



CITY OF BETHLEHEM  
OFFICE OF THE CITY SOLICITOR

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INTEROFFICE MEMORANDUM

To: Tad J. Miller, City Clerk

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

Re: Fourth Amendment to Use Permit Agreement for Festival Sites  
Permittee Name: ArtsQuest  
Purpose: Musikfest 2022, Musikfest 2023 and Musikfest 2024

Date: May 11, 2022

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Attached is a proposed Resolution and associated Fourth Amendment to Use Permit Agreement for Festival Sites for Council's consideration.

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

*John F. Spirk, Jr.*

John F. Spirk, Jr., Esq., Solicitor

Cc: J. William Reynolds, Mayor  
Eric R. Evans, Business Administrator  
Michael Alkhal, Director, Public Works  
Kassie Hilgert, ArtsQuest  
Ray Neeb, ArtsQuest

RESOLUTION NO. 2022-\_\_\_\_\_

Authorization For Fourth Amendment to Use Permit Agreement

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 the Fourth Amendment to Use Permit Agreement for Festival Sites 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 2022, Musikfest 2023 and Musikfest 2024

Sponsored by \_\_\_\_\_  
\_\_\_\_\_

ADOPTED by Council this            day of            , 2022.

\_\_\_\_\_  
President of Council

ATTEST:

\_\_\_\_\_  
City Clerk

**FOURTH AMENDMENT TO  
USE PERMIT AGREEMENT FOR PUBLIC PROPERTY  
(FESTIVAL SITES)**

This Third Amendment (the “Amendment”) to the Use Permit Agreement For Public Property (Festival Sites) dated February 25, 2020 by and between ArtsQuest and the City of Bethlehem (the “City”) is entered into effective as of \_\_\_\_\_, 2022 (the “Effective Date”).

**Background**

ArtsQuest and the City are parties to that certain Use Permit Agreement for Public Property (Festival Sites) in connection with the use of certain public property by ArtsQuest during Musikfest in the 2020 through 2024 calendar years (the “Use Permit Agreement”).

The parties seek to amend the Use Permit Agreement to include a small parcel of City-owned land adjacent to Nevin Place as a festival site for Musikfest in the 2022 through 2024 calendar years.

**Agreement**

The parties, intending to be legally bound, agree as follows:

1. Background Section. The Background Section is incorporated by reference in this Amendment.

2. Capitalized Terms. Capitalized terms, which are not otherwise defined herein, shall have the same definition as provided in the Use Permit Agreement.

3. Amendment of the Agreement. The Use Permit Agreement shall be amended as of the Effective Date as follows:

(a) The PREMISES Section, subsection (d) shall be amended to include a small parcel of City-owned land adjacent to Nevin Place, and subsection (d) shall now read as follows:

d) *Nevin Place right-of-way and W. Walnut Street parcel known as Tax Parcel Number P6NE1D-10-5A 0204E, both of which are adjacent to the Sun Inn Courtyard (area outlined and hatched as shown on the attached map – Exhibit A, Map d-1)*

4. Headings. The headings used in this Amendment are provided for convenience only and are not to be considered in construing this Amendment.

5. Conflict. In the event of any conflict between the terms of the Use Permit Agreement and this Amendment, the terms of the Use Permit Agreement shall prevail.

6. Counterparts. This Amendment may be executed in counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

7. Ratification; Confirmation; Entire Agreement. The parties ratify and confirm all provisions of the Use Permit Agreement and this Amendment specifically including the warrant of attorney to confess judgment. Except as otherwise amended in this Amendment, all other terms and conditions of the Use Permit Agreement and prior amendments thereto shall remain in full force and effect. The Use Permit Agreement shall not be modified except by a written instrument signed by all parties.

IN WITNESS THEREOF, the parties hereto have caused this Third Amendment to be executed by their duly authorized officers, as of the Effective Date.

PERMITTEE:

CITY:

ARTSQEST

CITY OF BETHLEHEM

By: \_\_\_\_\_

Katherine E. Hilgert  
President and CEO

By: \_\_\_\_\_

J. William Reynolds  
Mayor

Date: \_\_\_\_\_

Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
George Yasso  
City Controller

Date: \_\_\_\_\_

**EXHIBIT A, MAP d-1**

