

**SIXTH AMENDMENT TO CITY OF BRYAN AND
INFINITY SPORTS ENTERTAINMENT, LLC
EXCLUSIVE FACILITY USE AGREEMENT**

THIS SIXTH AMENDMENT TO THE EXCLUSIVE FACILITY USE AGREEMENT, is entered into by and between the City of Bryan, a municipal corporation of the County of Brazos, State of Texas ("City"), and Infinity Sports Entertainment, LLC, a Texas limited liability company ("Infinity"), (collectively the "Parties"), for the use of the City's Travis Major Baseball Field located at the Travis Athletic Complex ("Facility").

WHEREAS, the City is the owner of the Facility, which is comprised of a baseball field, partially covered stadium seating, concession booths, restrooms and maintenance facilities, parking facilities, and other facilities, equipment and fixtures commonly related to municipal baseball field uses and activities; and

WHEREAS, Infinity hosts a collegiate baseball team to play in the Texas Collegiate League ("TCL"), a league comprised of collegiate level and caliber players, as well as various other sports and entertainment related uses at the Facility; and

WHEREAS, the City granted Infinity exclusive use of the Facility and the City determined the intended activities to be conducted at the Facility would be conducive to its then current use and would foster economic development and other opportunities for the benefit of the residents of the City; and

WHEREAS, the Parties entered into the original City of Bryan and Infinity Sports Entertainment Exclusive Facility Use Agreement ("Agreement") on August 23, 2006, and have subsequently agreed to five (5) previous amendments; and

WHEREAS, the portion of Travis Athletic Complex not including the Facility has undergone major renovation and reconstruction in conjunction with City's Midtown Park redevelopment, making it advisable to clarify the Agreement; and

WHEREFORE PREMISES CONSIDERED, the Parties hereto mutually agree as follows:

A. CONTINUATION OF TERMS

Except as expressly modified herein, all terms and conditions of the Agreement, as amended and restated in the Fourth Amendment executed and effective as of January 10, 2017, and amended by the Fifth Amendment effective May 13, 2021, remain in full force and effect. All terms defined in the Agreement shall have the same meaning when used herein, except when expressly modified.

B. LEASED PREMISES DEFINED

Section 2.A, Leased Premises Defined, of the Agreement is amended as follows:

A. Leased Premises Defined

For and during the term of this Agreement, the City leases, demises, and rents to

Infinity the Facility. For purposes of this Agreement, "Facility" shall mean, Travis Major Baseball Field located at the Travis Athletic Complex, 525 Carson Street, Bryan, Texas 77801, and that area immediately surrounding Travis Major Baseball Field and parking lot as identified in the attached Exhibit "A", which is incorporated herein by reference and made a part hereof. In addition to the lease, demise, and rental of the Facility, Infinity shall have use of and access to, but no responsibility for maintenance of, the parking lot at Travis Athletic Complex designated as Non-exclusive Use on Exhibit "A" in connection with events and activities permitted under this Agreement.

C. EXHIBIT

Exhibit "A" to the Agreement is amended as shown on Exhibit "A" attached hereto and incorporated herein by reference and made a part hereof for all purposes.

EXECUTED to be effective on the 15th day of December, 2021.

CITY OF BRYAN, TEXAS

**INFINITY SPORTS ENTERTAINMENT,
LLC**

By: Andrew Nelson
Andrew Nelson, Mayor

By: 
Uri Geva, President

Date: December 15, 2021

Date: December 7, 2021



ATTEST:

Mary L Stratta
Mary Lynne Stratta, City Secretary

APPROVED AS TO FORM:

Thomas A. Leeper
Thomas A. Leeper, Interim City Attorney

Exhibit "A"



Facility



Non-exclusive Use

Certificate Of Completion

Envelope Id: B1D049498059401A8EA4686B3B33FBAE	Status: Completed
Subject: Please DocuSign: Infinity Sixth Amendment (11-17-21)HRW.pdf, Exhibit A.pdf	
Source Envelope:	
Document Pages: 3	Signatures: 3
Certificate Pages: 5	Initials: 0
AutoNav: Enabled	Stamps: 1
Envelope Stamping: Enabled	Envelope Originator:
Time Zone: (UTC-06:00) Central Time (US & Canada)	Christina Cabrera
	PO BOX 1000
	PO BOX 1000
	Bryan, TX 77805
	ccabrera@bryantx.gov
	IP Address: 198.183.241.134

Record Tracking

Status: Original 12/15/2021 2:29:37 PM	Holder: Christina Cabrera ccabrera@bryantx.gov	Location: DocuSign
Security Appliance Status: Connected	Pool: StateLocal	
Storage Appliance Status: Connected	Pool: City of Bryan & Bryan Texas Utilities	Location: DocuSign

Signer Events

Thomas A. Leeper
tleeper@bryantx.gov
Interim City Attorney
Security Level: Email, Account Authentication (None)

Signature

Thomas A. Leeper

Signature Adoption: Pre-selected Style
Using IP Address: 198.183.241.134

Timestamp

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Signed: 12/15/2021 3:06:51 PM

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Andrew Nelson
anelson@bryantx.gov
Security Level: Email, Account Authentication (None)

