

**FIRST AMENDMENT TO
WASHINGTON CENTER
LEASE AGREEMENT
BETWEEN THE CITY OF DULUTH
AND THE HILLS YOUTH AND FAMILY SERVICES**

WHEREAS, this FIRST AMENDMENT TO WASHINGTON CENTER LEASE AGREEMENT (“First Amendment”) is entered into by and between the City of Duluth, a municipal corporation created and existing under the laws of the State of Minnesota (the “City”) and THE HILLS YOUTH AND FAMILY SERVICES, a Minnesota non-profit corporation (the “Hills”).

WHEREAS, the parties entered into the Washington Center Lease Agreement on November 8, 2017 which provided for the lease of portions of the Washington Center to the Hills for the advancement of its Mission and provision of Services (the “Lease Agreement”).

WHEREAS, the City and the Hills wish to amend the Lease Agreement to provide a credit refund for previously paid rent, and waive rent due for the immediate future.

NOW, THEREFORE, the City and the Hills hereby agree to amend the Lease Agreement as follows:

A. The following Section XXI is added to the Lease Agreement:

XXI. MODIFICATION OF RENT.

Due to unforeseen circumstances related to COVID-19 and in accordance with the Minnesota Governor Walz’s Emergency Executive Order 20-20, the City instituted a City-wide public closure of City-owned buildings with an effective date of March 18, 2020 (the “Closure”).

The Closure included the Washington Center and because of such Closure, the Hills’ provision of its Services and use of the Leased Premises has been temporarily disrupted. Therefore, the City agrees to refund to the Hills the rent that has been previously paid for the period of March 18, 2020 through April 30, 2020 in the amount of \$1,816.81 (the “Refunded Rent”). The Refunded Rent shall be in the form of a rent credit on future amounts due under the Lease Agreement. In the event that the Lease Agreement expires and the Washington Center has not yet re-opened, then the City shall issue a refund in the form of a check to the Hills in the amount of the Refunded Rent within fourteen days of October 31, 2020.

Additionally, the City will waive future rent payments under the Lease Agreement beginning May 1, 2020 until the sooner of the following: (1) such time that the Washington Center has been re-opened for normal operations and the Hills can fully utilize the Leased Premises as stated in the Lease Agreement or (2) upon the expiration date of the Lease Agreement on October 31, 2020.

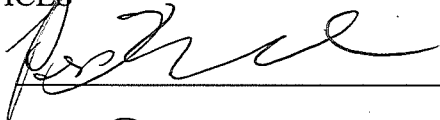
Except as specifically amended pursuant to this First Amendment, the Lease Agreement remains in full force and effect. In the event of a conflict between the provisions of this First Amendment and the provisions of the Lease Agreement, the provisions of this First Amendment shall govern.

IN WITNESS WHEREOF, the City and the Hills have executed this First Amendment as indicated below.

CITY OF DULUTH

THE HILLS YOUTH AND FAMILY SERVICES

By: _____
Mayor

By:  _____

Printed Name: Princess Awa-ada Kisob

Attest: _____
City Clerk

Its: Equity + After-School Programs Dir.

Date: 17 April 2020

Dated: _____

Countersigned:

City Auditor

Approved as to form:

City Attorney