

Project: Boathouse Restaurant at Arroyo  
Burro Beach  
APN: 047-092-013  
Folio: 003533  
Agent: AK

**FIRST AMENDMENT TO CONCESSION AGREEMENT**

**THIS FIRST AMENDMENT TO CONCESSION AGREEMENT**, hereinafter “First Amendment” is made by and between

COUNTY OF SANTA BARBARA, a political subdivision of the State of California, hereinafter referred to as "COUNTY,"

and

SANTA BARBARA SHELLFISH CO., INC., a California Corporation, hereinafter referred to as “CONCESSIONER,”

with reference to the following:

**WHEREAS**, COUNTY is the owner of Arroyo Burro Beach County Park (hereinafter “Park”), located at 2981 ½ Cliff Drive, consisting of a portion of County Assessor Parcel Number 047-092-013, in the incorporated area of the City of Santa Barbara (hereinafter “Property”), identified as the diagonally-slashed area of Exhibit “A”, attached hereto and incorporated herein by reference; and

**WHEREAS**, COUNTY and CONCESSIONER entered into a Concession Agreement on February 5, 2008 (hereinafter “Agreement”), for the operation, management, maintenance, and improvement of the beachfront restaurant, snack bar, and patio area known as the Arroyo Burro Beach Restaurant, also known as the Boathouse at Hendry’s Beach (hereinafter “Premises”); and

**WHEREAS**, COUNTY is constructing new restrooms at the Park for public use, and will convert the existing Men’s restroom that is attached to the Premises to storage for CONCESSIONER, and thus, wishes to amend the Premises area shown on Exhibit “B”, attached hereto and incorporated herein by reference; and

**WHEREAS**, under the terms of the Agreement, CONCESSIONER is responsible for the payment of charges for utilities on the Premises for use by CONCESSIONER and COUNTY and CONCESSIONER desire to amend the Agreement to set forth a schedule for the payment of charges for utilities at the Premises used by CONCESSIONER during the period of County Fiscal Year 2010-11 (commencing July 1, 2010) through and including County Fiscal Year 2013-14 (terminating June 30, 2014).

**NOW THEREFORE**, in consideration of the premises, and the mutual covenants and conditions contained herein, COUNTY and CONCESSIONER agree as follows:

1. Section 2. **RIGHTS GRANTED**, shall be amended such that the portion of the improvements formerly used as the Men’s restroom for the Park, which is physically attached to the Premises and included with the Premises on Exhibit “B” of the original Concession Agreement, shall hereinafter be used exclusively by CONCESSIONER as a storage area. Exhibit B of the original Concession Agreement is hereby repealed in its entirety and replaced with Exhibit “B”, attached hereto and incorporated herein by this reference.

2. Section 16. **UTILITY CHARGES**, is hereby amended by adding the following language:

“A. For charges for utilities on the Premises used by CONCESSIONER during the period of County Fiscal Year 2010-11 through and including County Fiscal Year 2013-14, CONCESSIONER shall pay the charges for utilities according to the following payment schedule for a total payment time of two (2) years:

1. A one-time payment of TWENTY FIVE THOUSAND DOLLARS AND NO CENTS (\$25,000.00) shall be paid by CONCESSIONER to COUNTY on or before April 1, 2015; and

2. Thereafter, 23 equal payments of SIX THOUSAND EIGHT HUNDRED THIRTY SIX DOLLARS AND SIXTY SEVEN CENTS (\$6,836.67) shall be paid by CONCESSIONER to COUNTY on or before the first of each month for 23 consecutive months beginning on May 1, 2015.”

3. It is expressly understood that in all other respects, the terms and conditions of the original Concession Agreement dated February 5, 2008, shall remain in full force and effect.

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**IN WITNESS WHEREOF**, COUNTY and CONSESSIONER have executed this First Amendment to Concession Agreement to be effective as of the date signed by COUNTY.

"COUNTY"  
COUNTY OF SANTA BARBARA

ATTEST:  
MONA MIYASATO  
CLERK OF THE BOARD

By: \_\_\_\_\_  
Janet Wolf, Chair  
Board of Supervisors

By \_\_\_\_\_  
Deputy Clerk

Date: \_\_\_\_\_

APPROVED:

"CONCESSIONER"  
SANTA BARBARA SHELLFISH CO., INC.

\_\_\_\_\_  
Renee E. Bahl, Interim Director  
Community Services Department

\_\_\_\_\_  
Thomas White, President and Secretary

SANTA BARBARA SHELLFISH CO., INC.

