

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

THIS EIGHTH 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, 2017. 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 seven 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 expired on June 30, 2017; and

WHEREAS, Club One has requested that the City continue to make available to its patrons parking on a fixed rate basis under the same terms and conditions and on a month-to-month 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 on an ongoing month-to-month basis, subject to any earlier termination in accordance with the Agreement.
2. Except as expressly modified and amended hereby, the Agreement and five previous amendments entered into by City and Club One, remain in full force and effect.

IN WITNESS WHEREOF, the Parties have executed this Amendment No. 8 at Fresno, California, the day and year first above written.

CITY OF FRESNO,
A California municipal corporation

CLUB ONE CASINO, INC.
a California corporation

By: _____


Name: _____

Title: _____

ATTEST:
YVONNE SPENCE, CMC
City Clerk

By: _____
Deputy

APPROVED AS TO FORM:
DOUGLAS T. SLOAN
City Attorney

By:  9.11.07
Raj Singh Badhesha
Deputy City Attorney

By: 

Name: Kyle N. Kirkland

Title: President

(If corporation or LLC, Board Chair, Pres.
or Vice Pres.)

By: 

Name: Kyle N. Kirkland

Title: Secretary

(If corporation or LLC, CFO, Treasurer,
Secretary or Assistant Secretary)

Addresses:
CITY:
City of Fresno
Attention:
Del Estabrooke
2600 Fresno Street, Room 4019
Fresno, CA 93721
Phone: (559) 621-7275
FAX: (559) 457-1265

BUSINESS:
Club One Casino, Inc.
Attention:
Kyle Kirkland, President
1033 Van Ness Ave.
Fresno, CA 93721
Phone: (559) 497-3000
FAX: (559) 237-2582