

**WHEREAS**, on June 8, 2005 the City Council of the City of Dallas approved Resolution No. 05-1735, authorizing the City Manager to execute the lease agreement dated June 8, 2005, ("the Lease") with Donald J. Tivens and Marilyn Tivens, Trustees of the Donald J. Tivens and Marilyn Tivens Family Trust ("Landlord") as landlord and City of Dallas ("City"), as tenant for approximately 5,015 square feet of office space located within Seville III, office building, at 3218 Highway 67 (I-30), in the City of Mesquite, Dallas County, Texas, to be used by the Women, Infants and Children Program (WIC); and,

**WHEREAS**, the parties desire to extend the lease term for an additional five (5) years;

**WHEREAS**, the parties desire to supplement, modify and amend the Lease to provide for Landlord to make certain additional improvements, repairs and refurbishments at its sole cost and expense to portions of the Premises, defined as such in the Lease Agreement dated June 8, 2005; and,

**NOW THEREFORE,**

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

**SECTION 1.** That the City Manager, upon approval as to form by the City Attorney, be and is hereby authorized to execute an Amendment to Lease Agreement between Donald J. Tivens and Marilyn Tivens, Trustees of the Donald J. Tivens and Marilyn Tivens Family Trust and the City of Dallas.

**SECTION 2.** That the special terms and conditions of the Amendment to Lease are:

- a) The term of Lease is extended for an additional five (5) years, effective August 1, 2012 and ending July 31, 2017, provided however, that City and Landlord retains the right to terminate the Lease as provided elsewhere therein.

- b) Monthly rental payments shall be as follows  
(subject to annual appropriations):

August 1, 2012 – July 31, 2017                      \$6,686.67 per month

- c) Landlord shall provide certain improvements, refurbishments and repairs to the Premises as specified in the Amendment to Lease Agreement.
- d) All other terms of the Lease, as previously amended, not expressly amended, hereby shall remain unchanged and in full force and effect.

June 27, 2012

**SECTION 3.** That the City Controller be and is hereby authorized to draw warrants payable to Donald J. Tivens and Marilyn Tivens, Trustees of the Donald J. Tivens and Marilyn Tivens Family Trust or its successors and assigns on the first day of each month in advance during the lease term effective August 1, 2012 in the amount specified below:

August 1, 2012 – July 31, 2017                      \$6,686.67 per month  
(subject to annual appropriations)

**SECTION 4.** That payments will be charged as follows:

August 1, 2012 – September 31, 2012: Fund F342, Dept. HOU, Unit 3895, Object Code 3330, Encumbrance No. HOULEASEC39, Commodity Code 97145, Vendor No. 519015.

October 1, 2012 – July 31, 2017: Fund TBD, Dept HOU Unit TBD, Object Code 3330, Encumbrance No. TBD, Commodity Code 97145, Vendor No. 519015.

**SECTION 5.** That the City Controller is hereby authorized to draw warrants payable to the respective telephone, communications, and security companies upon receipt of a bill for services or other applicable charges throughout the term of the lease.

**SECTION 6.** That this resolution shall take effect immediately from and after its passage in accordance with the Charter of the City of Dallas, and it is accordingly so resolved.

**APPROVED AS TO FORM**

**Thomas P. Perkins Jr., City Attorney**

BY: \_\_\_\_\_

*[Signature]*  
Assistant City Attorney

APPROVED BY  
CITY COUNCIL

JUN 27 2012

*[Signature]*  
City Secretary