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6/26/2014

FIFTH AMENDMENT TO FIXED RATE PATRON PARKING AGREEMENT
(CITY OF FRESNO/CLUB ONE CASINO, INC.)

CITY OF FRESNO
City Clerk's Office (Original)

THIS FIFTH AMENDMENT TO FIXED RATE PATRON PARKING AGREEMENT ("Amendment") between the CITY OF FRESNO ("City") and CLUB ONE CASINO, INC. ("Club One") is effective as of July 1, 2014. City and Club One are hereinafter collectively referred to as the "Parties."

RECITALS

WHEREAS, City and Club One entered into a Fixed Rate Patron Parking Agreement ("Agreement"), dated July 1, 2009, and was amended previously four times providing Club One with certain fixed rate patron parking in City's Garage No. 8, upon finding, determinations, terms and conditions therein; and

WHEREAS, the Agreement expires on June 30, 2014; and

WHEREAS, Club One has requested that the City continue to make available to its patrons parking on a fixed rate basis in lieu of otherwise applicable Master Fee Scheduled ("MFS") Rates; and

WHEREAS, City finds and determines based upon the underlying Staff Report and the record in this matter incorporated herein, that continuing to provide Club One with fixed rate parking upon the terms and conditions herein is in furtherance of the public interest and contributes to revitalization/reinvigoration of Fulton Mall and environs through increased workforce, customer and visitor activity and interest, reduction of physical blight/economic deterioration, an increase in private sector investment and related tax base expansion, all in furtherance of the Downtown Revitalization Plan; and

WHEREAS, the Parties desire to extend the Agreement, upon the terms and conditions herein.

AGREEMENT

NOW, THEREFORE, the Parties agree that the aforesaid Agreement be amended as follows:

1. The term of the Agreement is extended to June 30, 2015, subject to any earlier termination in accordance with the Agreement.
2. Except as expressly modified and amended hereby, the Agreement and four previous amendments entered into by City and Club One, remain in full force and effect.

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IN WITNESS WHEREOF, the Parties have executed this Amendment No. 5 at Fresno, California, the day and year first above written.

CITY OF FRESNO,
a municipal corporation

By *Bruce Spindel*
Name *Bruce Spindel*
Title *City Manager*

ATTEST:

YVONNE SPENCE
City Clerk

By *Sherrin L. Baderbach*
Deputy
1/16/2015

APPROVED AS TO FORM:
DOUGLAS T. SLOAN
City Attorney

By: *Brandon M. Collet* *1/15/15*
Brandon M. Collet Date
Deputy

CLUB ONE CASINO, INC.
a California corporation

By *Kyle A. Kirkland*
Name *Kyle A. Kirkland*
Title *President*

By *Dana D. Messina*
Name *Dana D. Messina*
Title *CFO, Secretary*

