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CITY OF FRESNO
City Clerk's Office (Original)

AMENDMENT ONE TO CONCESSION AGREEMENT FOR CAMP FRESNO AND CAMP
FRESNO JR.

By and Between

CITY OF FRESNO,
A CALIFORNIA MUNICIPAL CORPORATION

And

D & K BEARD ENTERPRISE, INC.,
A CALIFORNIA CORPORATION

THIS Amendment One is entered into this _____ day of _____, 2012, by and between the CITY OF FRESNO, a municipal corporation of the State of California, (hereinafter called "City") and D & K Beard Enterprise, Inc., a California Corporation (hereinafter called "Concessionaire").

RECITALS

WHEREAS, the City and Concessionaire entered into a CONCESSION AGREEMENT (the "Agreement") dated November 16, 2009 which provides for a term which began January 1, 2010 and ends on December 31, 2014; and

WHEREAS, section 30.1 of the Agreement prohibits assignment thereof or sublease of the Concession Area.; and

WHEREAS, the parties now desire to amend the Agreement to provide for the opportunity of assignment thereof and for sublease of the Concession Area.

AGREEMENT

NOW THEREFORE, in consideration of the above recitals, incorporated herein and mutual covenants hereinafter set forth, the parties hereto agree as follows:

1. Section 30.1 of the Concession Agreement is replaced in its entirety as follows:

30.1. ASSIGNMENT / SUBLEASE. This Agreement shall not be assigned by Concessionaire in whole or in part nor the Concession Area subleased in any respect without City's prior written authorization which may be withheld in City's sole discretion. In consideration of any said authorization, City reserves the right to review and approve any proposed agreement(s) as well as the qualifications of the proposed assignee/subleasee. Any such assignment and sublease shall not release the Concessionaire of any liability under the Agreement.

2. In all other regards, the Agreement shall be and remain in full force and effect.

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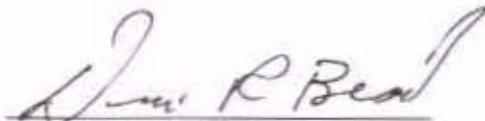
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IN WITNESS WHEREOF, the parties have executed this Agreement at Fresno, California, the day and year above written.

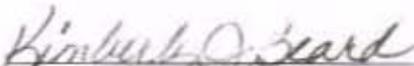
CITY OF FRESNO,
a California municipal corporation

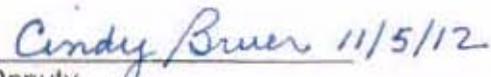
D & K BEARD ENTERPRISE, INC.,
a California corporation

By: 
Bruce A. Rudd, Interim Director
Parks, After School, Recreation
And Community Services Department

By: 
Dennis Beard, Partner

ATTEST:
YVONNE SPENCE, CMC
City Clerk

By: 
Kimberly Beard, Partner

By:  11/5/12
Deputy

APPROVED AS TO FORM:
JAMES C. SANCHEZ
City Attorney

By: 
Robert Abrams, Deputy

Addresses:

CITY:
City of Fresno
PARCS Department
848 "M" Street, Third Floor
Fresno CA 93721

CONCESSIONAIRE:
D & K Beard Enterprise, Inc.
53849 Dinkey Creek Road
Shaver Lake, CA 93664
(559) 841-3435