

August 11, 2021

WHEREAS, the City owns the Kalita Humphreys Theater Building located at 3636 Turtle Creek Boulevard in Dallas, Texas as well as the land and improvements comprising approximately 9.87 acres of land and appurtenances thereto; and

WHEREAS, the City executed a lease agreement with the Dallas Theater Center (DTC) dated September 26, 1973 for the Kalita Humphreys Theater; and

WHEREAS, the lease agreement was amended by the City and DTC by the First Amendment on November 17, 1982 for the leased premises; and

WHEREAS, the City, then acting by and through its Park and Recreation Board and now acting by and through its Office of Arts and Culture (“OAC”), formerly known as Office of Cultural Affairs, subsequently executed the Second Amendment on March 27, 1991; and

WHEREAS, the City, acting by and through its OAC, subsequently executed the Third Amendment to the Original Lease Agreement to be effective June 12, 2019; and

WHEREAS, on January 13, 2021, City Council authorized the Fourth Amendment to the Lease Agreement to defer the delivery date of the Updated Master Plan by Resolution No. 20-0136; and

WHEREAS, in response to the unforeseen impact of the worldwide COVID-19 pandemic and related government restrictions, it is desirable to amend the Lease to extend the term of the agreement, defer implementation of the Equitable Access Plan and defer the schedule for non-resident rentals by one year.

Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the City Manager is hereby authorized to execute a Fifth Amendment to the Lease Agreement with the Dallas Theater Center, approved as to form by the City Attorney, to **(1)** extend the term of the agreement by one year; **(2)** defer the implementation of the Equitable Access Plan by one year; and **(3)** and defer the schedule for non-resident rentals by one year.

SECTION 2. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.