEMENT TO EXERCISE OPTION TO RENEW WITH FRIENDS OF THE ZOO, INC., IN SUBSTANTIALLY THE FORMS ATTACHED, TO EXTEND THE TERM FOR AN ADDITIONAL PERIOD OF SIXTY (60) DAYS TO THE DATE OF MAY 14, 2022.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That it is hereby authorizing the Mayor, or his designee, to enter into Amendment No. 2 and a Fourth Agreement to Exercise Option to Renew with Friends of the Zoo, Inc., in substantially the forms attached, to extend the term for an additional period of sixty (60) days to the date of May 14, 2022.

ADOPTED: March 15, 2022

/mem

AMENDMENT NO. 2

This Amendment No. 2 to the Lease Agreement by and between the City of Chattanooga (the “City”) and Friends of the Zoo, Inc. (“FOZ”) (the “Agreement”) is made effective March 17, 2022.

RECITALS

WHEREAS, the City and FOZ entered into the Agreement dated September 17, 2010, with an initial term beginning on September 17, 2010 and ending on September 17, 2015, defining the roles and responsibilities of the parties; and

WHEREAS, the City and FOZ entered into an Agreement to Exercise Option to Renew with a term beginning on September 17, 2015 and ending on September 17, 2018; and

WHEREAS, the City and FOZ entered into an Agreement to Exercise Option to Renew with a term beginning on September 17, 2018 and ending on September 17, 2021; and

WHEREAS, the City and FOZ entered into Amendment No. 1 to the Agreement dated August 18, 2021 extending the Agreement for an additional six (6) month period beginning on September 17, 2021 and ending on March 17, 2022.

WHEREAS, the City and FOZ desire to amend the Agreement as provided herein.

AMENDMENT

1. Paragraph 3 of the Agreement is hereby deleted in its entirety and replaced with the following:

“Extended Terms. The extended terms of this Agreement shall be for two (2) additional three (3) year periods, one (1) additional six (6) month period commencing at the end of the initial term and one (1) additional two (2) month period commencing at the end of the additional six (6) month period, in which the Parties shall have the option to accept the extended terms or terminate the Agreement following the initial term.”

2. No other modifications, amendments or changes of the provisions of the Agreement or Lease Amendment No. 1 are to be affected by this Amendment 2.

IN WITNESS WHEREOF, the parties have executed this Amendment 2 to the Agreement on the _____ day of _____, 2022, at Chattanooga, Hamilton County, Tennessee.

[SIGNATURES ON THE FOLLOWING PAGE]

[

CITY OF CHATTANOOGA

FRIENDS OF THE ZOO, INC.

By: _____
JERMAINE E. FREMAN
Senior Advisor for Economic Opportunity

By: _____
Printed Name: _____
Printed Title: _____

FOURTH AGREEMENT TO EXERCISE OPTION TO RENEW

Agreement Title: Lease Agreement between City of Chattanooga and Friends of the Zoo, Inc.

Effective Date: September 17, 2010

Initial Expiration Date: September 16, 2015

Number of Previously Exercised Options: Three

Tax Map Number: Portion of 146G-A-001

Property Address: 301 N. Holtzclaw Avenue, Chattanooga, TN 37402

Lessor: City of Chattanooga

Lessee: Friends of the Zoo, Inc.

Initial Term: Five (5) Years

Term Renewal Option: Sixty Days

Term Renewal Expiration: May 14, 2022

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 September 17, 2010 is hereby extended for sixty (60) days to the date of May 14, 2022. There remain zero (0) options to extend the terms of the original Agreement of September 17, 2010. All terms and conditions of the original Agreement of September 17, 2010 and any subsequent Amendments shall remain in full force and effect.

Agreed upon this the ____ day of _____, 2022.

LESSEE: Friends of the Zoo, Inc.

LESSOR: City of Chattanooga

BY: _____

JERMAINE E. FREEMAN

Printed Name: _____

Senior Advisor for Economic Opportunity

Printed Title: _____