

**ORDINANCE #68992**  
**Board Bill No. 78**

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

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

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

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

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

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

**SECTION ONE.** The City hereby approves, and the Mayor and Comptroller are hereby authorized and directed to executed and deliver on behalf of the City, a First Amendment of the Operating Lease Agreement of the West End Community Center property, to the Demetrious Johnson Charitable Foundation in substantially the form attached hereto as Exhibit A, with changes or corrections as may be approved by the City Counselor.

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

EXHIBIT A

FIRST AMENDMENT TO OPERATING LEASE AGREEMENT

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

**PREMISES**

1. City Ordinance 68601 authorized an Operating Lease Agreement (the "Agreement") of the West End Community Center located at 724 Union Avenue between the City of St. Louis (the "City") and Demetrious Johnson Charitable Foundation, Inc. (the "Foundation") effective as of July 1, 2010.
2. Section 14 of the Agreement provides for payment of utilities by the City during the initial one year term of the Agreement and by the Foundation during renewal terms, if any, of the Agreement.
3. The parties desire to amend the Lease to provide that the City will pay utilities during renewal terms of the Agreement.
4. Such amendment of the Agreement has been approved and recommended by the Board of Estimate and Apportionment.

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

**TERMS**

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

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

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

**THE CITY OF ST. LOUIS, MISSOURI**

By: \_\_\_\_\_  
Title: Comptroller, City of St. Louis

By: \_\_\_\_\_  
Director of Department of Parks,  
Recreation and Forestry of the City of St. Louis

**DEMETRIOUS JOHNSON FOUNDATION**

By: \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
Secretary, Board of E & A

\_\_\_\_\_  
Date

\_\_\_\_\_  
City Counselor

\_\_\_\_\_  
Date

**Approved: October 20, 2011**