APPROVED AS TO FORM:  
MICHAEL C. GHIZZONI  
COUNTY COUNSEL

APPROVED AS TO FORM:  
ROBERT W. GEIS, CPA  
AUDITOR-CONTROLLER


By: \_\_\_\_\_  
Deputy

By: \_\_\_\_\_  
Deputy

APPROVED:

  
\_\_\_\_\_  
Don Grady, Esq.  
Real Property Manager

APPROVED:

  
\_\_\_\_\_  
Ray Aromatorio, A.R.M., A.I.C.  
Risk Program Administrator

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APPROVED:

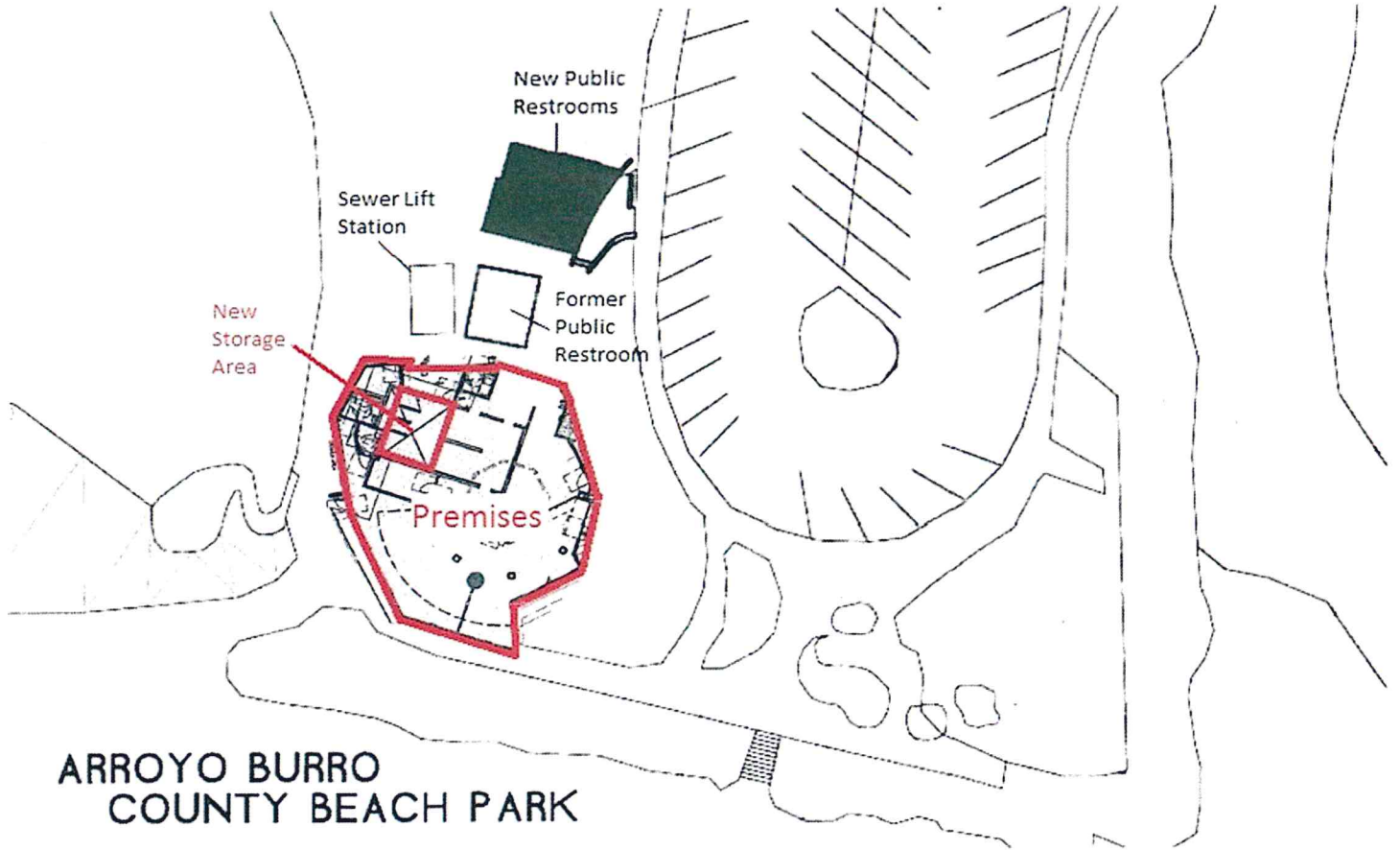
\_\_\_\_\_  
Don Grady, Esq.  
Real Property Manager

APPROVED:

\_\_\_\_\_  
Ray Aromatorio, A.R.M., A.I.C.  
Risk Program Administrator

# Exhibit "B"

## Premises



ARROYO BURRO  
COUNTY BEACH PARK