

**FIRST AMENDMENT TO
EXCLUSIVE NEGOTIATION AGREEMENT**

THIS FIRST AMENDMENT TO EXCLUSIVE NEGOTIATION AGREEMENT (First Amendment) is entered into this 27 day of February, 2020, by and between the CITY OF FRESNO, a municipal corporation (City) and TUTELIAN & COMPANY, INC., a California corporation (Developer) on the terms and conditions set forth below.

RECITALS

A. The City and the Developer have entered into that certain Exclusive Negotiation Agreement (ENA) dated December 14, 2018, which provided for a negotiation period of 270 days was administratively extended by the City Manager for an additional 180 days by letter dated September 6, 2019.

B. During the Negotiation Period, the Developer diligently made good faith efforts to timely complete all its obligations.

C. The City and the Developer desire to extend the Negotiation Period in order to continue negotiations.

AGREEMENT

NOW, THEREFORE, for and in consideration of the foregoing recitals and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the City and the Developer hereby agree as follows:

Section 1. Extension of Negotiation Period

The Negotiation Period, as defined in paragraph 3 of the ENA, is hereby extended to and including the date which is one year from the date of the execution of this First Amendment, unless sooner terminated in accordance with this First Amendment.

Section 2. Site Redefined.

The Site is hereby redefined to mean Parking Lot 2 and certain real property generally bounded by Tuolumne Street, Van Ness Avenue, Merced Street and Fulton Street (the Site), as depicted on Exhibit A attached hereto and incorporated herein by this reference.

Section 3. Effect of This First Amendment.

The ENA shall remain in full force and effect except as amended hereby or inconsistent herewith.

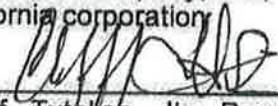
[SIGNATURE PAGE TO FOLLOW]

IN WITNESS WHEREOF, the parties have caused this First Amendment to be executed by their respective representatives thereunto duly authorized as of the date first written above.

CITY OF FRESNO,
A California municipal corporation

Tutelian and Company, Inc.,
a California corporation

By: _____
Wilma Quan
City Manager

By:  _____
Cliff Tutelian, Its President and
Secretary

APPROVED AS TO FORM:
DOUGLAS T. SLOAN
City Attorney

By:  _____
Laurie Avedisian-Favini
Assistant City Attorney

2/20/2020
Date

ATTEST:
YVONNE SPENCE, MMC
City Clerk

By: _____
Deputy