

AMENDMENT NO. 1
TO CONCESSION CONTRACT
Dennis O. Shay dba Carlsbad Village Athletic Clubs
Located in
Carlsbad
San Diego County, California

THE AGREEMENT TO AMEND is made and entered into by and between the STATE OF CALIFORNIA, acting through its Department of Parks and Recreation, hereinafter referred to as "State" and Dennis O. Shay dba Carlsbad Village Athletic Clubs, of Carlsbad, California, hereinafter referred to as "Concessionaire", and

WHEREAS, a two-year concession contract was entered into on the 1st day of December 2012 by and between the State and Concessionaire for the operation of a non-aquatic fitness concession at Carlsbad State Beach ("Concession Contract"); and

WHEREAS, State and Concessionaire mutually agree to expand the Premises for the provision of additional recreational opportunities;

NOW, THEREFORE, IT IS MUTUALLY AGREED BY AND BETWEEN THE PARTIES HERETO AS FOLLOWS:

1) In the Concession Contract, Section 5 Use of Premises, page 5, **insert** the following paragraph as the fourth paragraph in this Section:

"State permits the Concessionaire to install and operate up to four (4) professional size volleyball courts within the area between Tower 31 and Warm Water Jetty on Carlsbad State Beach as part of the Concessionaire's business operation. The installation of these four competition size courts shall include

twenty (20) feet of space between courts located in the area between Tower 31 and the warm water jetty. Courts shall leave room for emergency vehicles to drive around courts and between jetty and courts and between tower and courts. The Concessionaire may book groups or leagues or special tournaments (always leaving one court for open play) during the hours of 7 a.m. to noon and 5 p.m. to 8 p.m. from Memorial Day through Labor Day and 7 a.m. to two hours after sunset the remainder of the year.”

2) In the Concession Contract, Exhibit A Premises is expanded to include the attached Exhibit A – Amended Premises to include Volley Ball Courts.

All other terms and conditions of the concession contract shall remain the same and in full force and effect.

The effective date of this amendment shall be the first day of the month following the date of approval by the Department of General Services.

This amendment is executed in counterparts, each of which shall be deemed an original.

IN WITNESS WHEREOF, the parties hereto warrant that they respectively have the requisite authority to enter into this amendment, binding the named parties for which they sign, and have executed this amendment at the respective times set forth below.

CONCESSIONAIRE:

By: 

Name: Dennis O. Shay

Title: Owner

Date: 12/19/13

**STATE OF CALIFORNIA
DEPT. OF PARKS AND RECREATION**

By: 

Name: Clayton Phillips

Title: District Superintendent

Date: _____

**APPROVED
ATTORNEY GENERAL:**

Approved as to legal sufficiency
in accordance with the requirements
of Sections 50080.02 – 5080.21
of the Public Resources Code.

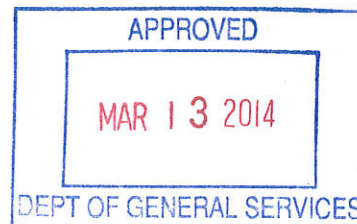


**APPROVED
DEPT. OF GENERAL SERVICES**

**KAMALA D. HARRIS, Attorney General
of the State of California**

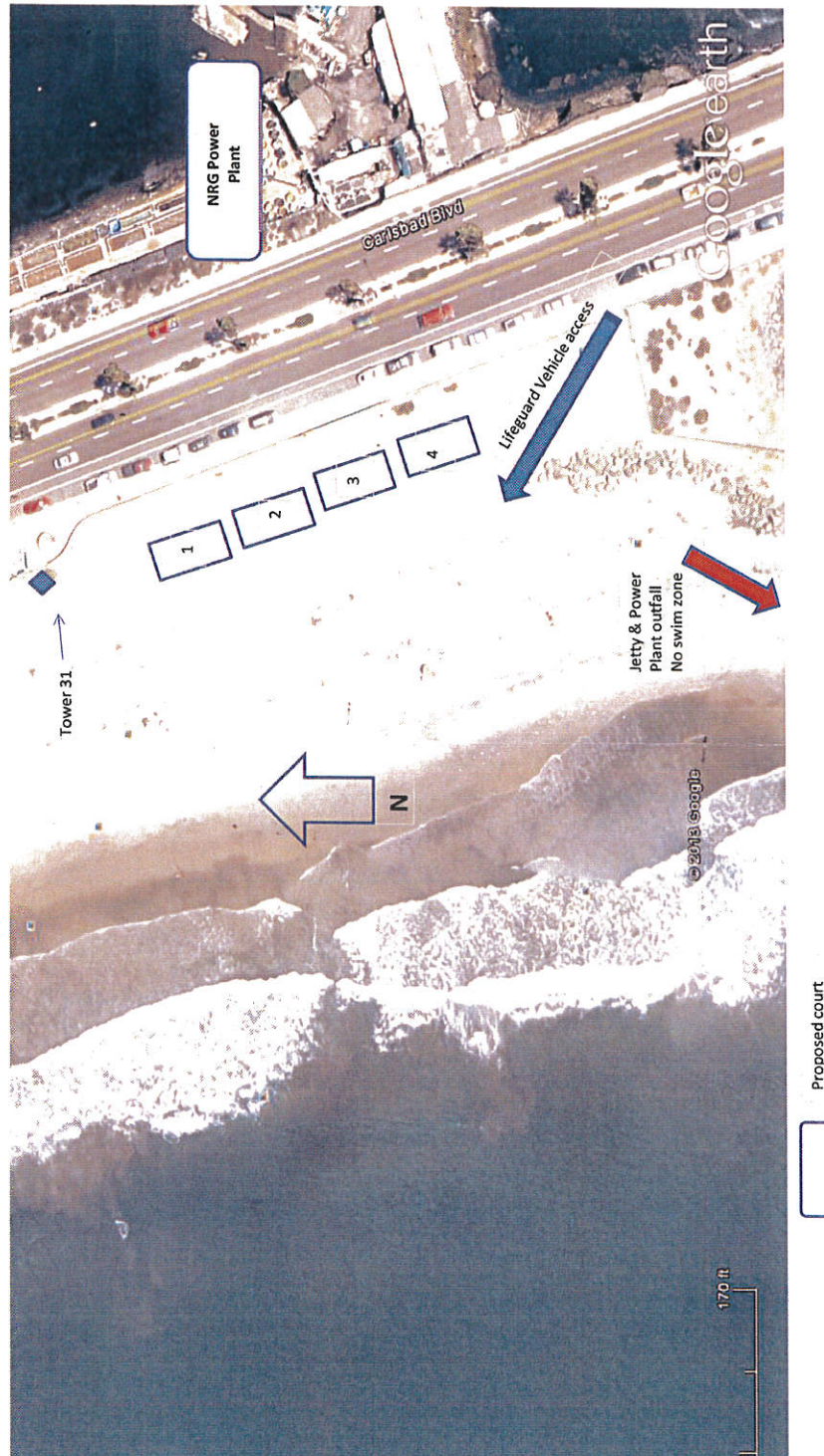
By: 
Deputy Attorney General

Dated: 3/4/2014





AMENDMENT #1 EXHIBIT A – PREMISES AMENDED



Four competition size courts with 20 feet of space between courts located in the area between Tower 31 and the warm water jetty. Courts will leave room for emergency vehicles to drive around courts and between jetty and courts and between tower and courts.