

RESOLUTION NO. 32301

A RESOLUTION TO AMEND RESOLUTION NO. 32267 FOR THE DEPARTMENT OF PARKS & OUTDOORS TO ENTER INTO A THIRD AMENDMENT TO THE AQUARIUM PLAZA WATER FEATURE MAINTENANCE AGREEMENT WITH THE TENNESSEE AQUARIUM, IN SUBSTANTIALLY THE FORM ATTACHED, FOR AN INCREASE OF FIVE (5%) PERCENT ANNUALLY FOR THE NEXT THREE (3) YEARS, BRINGING THE YEARLY TOTAL UP TO THREE HUNDRED SEVENTY-THREE THOUSAND THREE HUNDRED THIRTY-FOUR DOLLARS (\$373,334.00) FOR THE THIRD YEAR.

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BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That it is hereby amending Resolution No. 32267 for the Department of Parks & Outdoors to enter into a Third Amendment to the Aquarium Plaza Water Feature Maintenance Agreement with the Tennessee Aquarium, in substantially the form attached, for an increase of five (5%) percent annually for the next three (3) years, bringing the yearly total up to \$373,334.00 for the third year.

ADOPTED: November 5, 2024

/mem

**THIRD AMENDMENT TO  
AQUARIUM PLAZA WATER FEATURE MAINTENANCE AGREEMENT**

This Third Amendment to Aquarium Plaza Water Feature Maintenance Agreement (the “Third Amendment”) is made and entered into as of the \_\_\_\_ day of \_\_\_\_\_, 2024, by and between the CITY OF CHATTANOOGA (“City”) and the TENNESSEE AQUARIUM (“Aquarium”) (hereinafter collectively referred to as the “Parties”). The Parties agree as follows:

**RECITALS**

WHEREAS, City and Aquarium entered into an Aquarium Plaza Water Feature Maintenance Agreement dated October 10, 2018 (the “Agreement”); and

WHEREAS, the Parties entered into a First Amendment to Aquarium Plaza Water Feature Maintenance Agreement dated January 30, 2020 (the “First Amendment”); and

WHEREAS, the Parties entered into a Second Amendment to Aquarium Plaza Water Feature Maintenance Agreement dated October 20, 2021 (the “Second Amendment”); and

WHEREAS, the Parties now wish to further amend the Agreement as provided herein.

**AMENDMENT**

4. Compensation and Method of Payment. Section 3(a) of the Agreement is hereby amended by deleting the language contained therein in its entirety and replacing it with the following:

“The Parties agree that the City will pay the Aquarium annually as follows:

Year One Renewal: \$338,625.00

Year Two Renewal: \$355,556.00

Year Three Renewal: \$373,334.00

which sums represent a five (5%) percent increase for total services rendered under this Agreement.”

**NO OTHER AMENDMENTS**

Except as expressly amended herein, the Agreement shall remain in full force and effect.

**[signatures on the following page]**

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

**CITY OF CHATTANOOGA**

**TENNESSEE AQUARIUM**

By: \_\_\_\_\_  
Printed Name: Scott Martin  
Title: Administrator of Parks & Outdoors

By: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_

RESOLUTION NO. 32267

A RESOLUTION TO AMEND RESOLUTION NO. 30906, AUTHORIZING THE DEPARTMENT OF PARKS & OUTDOORS TO ENTER INTO A THIRD AMENDED AGREEMENT FOR THE TENNESSEE AQUARIUM PLAZA WATER FEATURE MAINTENANCE WITH THE TENNESSEE AQUARIUM, A NON-PROFIT AGENCY, FOR AN INCREASE OF FIVE (5%) PERCENT ANNUALLY FOR THE NEXT THREE (3) YEARS, BRINGING THE YEARLY TOTAL UP TO \$432,181.00 FOR THE THIRD YEAR.

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BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That it is hereby amending Resolution No. 30906, authorizing the Department of Parks & Outdoors to enter into a Third Amended Agreement for the Tennessee Aquarium Plaza water feature maintenance with the Tennessee Aquarium, a non-profit agency, for an increase of five (5%) percent annually for the next three (3) years, bringing the yearly total up to \$432,181.00 for the third year.

ADOPTED: October 8, 2024

/mem