AMENDMENT TO AGREEMENT
BETWEEN CITY OF TEMPE AND
TEMPE ELEMENTARY SCHOOL DISTRICT NO. 3
C79-_______A

This Amendment to Agreement ("Amendment") is made as of the _____ day of May, 2019, between the CITY OF TEMPE, an Arizona municipal corporation ("City"), and TEMPE ELEMENTARY SCHOOL DISTRICT NO. 3 OF MARICOPA COUNTY, ARIZONA ("District").

RECITALS:

A. City and School District are parties to an Agreement and License, dated July 24, 1979 (the “Agreement”), pursuant to which City agreed to construct certain improvements on District-owned property more particularly identified in the Agreement.

B. The building and improvements have been completed in accordance with the Agreement, and the parties agree now that further improvements to the property would benefit both parties.

C. City and District desire to enter into an amendment of the Agreement to allow installation of the additional improvements and to make other modifications to the Agreement.

AGREEMENT:

NOW THEREFORE, in consideration of the above premises, the promises contained in this Agreement and for good and valuable consideration, the receipt and sufficiency of which the parties acknowledge, the parties hereby agree as follows:

1. Amendment of Section 5 of Agreement. Section 5 of the Agreement is hereby amended as follows:

   5. That when the lighted playfields are completed and ready for operation, it is agreed that the respective rights of the parties with respect to same shall be as follows:

      That the backstops, restrooms and sprinkler systems shall be maintained by and at the expense of the City. Maintenance of the restrooms may include, at the discretion of the City, demolition of outdated facilities and installation of temporary restroom facilities prior to and during the construction of permanent restrooms.

2. Continuing Applicability. Except as amended hereby, the Agreement shall remain in full force and effect.

3. Either party may cancel this Agreement to Arizona Revised Statutes Section 38-511 for conflict of interest.
IN WITNESS WHEREOF, the parties have caused this Amendment to be duly executed on or as of the day and year first above written.

CITY OF TEMPE, a municipal corporation of the State of Arizona

By: __________________________
Mark W. Mitchell, Mayor

TEMPE SCHOOL DISTRICT NO. 3

By: __________________________
Governing Board President

ATTEST:

__________________________
Carla C. Reece, City Clerk

APPROVED AS TO FORM:

__________________________
Judi Baumann, City Attorney

APPROVED AS TO FORM:

__________________________
Jordan T. Ellel, District Attorney