

FIRST AMENDMENT TO RIGHT OF ENTRY PERMIT

This First Amendment to Right of Entry ("PERMIT") is entered into between the City of San Diego ("CITY") and the Downtown San Diego Partnership ("PERMITTEE") with reference to the following Recitals:

- A. WHEREAS, CITY AND PERMITTEE entered into an agreement effective November 21, 2005, which is cancelable with 30 day written notice by the City pursuant to Section 6 of the PERMIT.
- B. WHEREAS, pursuant to the terms of the PERMIT ("PERMITTEE") currently occupies approximately 8,952 square feet of the permitted premises, pursuant to Section 1 of the PERMIT.
- C. WHEREAS, PERMITTEE has requested by First Amendment to the Right of Entry Permit a reduction of the Permitted Premises from 8,952 square feet to 4,856 square feet, the Permit Fee reduced from \$1,879.92 per month to \$1,167.00 per month.

NOW, THEREFORE, in consideration of the above Recitals and the mutual obligations of the Parties as herein expressed, CITY and PERMITTEE agree to amend the PERMIT as follows:

- 1. Delete Section 3, Permit Fee, and replace it with the following:

10-1-08 – 10-31-08	\$1,167.00
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- 2. Exhibit "A" reflects permit area use of eleven (11) parking spaces.
- 3. This First Amendment shall be effective on October 1, 2008.
- 4. Commencing November 1, 2008 the term of the Right of Entry Permit shall be a month-to-month tenancy.
- 5. Nothing in this First Amendment is intended to modify or alter any other terms of the PERMIT. All other terms and conditions of the PERMIT shall remain in full force and effect.

IN WITNESS WHEREOF, this Second Amendment is executed by CITY, acting by and through its Mayor, and PERMITTEE, acting by and through its lawfully authorized officers.

CITY OF SAN DIEGO

Date: 1/6/09

By: 

PERMITTEE: DOWNTOWN SAN DIEGO
PARTNERSHIP

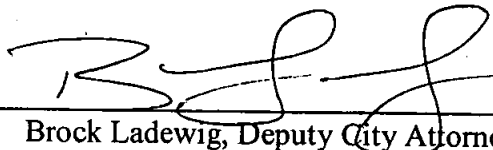
Date: 12/1/08

By: 

APPROVED AS TO FORM AND LEGALITY THIS DAY
OF MAY 11, 2009. 

~~JAN I. GOLDSMITH~~
~~MICHAEL AGUIRRE~~, City Attorney

Date: 5/11/09

By: 
Brock Ladewig, Deputy City Attorney

RN/cb
10-20-08

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