

**FIRST AMENDMENT TO FACILITY USE AGREEMENT
(2535 Valley View Lane)**

THIS FIRST AMENDMENT TO FACILITY USE AGREEMENT (“Agreement”) is entered as of the Effective Date by and between the **CITY OF FARMERS BRANCH**, a Texas home rule municipality (“City”), and **FARMERS BRANCH COMMUNITY THEATRE, INC.**, d/b/a The Firehouse Theatre, a Texas nonprofit corporation (“Theatre”) (the City and Theatre collectively the “Parties” or individually as a “Party”), acting by and through their respective authorized representatives.

RECITALS

WHEREAS, Parties previously entered a facility use agreement for the property located at 2535 Valley View, Farmers Branch, Texas for use as a community theatre dated August 1, 2015 (the “Facility Use Agreement”); and

WHEREAS, Parties desire to amend section 2.5 of the Facility Use Agreement as set forth herein;

NOW, THEREFORE, in consideration of the mutual covenants contained herein, and for other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. That Section 2.5 of the facility Use Agreement is amended to read as follows:

“2.5 **Facility Use Fee.** As consideration for Theatre’s use of the Facilities for the Permitted Use, Theatre agrees beginning August 1, 2017 (the current “Agreement Year”) to pay to City a Facility Use Fee in the amount of Ten Dollars (10.00) for each Agreement Year.”

2. That the Facility Use Agreement shall continue in full force and effect, except as amended herein.
3. That this First Amendment to Facility Use Agreement may be executed in counterparts. Each of the counterparts shall be deemed an original instrument, but all counterparts shall constitute one and the same instrument.
4. That each Party represents that it has full capacity and authority to grant all rights and assume all obligations that are granted and assumed under this First Amendment to Facility use Agreement.
5. That this First Amendment to Facility Use Agreement shall take effect on the last date of execution hereof.

Signatures on Following Page

SIGNED AND AGREED this ____ day of _____, 2017.

CITY OF FARMERS BRANCH, TEXAS

By: _____
Charles Cox, City Manager

ATTEST:

By: _____
Amy Piukana, City Secretary

APPROVED AS TO FORM:

By: _____
Peter G. Smith, City Attorney

SIGNED AND AGREED this ____ day of _____, 2017.

**FARMERS BRANCH COMMUNITY THEATRE, INC.,
d/b/a THE FIREHOUSE THEATRE**

By: _____

Name: _____

Title: _____