

## **RESOLUTION NO. R-2024-047**

**WHEREAS**, Penfold Theatre Company (“Tenant”) and R.C. Center Limited Partnership (“Landlord”) are parties to that certain Retail Lease Agreement dated on or about the date hereof (the “Lease”) for certain premises commonly known as Suite 290 (the “Premises”) situated in the Rock Creek Plaza Shopping Center in Round Rock, Texas; and

**WHEREAS**, the City of Round Rock (“City”) and Tenant are parties to that certain Grant Agreement for the Encouragement of the Performing Arts dated on or about the date hereof (the “Grant Agreement”) which, among other things, contains certain agreements of the City to provide Tenant with certain grant funds to assist Tenant with its financial obligations under the Lease; and

**WHEREAS**, pursuant to the Grant Agreement, on and subject to the terms and conditions more particularly set forth therein, the City has agreed to pay Tenant’s base rent and estimated operating expenses under the Lease; and

**WHEREAS**, the parties hereto desire to enter into a Tri-Party Agreement to set forth the terms of the monthly rental obligations, Now Therefore

### **BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,**

That the Mayor is hereby authorized and directed to execute on behalf of the City, a Tri-Party Agreement, a copy of same being attached hereto as Exhibit “A” and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

**RESOLVED** this 22nd day of February, 2024.

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CRAIG MORGAN, Mayor  
City of Round Rock, Texas

ATTEST:

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MEAGAN SPINKS, City Clerk