

THIRD AMENDMENT TO AGREEMENT

This Third Amendment to Agreement ("Third Amendment") is entered into this 17th day of November 2020 by the City of Pleasanton ("City") and Lifetime Activities ("Contractor")

Whereas, on January 1, 2011 the City and Lifetime Activities entered into an Operator Agreement for Tennis services ("Agreement"); and

Whereas, COVID-19 has limited the operations of Lifetime Activities; and

Whereas, the parties desire to amend to the Agreement;

Now, therefore, in exchange for valuable consideration, the receipt of which is hereby acknowledged, the parties agree as follows:

1. Section 4.09.01 of the Agreement "Days and Hours of Operation" is amended to read: From November 30, 2020 to March 14, 2021, reduced winter operating hours are Tuesday through Friday: 9:00 a.m. to 8:00 p.m., and Saturday/Sunday: 9:00 a.m. to 6:00 p.m. The office is to be closed on Mondays. Courts will remain open to the public when Lifetime Activities personnel are not on-site.
2. Section 7.0 of the Agreement, "Compensation" is amended to read: In lieu of fixed rent, Lifetime Activities will remit twelve percent (12%) of all revenue from January 1, 2021 through December 31, 2021.
3. This amendment may be executed in multiple counterparts, each of which shall be an original and all of which together shall constitute one agreement. Counterparts may be delivered via facsimile, electronic mail (including pdf or any electronic signature complying with U.S. federal E-Sign Act of 2000 (15 U.S. Code §7001 et seq.), California Uniform Electronic Transactions Act (Cal. Civil Code §1633.1 et seq.), or other applicable law) or other transmission method, and any counterpart so delivered shall be deemed to have been duly and validly delivered and be valid and effective for all purposes.
4. All other terms and conditions of the Agreement shall remain in full force and effect.

In witness whereof, authorized representatives of the parties have executed this Third Amendment to the Agreement as of the date and year first above written.

CITY OF PLEASANTON

CONTRACTOR

Nelson Fialho, City Manager

By: _____
Signature

Print name

Title: _____

ATTEST:

Karen Diaz, City Clerk

with California Corporations Code §313]

APPROVED AS TO FORM:

Daniel G. Sodergren, City Attorney

By: _____
Signature

Print name

Title: _____

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