

RESOLUTION NO. 2018-09-___ (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE THE FIRST AMENDMENT TO SOFTBALL COMPLEX LEASE AGREEMENT WITH CR BALLFIELDS, LP ALLOWING THE TERMINATION OF SAID LEASE AGREEMENT ON NOVEMBER 30, 2018, SUBJECT TO CERTAIN CONDITIONS FOR CONTINUATION

WHEREAS, the City of McKinney entered into a Softball Complex Lease Agreement with North Texas Athletic Center, Inc. ("NTAC"), on or about July 29, 2003, for the lease of a five-field softball complex and 200 parking spaces adjacent thereto (collectively, the "Softball Complex") located at the northeast corner of State Highway 121 and Alma Road; and

WHEREAS, NTAC thereafter contributed the land on which the Softball Complex is situated (the "Leased Premises") to CR Ballfields, LP, which assumed the obligations of NTAC under the Lease; and

WHEREAS, the City and CR Ballfields recently entered into a development agreement (the "Development Agreement") to accommodate an approved change of use in the areas encompassing and adjacent to the Leased Premises into an urban mixed-use complex; and

WHEREAS, CR Ballfields has advised the City that it will need to commence activities to dismantle the improvements on the Leased Premises before December 31, 2018 to accommodate a contract purchaser of the Leased Premises; and

WHEREAS, CR Ballfields and the City recognize that the Softball Complex is currently scheduled for a Fall league, which ends the first part of November 2018, and that the earliest the Softball Complex can be taken out of service is after such Fall league play; and

WHEREAS, Subject to the conditions for continuation, CR Ballfields and the City therefore desire to modify and amend the Lease to end the term thereof on November 30, 2018.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, THAT:

Section 1. The City Council of the City of McKinney, Texas hereby authorizes the City Manager to execute the First Amendment to Softball Complex Lease Agreement ("First Amendment") by and between CR Ballfields, LP and the City of McKinney, Texas, and which First Amendment is attached hereto as Exhibit A and incorporated herein by reference for all purposes allowed by law.

Section 2. This Resolution shall take effect immediately from and after the date of passage and is so resolved.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS ON THE 18TH DAY OF SEPTEMBER, 2018.

CITY OF MCKINNEY, TEXAS

GEORGE C. FULLER
Mayor

ATTEST:

EMPRESS DRANE
City Secretary

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney

EXHIBIT A

First Amendment