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CITY OF BETHLEHEM
INTER-DEPARTMENTAL CORRESPONDENCE

SUBJECT: Amendment No. 1 to Artsquest Use Permit Agreements
Permittee Name: ArtsQuest
Purpose: Musikfest 2009
Location: Various City Properties and Streets

TO: Cynthia Biedenkopf, City Clerk

FROM: John F. Spirk, Jr., Esq., City Solicitor

DATE: April 3, 2009

Attached is Amendment No. 1 to the Use Permit Agreements between the City of Bethlehem and ArtsQuest.

Also attached is a resolution for Council's consideration.

Please place this matter on City Council's agenda for review and appropriate action.

JFS,JR:csb

Copies To: John B. Callahan, Mayor
Ralph E. Carp, Parks & Public Property Director
Jeffrey A. Parks, ArtsQuest

By: JFS/ John F. Spirk, Jr

AMENDMENT NO. 1 TO
USE PERMIT AGREEMENT FOR PUBLIC PROPERTY
BY AND BETWEEN
CITY OF BETHLEHEM
AND
ARTSQUEST

AMENDMENT made this ____ day of _____, 2009, by and between the CITY OF BETHLEHEM, Pennsylvania, hereinafter referred to as the "City" and ARTSQUEST, hereinafter referred to as "Permittee".

WHEREAS, the parties entered into two Use Permit Agreements dated February 28, 2008, one for festival sites and one for streets, pursuant to which the City granted Use Permits to the Permittee for the premises described, for the purposes described and for the duration described therein; and

WHEREAS, the parties agree to amend the Use Permit Agreements on the following terms and conditions.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties hereto, intending to be legally bound hereby, covenant and agree as follows:

1. The Duration of the Festival Sites Use Permit Agreement, Subparagraph b.), is hereby amended to read as follows:

b.) July 20, 2009 to August 16, 2009.

2. The Duration of the Streets Use Permit Agreement, Subparagraph b.), is hereby amended to read as follows:

b.) July 30, 2009 to August 9, 2009 only between the hours of 8:00 a.m. and 11:30: p.m. each day.

3. Paragraph A, Special Provisions, Subparagraph 8, Removal of Port-A-Johns, of the Festival Sites Use Permit Agreement is hereby amended to change August 16, 2009 to August 9, 2009.

4. Paragraph A, Special Provisions, Subparagraph 16, Maintenance by Permittee, of the Festival Sites Use Permit Agreement is hereby amended to change August 16, 2009 to August 9, 2009.

5. All other terms and conditions contained in the original Use Permit Agreements shall remain in full force and effect.

IN WITNESS WHEREOF, each of the parties hereto has caused this Amendment to be duly executed and attested as of the date first above written.

ATTEST:

Secretary

PERMITTEE:
ARTSQUEST

BY: _____
Title:

ATTEST:

City Controller

CITY OF BETHLEHEM

BY: _____
Mayor

The within Use Permit Agreement Amendment is certified to be needed, necessary and appropriate.

By: _____
City of Bethlehem Department Head
Print Name: Ralph Carp

RESOLUTION NO. _____

Authorization For Amendment No. 1 to Use Permit Agreements

BE IT RESOLVED by the Council of the City of Bethlehem that the Mayor and the Controller and/or such other City officials as deemed appropriate by the City Solicitor, are hereby authorized to execute Amendment No. 1 to Use Permit Agreements and such other agreements and documents as are deemed by the City Solicitor to be necessary and/or related thereto, according to the terms and conditions indicated therein and made a part hereof, with the following named permittee, for the uses and purposes indicated below:

1. Name of Permittee: ArtsQuest
2. Purpose: Musikfest 2009

Sponsored by _____

ADOPTED by Council this day of , 2009.

President of Council

ATTEST:

City Clerk