

FIRST AMENDMENT TO TEMPORARY RIGHT OF ACCESS

Parcel ID: 00521212
Address: 21328 CATAWBA AVE.
Project: CAIN CENTER FOR THE
ARTS/TOWN PARK

**STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG**

This First Amendment to TEMPORARY RIGHT OF ACCESS (this “Amendment”) is entered into as of _____, 2021 (the “Effective Date”) by and between the **Town of Cornelius** (“GRANTOR”), and **Cornelius Arts/Community Center, Inc.** (“GRANTEE”)

Background.

GRANTOR and GRANTEE are Parties to that certain TEMPORARY RIGHT OF ACCESS approved May 3, 2021 (the “Original Agreement”), which allowed, among other things GRANTEE a Temporary RIGHT OF ACCESS over, under, and through the property located at 21328 Catawba Avenue for the purposes of clearing, grading, cutting and filling, and mitigation of environmental conditions upon the Property.

GRANTOR and GRANTEE have agreed to certain changes to the Original Agreement as set forth herein.

Agreement.

NOW, THEREFORE, in consideration of the terms, covenants, conditions and agreements contained herein, the parties hereto contract and agree as follows:

1. Revised Purposes for Right of Access. The Original Agreement is hereby amended to allow GRANTEE the Temporary Right of Access to the Property to perform necessary work, including staging and operation of equipment and movement of a work force, over, upon, and across the described Area, together with the right of ingress and egress for the purposes of clearing, grading, cutting and filling, mitigation of environmental conditions, to dig and to pour footers and to erect CMU walls pursuant to the GRANTOR AND GRANTEE approved construction plans for the Cain Center for the Arts to be constructed upon the Property and for no further purpose.

2. Unmodified Terms in Full Force and Effect. Except as modified by this Amendment, the Original Agreement and all covenants, amendments, terms and conditions thereof shall remain in full force and effect and are hereby in all respects ratified and confirmed.

Signatures appear on following page

IN WITNESS WHEREOF, the Parties have hereunto executed this Agreement effective as of _____, 2021.

GRANTOR: TOWN OF CORNELIUS

By: _____

Andrew Grant, Town Manager

GRANTEE: CORNELIUS ARTS/COMMUNITY CENTER, INC.

By: _____

Justin Dionne, Executive Director