Andrew Nelson


Signature Adoption: Pre-selected Style
Using IP Address: 50.24.57.53
Signed using mobile

Sent: 12/15/2021 3:06:53 PM
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Signed: 12/15/2021 3:14:21 PM

Electronic Record and Signature Disclosure:
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Mary L Stratta
mstratta@bryantx.gov
City Secretary
Security Level: Email, Account Authentication (None)

Mary L. Stratta



Signature Adoption: Pre-selected Style
Using IP Address: 198.183.241.134

Sent: 12/15/2021 3:14:23 PM
Viewed: 12/15/2021 3:24:17 PM
Signed: 12/15/2021 3:25:24 PM

Electronic Record and Signature Disclosure:
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In Person Signer Events

Signature

Timestamp

Editor Delivery Events

Status

Timestamp

Agent Delivery Events	Status	Timestamp
Intermediary Delivery Events	Status	Timestamp
Certified Delivery Events	Status	Timestamp
Carbon Copy Events	Status	Timestamp
Hugh Walker hwalker@bryantx.gov DCM Security Level: Email, Account Authentication (None) Electronic Record and Signature Disclosure: Accepted: 12/7/2021 4:16:07 PM ID: 9bb33cb9-6e7a-49d7-96c8-763ada472334	COPIED	Sent: 12/15/2021 3:25:26 PM
Sally Jurica sjurica@bryantx.gov Executive Assistant to the City Manager/Office Coordinator City of Bryan Security Level: Email, Account Authentication (None) Electronic Record and Signature Disclosure: Not Offered via DocuSign	COPIED	Sent: 12/15/2021 3:25:26 PM
Witness Events	Signature	Timestamp
Notary Events	Signature	Timestamp
Envelope Summary Events	Status	Timestamps
Envelope Sent	Hashed/Encrypted	12/15/2021 2:32:29 PM
Certified Delivered	Security Checked	12/15/2021 3:24:17 PM
Signing Complete	Security Checked	12/15/2021 3:25:24 PM
Completed	Security Checked	12/15/2021 3:25:26 PM
Payment Events	Status	Timestamps
Electronic Record and Signature Disclosure		

ELECTRONIC RECORD AND SIGNATURE DISCLOSURE

From time to time, City of Bryan (we, us or Company) may be required by law to provide to you certain written notices or disclosures. Described below are the terms and conditions for providing to you such notices and disclosures electronically through the DocuSign system. Please read the information below carefully and thoroughly, and if you can access this information electronically to your satisfaction and agree to this Electronic Record and Signature Disclosure (ERSD), please confirm your agreement by selecting the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

Getting paper copies

At any time, you may request from us a paper copy of any record provided or made available electronically to you by us. You will have the ability to download and print documents we send to you through the DocuSign system during and immediately after the signing session and, if you elect to create a DocuSign account, you may access the documents for a limited period of time (usually 30 days) after such documents are first sent to you. After such time, if you wish for us to send you paper copies of any such documents from our office to you, you will be charged a \$0.00 per-page fee. You may request delivery of such paper copies from us by following the procedure described below.

Withdrawing your consent

If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

Consequences of changing your mind

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. Further, you will no longer be able to use the DocuSign system to receive required notices and consents electronically from us or to sign electronically documents from us.

All notices and disclosures will be sent to you electronically

Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through the DocuSign system all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

How to contact City of Bryan:

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To contact us by email send messages to: citysecretaryweb@bryantx.gov

To advise City of Bryan of your new email address

To let us know of a change in your email address where we should send notices and disclosures electronically to you, you must send an email message to us at citysecretaryweb@bryantx.gov and in the body of such request you must state: your previous email address, your new email address. We do not require any other information from you to change your email address.

If you created a DocuSign account, you may update it with your new email address through your account preferences.

To request paper copies from City of Bryan

To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an email to citysecretaryweb@bryantx.gov and in the body of such request you must state your email address, full name, mailing address, and telephone number.

To withdraw your consent with City of Bryan

To inform us that you no longer wish to receive future notices and disclosures in electronic format you may:

- i. decline to sign a document from within your signing session, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;
- ii. send us an email to citysecretaryweb@bryantx.gov and in the body of such request you must state your email, full name, mailing address, and telephone number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

Required hardware and software

The minimum system requirements for using the DocuSign system may change over time. The current system requirements are found here: <https://support.docusign.com/guides/signer-guide-signing-system-requirements>.

Acknowledging your access and consent to receive and sign documents electronically

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please confirm that you have read this ERSD, and (i) that you are able to print on paper or electronically save this ERSD for your future reference and access; or (ii) that you are able to email this ERSD to an email address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format as described herein, then select the check-box next to ‘I agree to use electronic records and signatures’ before clicking ‘CONTINUE’ within the DocuSign system.

By selecting the check-box next to ‘I agree to use electronic records and signatures’, you confirm that:

- You can access and read this Electronic Record and Signature Disclosure; and
- You can print on paper this Electronic Record and Signature Disclosure, or save or send this Electronic Record and Disclosure to a location where you can print it, for future reference and access; and
- Until or unless you notify City of Bryan as described above, you consent to receive exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you by City of Bryan during the course of your relationship with City of Bryan.