

EXHIBIT A

FIRST AMENDMENT TO WHEELER FIELD SOFTBALL COMPLEX CONCESSION BUILDING AGREEMENT BETWEEN CITY OF DULUTH AND DULUTH SOFTBALL PLAYERS ASSOCIATION, INC.

The Wheeler Field Softball Complex Concession Building Agreement #22865 (“Concession Agreement”) between the City of Duluth (“City”) and Duluth Softball Players Association, Inc. (“DSPA”) (hereinafter collectively referred to as the “Parties”) is amended as set forth below. Capitalized terms used in this First Amendment, but not defined herein, shall have the same meaning ascribed to them as in the Concession Agreement.

WHEREAS, the Parties wish to amend the Concession Agreement to: (a) reduce DSPA’s obligations for Building operations and (b) increase the city’s responsibilities toward the Building.

NOW, THEREFORE, in consideration of the mutual benefits contained herein, the Parties agree to amend the Lease Agreement as follows:

A. Section II (A) is amended as follows (deleting the strike-through language and adding the underlined language):

For the term of ~~three years~~ commencing from May 1, 2016, and ending on December 31, ~~2018, 2019, weather permitting,~~ the City hereby grants the right to the DSPA, and the DSPA agrees to operate, manage, supervise, and maintain Building between May 1 and August 31 of each year of this Agreement, which dates shall hereinafter be referred to as “Summer Season.” The dates September 1 through April 30 are hereinafter referred to as the “Winter Season.”

B. Section 4(F) is deleted in its entirety.

C. Section VII(C) is added to the Concession Agreement as follows:

City shall, at its expense, provide the following utilities and services for the period January 1, 2017 through December 31, 2018: electric, water, and sewage.

Except as specifically amended pursuant to this First Amendment, the Concession Agreement remains in full force and effect. In the event of a conflict between the provisions of this First Amendment and the Concession Agreement, the provisions of the First Amendment shall govern.

IN WITNESS WHEREOF, the Parties have hereunto set their hands the day and date first shown below.

CITY OF DULUTH

**DULUTH SOFTBALL PLAYERS
ASSOCIATION, INC.**

By: _____
Mayor

By: *rick mcarthur*

Printed Name: Rick McArthur

Attest: _____
City Clerk

Its: D. S. P. A. ,

Date Attested: _____

Countersigned:

City Auditor

Approved as to form:

City Attorney