

ADDENDUM NO. 1 TO LEASE AGREEMENT WITH CORPUS CHRISTI BASEBALL CLUB, L.P.

Whereas, on January 28, 2020, the City of Corpus Christi (herein referred to as “the City”) and Corpus Christi Baseball Club, L.P., a Texas Limited Partnership (herein referred to as “Lessee”) entered into the Second Amended and Restate Stadium Lease Agreement (herein referred to as the “Lease”) regarding Whataburger Field;

Whereas, the Lease authorized Lessee to make certain capital improvements to the Baseball Stadium;

Whereas, the Lessee has proposed a capital improvement project to improve the stadium property. The purpose of this item is to approve an addendum to the Lease Agreement for Whataburger Field which provides for \$137,260 in Type A funding for improvements to the stadium property for netting extension for Player Development League (PDL) compliance, pedestrian concrete remediation, steel support remediation, concourse concrete remediation, and seat replacements.

for netting extension for Player Development League (PDL) compliance, pedestrian concrete remediation, steel support remediation, concourse concrete remediation, and seat replacements. (the “Project”);

Whereas, the Corpus Christi Business and Job Development Corporation (the “Corporation”) has approved funding in the amount of \$137,260.00 for the completions of the Project, which funding will be transferred to the City for payment of the reimbursement under this Addendum; and

Whereas, the intent of this addendum is to layout the responsibilities of each Party specifically related to the Project.

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. The Parties enter into this addendum, effective on the date of last signature, to authorize the Project under the terms of the Lease.
2. City and Lessee agree that, in accordance with Sections 5.5 and 7.1 of the Lease and according to state law, the City authorizes the Lessee to proceed with the project to improve the stadium property
3. The purpose of this item is to approve an addendum to the Lease Agreement for Whataburger Field which provides for \$137,260 in Type A funding for improvements to the stadium property for netting extension for Player Development League (PDL) compliance, pedestrian concrete remediation, steel support remediation, concourse concrete remediation, and seat replacements.
4. for netting extension for Player Development League (PDL) compliance, pedestrian concrete remediation, steel support remediation, concourse concrete remediation, and seat replacements, as described in Exhibit A and incorporated by reference.
 - a. **Project Completion.** Lessee must cause the contractor to complete all work for the Project within one year following the Effective Date of this addendum. Lessee shall be responsible to provide oversight and contract management services including

inspection services to verify work is timely and properly completed. Lessee shall obtain all required City permits for the Project.

- b. **Quarterly Updates.** Lessee must provide quarterly updates on the Project to the City in October, January, April, and July until final completion of the Project.
 - c.
2. City will provide funding for the Project, up to \$137,260.00 on a reimbursement basis.
 - a. **City Maximum Funding Amount.** The Parties agree that the funding from the City or Corporation required to complete the Project are not to exceed \$137,260.00 which is defined herein as the "City Maximum Funding Amount." The City shall only be responsible for payments up to the City Maximum Funding Amount for completion of the Project. Lessee agrees to be responsible for payment of any costs which exceed the City Maximum Funding Amount.
 - b. **Reimbursement Payments.** The City will pay the City Maximum Funding Amount to the Lessee in accordance with Section 7.4 of the Lease.
 3. During the Project construction, City Director of Engineering Services and City Director of Parks and Recreation, or their designees, have the right but not the obligation to inspect the Project. Lessee agrees to timely resolve any issues identified by City staff that represent non-conformance with the Project design and construction plans.
 4. ***Indemnification.*** *The Parties agree that Lessee's indemnification obligations in the Lease apply to this project and that such obligations are incorporated here by reference as if fully set out here in their entirety.*
 5. This addendum is governed by the terms and conditions of the Lease, as amended, and is considered part of the Lease for all intents and purposes. Failure to comply with the terms of this addendum may be considered Lessee or City Default in accordance with Article XI of the Lease.
 6. This addendum may be executed in multiple counterparts and all such counterparts will be deemed one and the same agreement among the parties whether or not the signatures of all parties appear on any given counterpart.

AGREED TO BY:

Corpus Christi Baseball Club, L.P.,
through its general partner, RSB Operations, LLC

By: _____

N. Reese Ryan, Member

Date: _____

STATE OF TEXAS
COUNTY OF _____

This instrument was acknowledged before me on _____ by N. Reese Ryan, Member of RSB Operations, LLC, as the general partner for Corpus Christi Baseball Club, L.P., on behalf of said partnership.

Notary Public

CITY OF CORPUS CHRISTI

By: _____
Title: _____
Date: _____

STATE OF TEXAS
COUNTY OF NUECES

This instrument was acknowledged before me on _____ by _____, on behalf of and for the City of Corpus Christi, Texas a Texas municipality on behalf of said municipality.

Notary Public

Approved as to form:

By: *Jacqueline Bazar* 11/8/2024
Jacqueline Bazar Assistant City Attorney Date

ATTACHMENT A – PROJECT DESCRIPTION

Lessee will provide construction improvements to the following items:

- the stadium property

The purpose of this item is to approve an addendum to the Lease Agreement for Whataburger Field which provides for \$137,260 in Type A funding for improvements to the stadium property for netting extension for Player Development League (PDL) compliance, pedestrian concrete remediation, steel support remediation, concourse concrete remediation, and seat replacements. for netting extension for Player Development League (PDL) compliance.

- pedestrian concrete remediation.
- steel support remediation.
- concourse concrete remediation.
- seat replacements.