

**FIRST AMENDMENT
to the
CROSS COUNTRY RUNNING COURSE
FACILITY USAGE AGREEMENT
BETWEEN
THE CITY OF COLUMBIA, MISSOURI,
AND
THE CURATORS OF THE UNIVERSITY OF MISSOURI**

This First Amendment to the Facility Usage Agreement is made as of the date of the last signatory noted below, between the **CITY OF COLUMBIA** ("City"), and **The Curators of the University of Missouri**, ("University").

RECITALS

- A. WHEREAS, on January 18, 2019, City and University entered into a Facility Usage Agreement ("Facility Usage Agreement") related to the Cross Country Running Course at Gans Creek Recreation Area; and
- B. WHEREAS, the Parties hereto desire to formally amend the Facility Usage Agreement with this First Amendment (hereinafter "First Amendment to the Facility Usage Agreement") and desire to be bound by the terms contained in the Facility Usage Agreement as amended by the terms contained in this First Amendment to the Facility Usage Agreement.

AMENDMENT

NOW, THEREFORE, in consideration of the mutual benefit to be derived by the parties, it is agreed to amend the Facility Usage Agreement, as follows:

- 1. The first sentence of the second paragraph in Article II of the Facility Usage Agreement shall be replaced with the following: "University shall contribute a minimum of \$250,000 to pay for the construction of the Course and related improvements to the Property and act as the lead organization in raising up to an additional \$510,000 for construction of the Course improvements set forth in Exhibit A (the "University Investment")."
- 2. The first sentence of the fourth paragraph of Article II of the Facility Usage Agreement which states "All plans and specifications for the Course amenities shall be reviewed and approved by the University with the project construction bid through the City's Purchasing Department" shall be removed and hereby replaced with the following:
"University and City will work together to prepare architectural plans for bidding and construction. University shall be responsible for the bidding, contractor

selection, and all payments to the contractor during construction phase. Upon making its selection of the contractor, University shall solicit input from City. City will be responsible for site preparation (which shall be completed before the construction bid is awarded), timely issuing building permits, provision of utilities within fifteen (15) feet of the building(s), and provision of onsite construction management duties, including, but not limited to: (a) working with contractor on the project schedule; (b) communication between contractor and architect on questions relating to project construction; (c) tracking of project performance; and (d) monitoring quality of work and materials and making necessary adjustments.”

3. All other terms of the Facility Usage Agreement shall remain unchanged and in full force and effect.

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the parties hereto have duly executed this First Amendment to the Facility Usage Agreement, on the day and year last written below.

CITY OF COLUMBIA, MISSOURI


By: _____
John Glascock, Interim City Manager

Date: _____

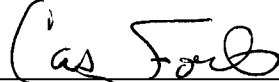
ATTEST:

By: _____
Sheela Amin, City Clerk

APPROVED AS TO FORM:

By: _____
Nancy Thompson, City Counselor/rw 

**THE CURATORS OF THE UNIVERSITY
OF MISSOURI**

By:  _____

CASEY FORBES, SR. BUSINESS SUCS COUS.
Name and Title

Date: 4/19/19 _____

**APPROVED
AS TO
LEGAL FORM**
MWM 4/14/2019