

**FIRST AMENDMENT TO THE TRAILER ACQUISITION & LEASE AGREEMENT
BETWEEN THE CITY OF HERCULES, CALIFORNIA AND THE HERCULES
HISTORICAL SOCIETY**

Parties to the First Amendment

The parties to this First Amendment to the Trailer Acquisition & Lease Agreement Between City of Hercules, California and Hercules Historical Society are the City of Hercules, California (hereinafter the City) and the Hercules Historical Society (hereinafter the HHS).

Recitals

WHEREAS, HHS and City executed a Trailer Acquisition & Lease Agreement Between City of Hercules and Hercules Historical Society (hereinafter the Agreement), effective February 14, 2012, a copy of which is attached hereto as Exhibit A and incorporated herein by reference; and

WHEREAS, the Agreement provided HHS the exclusive right to access and lease the land owned by City (hereinafter the Property) directly beneath and encompassing the trailer (hereinafter the Building) located adjacent to the northwest end of Hercules City Hall, as more fully described in the Agreement; and

WHEREAS, the grant of exclusive right to HHS for use of the Property was for a period of five (5) years pursuant to Section 3 of the Agreement, unless extended for an additional five (5) years pursuant to Section 2.1 of the Agreement; and

WHEREAS, prior to the expiration of the Agreement, the City executed a Notice and Addendum to the Trailer Acquisition and Lease Agreement (hereinafter the Addendum) extending the term of the Agreement pursuant to Section 2.1 of the Agreement until February 14, 2023, a copy of which is attached hereto as Exhibit B and incorporated herein by reference; and

WHEREAS, the Agreement does not provide for extension of the grant of exclusive right to the HHS beyond the expiration of the time specified in the Addendum; and

WHEREAS, the Parties now wish to amend the Agreement to extend the term of the Agreement for five (5) additional years beyond the expiration of the Addendum period, with an option to renew this grant of exclusive right to the HHS for an additional five (5) years upon written notice to the HHS.

NOW THEREFOR THE PARTIES AGREE AS FOLLOWS:

1. The Parties hereto wish to amend the original Agreement and Addendum to continue to grant solely to the HHS the exclusive right to access and lease the Property for an additional five (5) year period commencing on February 14, 2023, and in effect until February 14, 2028.
2. Prior to the expiration of this First Amendment, the City may renew this grant of exclusive right to HHS for up to an additional five (5) years upon written notice to the HHS.
3. All other terms and conditions within the original Agreement and Addendum that are not in conflict with the terms of this First Amendment shall remain in full force and effect for the effective life of this First Amendment.

This First Amendment is pursuant to and consistent with City Council Resolution No. 23-_____.

HERCULES HISTORICAL SOCIETY

By: _____

Date: _____

CITY OF HERCULES

By: _____

Date: _____

Dante Hall, City Manager