

**CITY OF JOPLIN
COUNCIL AGENDA ITEM**

ITEM

Council Bill 2018-027 – authorizing the City of Joplin to amend the Memorandum of Understanding and Agreement with Connect2Culture previously approved as Ordinance 2017-149 for the purpose of extending timeframes.

MEETING DATE

December 17, 2018

REVIEWED BY

Peter Edwards, City Attorney; Sam Anselm, City Manager.

SUMMARY

This Council Bill approves an amendment to the Memorandum of Understanding and Agreement with Connect2Culture previously approved as Ordinance 2017-149 for the purpose of extending timeframes.

BACKGROUND

Council approved a Memorandum of Understanding and Agreement with Connect2Culture via Ordinance 2017-149 on October 2, 2017.

The agreement specified that the City would obtain ownership to certain real estate from the State of Missouri no later than July 1, 2018. The City has performed all of its obligations to the State of Missouri under the Land Swap Letter of Intent Agreement between the State and City, and the City is waiting on the State to execute a Deed to its real estate to complete the land swap. The amendment extends this timeframe to April 1, 2019.

The agreement also stated that Connect2Culture would initiate a private Capital Campaign as soon as possible with culmination of that campaign no later than November 30, 2018. The amendment extends this timeframe to June 1, 2019.

FUNDING SOURCE

N/A

RECOMMENDATION

Staff recommends approval of this Council Bill on first reading and advancement to second and third reading.

ATTACHMENTS

Council Bill 2018-027
Exhibit “A” - Amendment
Ordinance 2017-149

**FIRST AMENDMENT TO
MEMORANDUM OF UNDERSTANDING AND AGREEMENT**

This First Amendment to Memorandum of Understanding and Agreement ("Agreement") is made and entered into this ____ day of January, 2019, by and between the City of Joplin, Missouri, a Municipal Corporation (hereinafter "City") and Connect2Culture, a Missouri Non-For-Profit Corporation (hereinafter "Connect2Culture"), with the City and Connect2Culture being referred to collectively as the "parties."

WHEREAS, City and Connect2Culture entered into a Memorandum of Understanding and Agreement effective October 2, 2017, whereby City agreed to obtain ownership of certain real estate described on Exhibit A no later than July 1, 2018; and

WHEREAS, Connect2Culture agreed to initiate a private Capital Campaign as soon as possible with culmination of that campaign no later than November 30, 2018; and

WHEREAS, the parties desire to extend these timeframes.

NOW, THEREFORE, in consideration of the mutual agreements set forth below, and other good and valuable consideration, the parties do hereby agree as follows:

1. The Agreement is hereby amended to provide that the date for City to obtain ownership of certain real estate described on Exhibit A under Section 4 subparagraphs b and e shall be April 1, 2019, and this date may be extended by the City in the event an extension is needed. The parties acknowledge that City has performed all of its obligations to the State of Missouri under the Land Swap Letter of Intent Agreement between the State and City, and that the City is merely waiting on the State to execute a Deed to its real estate to complete the land swap.

2. The Agreement is hereby amended to provide that the date for Connect2Culture to culminate its private Capital Campaign under Section 4 subparagraph d shall be June 1, 2019.

3. All other terms, conditions and requirements of the Memorandum of Understanding and Agreement shall remain in full force and effect, except as modified by this Amendment.

4. This document may be signed in separate counterparts by the parties and the signed counterparts, taken together, shall be deemed to constitute an executed original of this document.

CITY OF JOPLIN:

CONNECT2CULTURE:

By:_____

By:_____

Name:_____

Name:_____

Exhibit "A"

Title: _____

Title: _____

Date: _____

Date: _____

COUNCIL BILL NO. 2018-027

ORDINANCE NO.

AN ORDINANCE authorizing the City of Joplin to amend the Memorandum of Understanding and Agreement with Connect2Culture previously approved as Ordinance 2017-149 for the purpose of extending timeframes and authorizing the City Manager to execute the same by and on behalf of the City of Joplin.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, as follows:

Section 1. That the Amendment to the Memorandum of Understanding and Agreement by and between the City of Joplin and Connect2Culture previously approved as Ordinance 2017-149, a true and accurate copy of said Amendment being attached hereto and incorporated as “Exhibit “A,” be, and the same is, hereby approved.

Section 2. That the City Manager of the City of Joplin, Missouri, is hereby authorized and directed to execute said amendment, or amendment in substantially similar form, by and on behalf of the City of Joplin.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this _____ day of _____, 201____.

Gary L. Shaw, Mayor

ATTEST:

Barbara J. Gollhofer, City Clerk

APPROVED AS TO FORM:

Peter C. Edwards, City Attorney