

RESOLUTION NO. 29861

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A FIRST AMENDMENT AND RENEWAL OF LICENSE AGREEMENT, IN SUBSTANTIALLY THE FORM ATTACHED, WITH RIVER CITY DUCKS, LLC FOR THE NON-EXCLUSIVE USE OF THE ROSS' LANDING RAMP.

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BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, that it is hereby authorizing the Mayor to enter into a First Amendment and Renewal of License Agreement, in substantially the form attached, with River City Ducks, LLC for the non-exclusive use of the Ross' Landing ramp.

ADOPTED: April 2, 2019

/mem

**FIRST AMENDMENT TO LICENSE AGREEMENT AND AGREEMENT TO EXERCISE OPTION TO RENEW**

This First Amendment to License Agreement and Agreement to Exercise Option to Renew (the "First Amendment and Renewal") is made and entered into as of the \_\_\_\_ day of \_\_\_\_\_, 2019, by and between City of Chattanooga ("City") and River City Ducks, LLC ("River Ducks"). (City and River Ducks are collectively referred to as the Parties). The Parties agree as follows:

**RECITALS**

- A. City and River Ducks entered into that certain License Agreement effective May 1, 2017 (the "Original Agreement").
- B. The Parties entered into an Agreement to Exercise Option to Renew the Original Agreement effective May 1, 2018.
- C. The Parties now wish to amend and renew the Original Agreement as provided herein.

**AMENDMENT**

Subparagraph 3 of Paragraph 11 of the Original Agreement is hereby deleted in its entirety and replaced with the following:

Licensee shall, at Licensee's expense, purchase and maintain for the benefit of the City a policy or policies of public liability and property damage insurance, issued in the name of the Licensee and naming the City as an additional insured, with limits not less than One Million Dollars (\$1,000,000) for injury to and/or death of any one person in a single occurrence and \$2,000,000 in the general aggregate, and not less than One Million Dollars (\$1,000,000) for damage to property in a single occurrence. The insurance policy shall include contractual liability coverage which shall recognize and include the indemnification provisions of this Agreement.

**RENEWAL**

As set forth in Paragraph 1.1 of the Original Agreement, the Parties wish to extend the term for one (1) year beginning on May 1, 2019 and ending on May 1, 2020. After May 1, 2020, there remains one (1) option to extend the Original Agreement.

**NO OTHER AMENDMENTS**

Except as expressly amended herein, the Original Agreement remains in full force and effect.

**IN WITNESS WHEREOF**, the Parties hereto have executed this First Amendment and Renewal as of the day and year first above written.

**[SIGNATURES ON THE FOLLOWING PAGE]**

**CITY OF CHATTANOOGA**

**RIVER DUCKS, LLC**

By: \_\_\_\_\_  
Andy Berke, Mayor

By: \_\_\_\_\_  
Alex Moyers, Member-Manager