

**AMENDMENT NO. 5 TO  
WITTE MUSEUM LEASE WITH OPERATING STANDARDS**

This Amendment No. 5 (“Amendment”) to Witte Museum Lease with Operating Standards is by and between the City of San Antonio, a Texas municipal corporation (“City”), acting by and through its City Manager or her designee, pursuant to Ordinance No. \_\_\_\_\_ passed and approved on \_\_\_\_\_, \_\_\_\_\_, 2015, and The Witte Museum, a Texas not-for-profit corporation, (“Witte”).

WHEREAS, pursuant to Ordinance No. 86520, passed and approved on August 28, 1997, City and Witte entered into a Witte Museum Lease with Operating Standards (“Original Lease”) for the property located at 3801 Broadway, for a term beginning September 8, 1997 and ending on September 7, 2007, with the Original Lease and all amendments thereto being herein referred to as the “Witte Museum Lease Agreement.”; and

WHEREAS, pursuant to Ordinance No. 97698, passed and approved on May 29, 2003, the Original Lease was amended to expand the Premises to include Pioneer Hall and to extend the term until September 7, 2022; and

WHEREAS, pursuant to Ordinance No. 2007-05-31-0620, passed and approved on May 31, 2007, the Original Lease was further amended to modify the Premises and to provide for two, twenty-five year mutual renewal options; and

WHEREAS, pursuant to Ordinance No. 2012-05-31-0396, passed and approved on May 31, 2012, the Lease was amended to modify the process for increases in general admission fees; and

WHEREAS, pursuant to Ordinance No. 2012-09-13-0703, passed and approved on September 13, 2012, a portion of the property in the Original Lease was assigned to the Witte Title Co., as documented in the “Partial Assignment and Assumption of Lease Agreement” (“the Assignment”), and the Original Lease was amended to incorporate the terms of the Assignment; and

WHEREAS, the Witte has determined that preferred location to construct a central plant for new mechanical chillers, which are needed for the Witte’s future expansion, is on an approximately 2.32 acre parcel as more particularly described on Exhibit C attached hereto and incorporated herein (“Central Plant Site”) on a portion of the property leased by the Witte Title Holding Company, a Texas not-for-profit corporation, as landlord, to the Witte, as tenant, on the west portion of the B. Naylor Morton Research and Collections Center, just south of the existing Witte Museum campus; and

WHEREAS, the Witte has agreed to sublease the Central Plant Site to the City under a separate sublease agreement (“Central Plant Site Lease”) and the City has agreed to accept the sublease of such property and to simultaneously amend the Witte Museum Lease Agreement to add as a condition to any future renewals of the Witte Museum Lease Agreement, that the City shall be granted a legally binding right to utilize the Central Plant Site through and including December, 2072); and

WHEREAS, entering into this Amendment to the Original Lease to accomplish these goals is in the best interests of the City and Witte, NOW THEREFORE,

In consideration of the mutual covenants and agreements set forth below, City and Witte agree to amend the Original Lease as follows:

1. ARTICLE I. TERM, is amended by adding section 1.3 as follows:

“1.3 The City’s approval of the twenty-five (25) year renewal options pursuant to Section 1.2 above is contingent upon the City securing a legally binding right from the date hereof through December, 2072, to utilize that certain central plant with mechanical chillers which are, or will be, installed on the tract described on Exhibit “C” attached hereto to serve the South Texas Heritage Building portion of the Premises.”

2. EXHIBIT C. The attached Exhibit C is hereby added to the Witte Museum Lease Agreement as Exhibit C.

Except as modified herein, all terms and conditions contained in the Witte Museum Lease Agreement entered into under the authority of Ordinance No. 86520, as amended, shall remain in full force and effect.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

THE WITTE MUSEUM

By:

Name: Marise McDermott

Title: President & CEO



CITY OF SAN ANTONIO

\_\_\_\_\_  
City Manager

Approved as to Form:

\_\_\_\_\_  
City Attorney

ATTEST:

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Leticia M. Vacek  
City Clerk

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Date

**EXHIBIT "C"**

Legal Description of Central Plant Site