

FIRST AMENDMENT TO CONCESSION AGREEMENT

THIS FIRST AMENDMENT TO CONCESSION AGREEMENT ("First Amendment"), made and entered into this 10 day of July 2019, by and between The CITY OF SAN DIEGO, a municipal corporation, herein after referred to as "CITY", and PACIFIC SURF SCHOOL, INC., hereinafter referred to as "CONCESSIONAIRE,"; with reference to the following facts:

RECITALS

- A. CITY and CONCESSIONAIRE entered into a Concession Agreement effective May 14, 2019, granting CONCESSIONAIRE the right to operate a Concession within CITY beach sites designated by the CITY ("Agreement").
- B. CITY and CONCESSIONAIRE wish to amend the Agreement to revise the annual Minimum Fee.
- C. All initially capitalized terms herein shall have the same meaning as in the Agreement, unless otherwise specifically defined herein.

NOW THEREFORE, in consideration of the above recitals, which are incorporated by reference herein, and the mutual promises contained herein, the parties agree to amend the Agreement as follows:

1. Amendment to Minimum Fee. Section 10.B of the Agreement, entitled Minimum Fee is hereby deleted in its entirety and replaced as follows:

"10.B Minimum Fee. The annual Minimum Fee established for the first Agreement Year following the Effective Date is \$26,822.40 which is \$2,235.20 on a monthly installment basis. The monthly Minimum Fee is to be paid in monthly installments on or before the day of the calendar month when the Percentage Fee is due pursuant to Section 10.J."

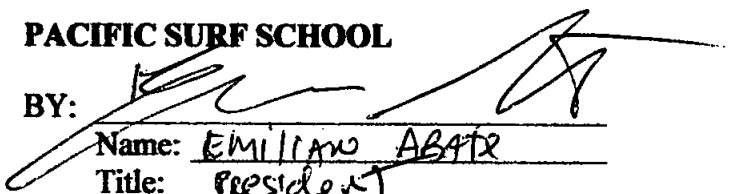
2. No Other Changes. All other terms and conditions of the Agreement shall remain in full force and effect, and if there are any conflicts between the Agreement and this First Amendment, said conflict shall be resolved in favor of the terms and conditions of this First Amendment.

[Signature Page Follows]

IN WITNESS WHEREOF, the parties have executed this First Amendment on the date first written above.

Date: 07-10-19

PACIFIC SURF SCHOOL

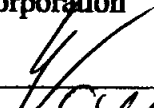
BY: 

Name: EMILIANO ABATE

Title: PRESIDENT

Date: 8/6/19

THE CITY OF SAN DIEGO, a California
municipal corporation

BY: 

Name: CECILE M. M. M.

Title: DEPUTY CITY ATTORNEY

Approved as to form this 12th day of
August, 2019.

MARA W. ELLIOTT, City Attorney

By: Melissa Ables

Name: Melissa Ables

Title: Deputy City Attorney