

**AMENDMENT #1 TO THE
USE AND OPERATIONS AGREEMENT WITH THE
SAN ANTONIO GARDEN CENTER, INC.**

This Amendment to the Use and Operations Agreement ("Agreement") is made and entered into as of the _____ day of _____, 20____, by and between the City of San Antonio, a Texas municipal corporation, acting by and through its City Manager or her designee pursuant to Ordinance No. _____ dated _____, 20____ ("City"), and the San Antonio Garden Center, Inc., a Texas non-profit corporation ("Garden Center"), collectively known as the "Parties";

BACKGROUND

1. The City of San Antonio ("City") owns the building and associated improvements identified as the San Antonio Garden Center which is located at: 3310 N. New Braunfels Avenue, located on the grounds of Mahncke Park, Bexar County, Texas (the "Premises").
2. The City and the Garden Center entered into a Use and Operations Agreement ("Agreement"), on December 22, 1992. The publicly beneficial objectives of the Garden Center are to promote the dissemination of garden knowledge, hold public events and create public interest in the conservation of plants and the beautification of public parks.
3. As outlined in Section 12.4, Maintenance and Repair Responsibilities, the City extended this Agreement by one (1) year for each \$5,000.00 increment of expenditure for major repairs/replacements made by the Garden Center; for the maximum of five (5) years available beyond the initial term of this Agreement. Accordingly, the current Use and Operations Agreement will expire on June 30, 2017.

TERM AND RENEWAL OPTIONS

Subject to the terms of Section 4.2, the City hereby exercises its option to extend this Use and Operations Agreement for the first additional term of ten (10) years, beginning on July 1, 2017, and terminating on June 30, 2027.

All other terms of the original Use and Operations Agreement shall stand as otherwise stated.

[Signatures appear on the next page.]

Signed this _____ day of _____, 20____.

CITY OF SAN ANTONIO

SAN ANTONIO GARDEN CENTER, INC.

By: _____
Xavier D. Urrutia, Director
Parks and Recreation Department

By: *J. Dodier*
Janie Dodier, President

Date: _____

Date: *May 11, 2017*

Attest: _____
City Clerk

Approved as to Form:

City Attorney