

## SECOND AMENDMENT TO 2013 FACILITY USE AGREEMENT

### CITY OF PFLUGERVILLE – PARKS AND RECREATION DEPARTMENT KAYAK/CANOE RENTAL CONCESSION AT LAKE PFLUGERVILLE

This Second Amendment to the 2013 Facility Use Agreement (“Second Amendment”) is made by and between Pflugfun Watercraft Rentals (hereinafter referred to as the “Concessionaire”), and the City of Pflugerville, TX (hereinafter referred to as the “City”). Concessionaire and City are collectively referred to as the “Parties.”

Whereas, the Parties entered into the 2013 Facility Use Agreement (“Original Agreement”) on February 28, 2013 that provided, among other terms, that the Original Agreement’s term was for the period of March 2013 through October 2013, with two one-year extensions available upon mutual agreement of the Parties; and

Whereas, the Parties amended the Original Agreement through the First Amendment to 2013 Facility use Agreement (“First Amendment”) on February 29, 2016 with said First Amendment’s term being one year with two one year extensions available upon mutual agreement of the Parties; and

Whereas, the Parties hereto find it mutually beneficial to once again extend the term of the Original Agreement in accordance with the following and to confirm the validity of the rest of the terms in the Original Agreement.

Now, therefore, for the mutual obligations and benefits expressed in the Original Agreement and in full consideration therefore, the Parties agree as follows:

1. Purpose. The Purpose of this Second Amendment is to extend the term of the 2013 Facility Use Agreement (“Original Agreement”) as established in Section 2 thereof.
2. Concessionaire and City agree to extend the term (original term and two option years) as previously extended by the First Amendment for one year. The Original Agreement may then after be extended in an additional one-year increments twice with the mutual consent of the Parties. The total length of this Second Amendment shall not exceed three years.
3. Remaining Provisions in Full Effect. The remaining provisions of the Original Agreement and First Amendment shall remain in full force and effect, except as modified herein.

EXECTUED THIS \_\_\_\_ DAY OF \_\_\_\_\_.

#### CITY OF PFLUGERVILLE

BY: \_\_\_\_\_

Sereniah Breland, City Manager

DATE: \_\_\_\_\_

#### CONCESSIONAIRE (Pflugfun Watercraft Rentals)

BY: \_\_\_\_\_

Randy Martin, Owner

DATE: \_\_\_\_\_