

Ordinance No. BL2020 - 462

An ordinance approving a second amendment to an agreement between the Metropolitan Government and Plaza 2750, LLC concerning the acquisition of real property for use as the site for a new public library and acquisition and construction of related infrastructure and landscaping improvements in Donelson.

WHEREAS, pursuant to Ordinance No. BL2018-1161, the Metropolitan Council approved an agreement (the "Agreement") between the Metropolitan Government and Plaza 2750, LLC concerning the acquisition of real property for use as a site for a new public library in Donelson and acquisition and construction of related infrastructure improvements; and,

WHEREAS, pursuant to Ordinance No. BL2018-1378, the Metropolitan Council approved an amendment to the Agreement; and,

WHEREAS, the parties propose to further amend the Agreement pursuant to the terms of the document (the "Second Amendment") attached to this ordinance as Exhibit 1 so as to add certain landscaping to the work Plaza 2750, LLC will perform; and,

WHEREAS, approval of the Second Amendment is in the best interest of the citizens of Davidson County.


NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. The Second Amendment is approved, and the Director of Public Property Administration is authorized to execute the transactions as contemplated therein.

Section 2. The Director of Public Property Administration or his designee is further authorized to execute such documents as are customary and necessary to carry out the intent of this ordinance.

Section 3. This Ordinance shall take effect from and after its passage, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

RECOMMENDED BY:



Director
Nashville Public Library



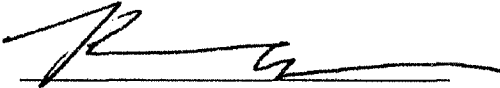
Director
Public Property Administration

INTRODUCED BY:



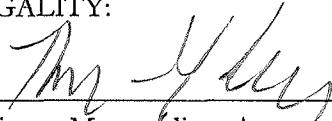
Member(s) of Council

APPROVED AS TO AVAILABILITY
OF FUNDS:



Director
Department of Finance

APPROVED AS TO FORM AND
LEGALITY:



Assistant Metropolitan Attorney

SECOND AMENDMENT TO AGREEMENT FOR PUCHASE AND SALE AND PARTICIPATION AGREEMENT

This Second Amendment to Agreement for Purchase and Sale and Participation Agreement (the "Second Amendment") is made and entered into between the Metropolitan Government of Nashville and Davidson County ("Buyer") and Plaza 2750, LLC ("Seller").

WHEREAS, the parties entered into that certain Agreement for Purchase and Sale and Participation Agreement, dated effective May 16, 2018 (the "Agreement"); and

WHEREAS, the parties amended the Agreement on or about November 21, 2018; and

WHEREAS the parties propose to amend (the "Second Amendment") the Agreement further as set forth herein to include landscaping as necessary to provide greenspace and prevent erosion on the property contemplated by the Agreement.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are acknowledged, the parties agree as follows:

1. Effective Date. This Second Amendment shall become effective only after its full execution, final approval by the Metropolitan Council and filing with the Metropolitan Clerk.
2. Extent of Modification. Except as modified herein, the provisions of the Agreement shall remain in full force and effect.
3. Scope. The Agreement is hereby amended by adding the following sentence at the end of Section 8(a):

For purposes of this Agreement, the Public Infrastructure shall include landscaping as approved by the Metropolitan Department of Public Works.

Buyer:

Seller:

The Metropolitan Government of Nashville and Davidson County

Plaza 2750, LLC

By: Jalia Lomax O'Neal
Director, Public Property Administration

By: [Signature]
Name: Allen Arunden

Approved as to form and legality:

Title: Member

[Signature]
Metropolitan Attorney