

1 **BOARD BILL NO. 78 INTRODUCED BY ALDERMAN TERRY KENNEDY**

2 An ordinance approved and recommended by the Board of Estimate and Apportionment;
3 authorizing a First Amendment of the Operating Lease Agreement authorized by Ordinance
4 68601 of the West End Community Center between the City of St. Louis and Demetrious
5 Johnson Charitable Foundation, Inc. by deleting Section 14 thereof pertaining to utilities, and
6 adopting a new Section 14 thereof pertaining to utilities; with an emergency provision.

7 **WHEREAS** Ordinance 68601 authorized an Operating Lease Agreement (the “Agreement”) of
8 the West End Community Center located at 724 Union Avenue between the City of St. Louis
9 (the “City”) and Demetrious Johnson Charitable Foundation, Inc. (the “Foundation”) effective as
10 of July 1, 2010; and

11 **WHEREAS** the Agreement provides for payment of utilities by the City during the initial one
12 year term of the Agreement and thereafter by the Foundation; and

13 **WHEREAS**, the parties desire to amend the Agreement to provide that the City will pay utilities
14 during the initial term and renewal terms of the Agreement; and

15 **WHEREAS**, such amendment of the Agreement has been approved and recommended by the
16 Board of Estimate and Apportionment.

17 **BE IT ORDAINED BY THE CITY OF ST. LOUIS, AS FOLLOWS:**

18 **SECTION ONE.** The City hereby approves, and the Mayor and Comptroller are hereby
19 authorized and directed to executed and deliver on behalf of the City, a First Amendment of the
20 Operating Lease Agreement of the West End Community Center property, to the Demetrious

Date: May 26, 2011

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1 Johnson Charitable Foundation in substantially the form attached hereto as Exhibit A, with
2 changes or corrections as may be approved by the City Counselor.

3 **SECTION TWO.** This being an ordinance necessary for the immediate preservation of the
4 public peace and health, it is hereby declared to be an emergency ordinance as provided by
5 Article IV, Section 20 of the Charter of the City of St. Louis, and shall be effective immediately
6 upon approval by the Mayor or its approval over his veto.

7 **EXHIBIT A**

8 **FIRST AMENDMENT TO OPERATING LEASE AGREEMENT**

9 This First Amendment to Operating Lease Agreement (the "First Amendment") is made and
10 entered into this ____ day of _____, 2011 by and between the City of St. Louis, Missouri,
11 a constitutional charter city of the State of Missouri, (the "City") and Demetrious Johnson
12 Charitable Foundation, Inc., a Missouri corporation exempt from federal income taxation under
13 Section 501(c)(3) of the United States Internal Revenue Code (the "Foundation").

14 **PREMISES**

15 1. City Ordinance 68601 authorized an Operating Lease Agreement (the "Agreement") of the
16 West End Community Center located at 724 Union Avenue between the City of St. Louis (the
17 "City") and Demetrious Johnson Charitable Foundation, Inc. (the "Foundation") effective as of
18 July 1, 2010.

19 2. Section 14 of the Agreement provides for payment of utilities by the City during the initial one
20 year term of the Agreement and by the Foundation during renewal terms, if any, of the
21 Agreement.

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1 3. The parties desire to amend the Lease to provide that the City will pay utilities during renewal
2 terms of the Agreement.

3 4. Such amendment of the Agreement has been approved and recommended by the Board of
4 Estimate and Apportionment.

5 **NOW THEREFORE**, in consideration of the covenants and agreements set forth in the
6 Agreement and hereinafter set forth, the parties agree as follows:

7 **TERMS**

8 1. Section 14 of the Agreement, "Utilities", is deleted and a new Section 14 is agreed to, to read
9 as follows:

10 The City will pay utilities during the Initial Term of this Agreement and subsequent
11 renewal terms, if any, of this Agreement.

12 2. Except as amended hereby, all terms and provision of the Agreement remain in full force and
13 effect.

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1 THE CITY OF ST. LOUIS, MISSOURI

2 By: _____

3 Title: Comptroller, City of St. Louis

4 By: _____

5 Director of Department of Parks,
6 Recreation and Forestry of the City of St. Louis

7 DEMETRIOUS JOHNSON FOUNDATION

8 By _____

9 APPROVED AS TO FORM: _____

10 Secretary, Board of E & A

11 _____

12 City Counselor Date

13 _____

14 Date

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