

**FIRST AMENDMENT TO
ZOO AGREEMENT
BETWEEN
THE CITY OF DULUTH
AND THE
ARROWHEAD ZOOLOGICAL SOCIETY, INC.**

THIS FIRST AMENDMENT TO AGREEMENT, effective as of the date of attestation by the City Clerk, is made by and between the CITY OF DULUTH, a municipal corporation organized and existing under the laws of the State of Minnesota ("City"), and the Arrowhead Zoological Society, Inc., d/b/a Lake Superior Zoological Society, a 501(c)(3) Minnesota non-profit corporation ("Society"). The City and Society collectively are hereinafter referred to as the "Parties."

WHEREAS, as of June 14, 2016, the Parties entered into an agreement bearing City Contract No. 22,879 for the management and operation of the Zoo as described therein (the "Agreement") and

WHEREAS, City has received a grant from the State of Minnesota to fund certain improvements to the Zoo which will benefit the Parties; and

WHEREAS, as a condition of receiving such grant funds, the Commissioner of Minnesota Management and Budget is requiring the amendment to the Agreement hereinafter set forth; and

WHEREAS the Parties are desirous of so amending the Agreement.

NOW THEREFORE, in consideration of the benefits thereby becoming available to the Zoo, the Parties hereby agree that:

1. That Section XIX of the Agreement is hereby amended by the addition of a new Paragraph C which reads as follows:

C. This agreement may not be changed, added to or modified without the written agreement of the Commissioner of the Minnesota Management and Budget or his/her designee.

2. In all other respects, the Agreement, together with all of its terms, covenants and conditions is hereby confirmed in its entirety.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their proper officers, duly authorized.

CITY OF DULUTH

**ARROWHEAD ZOOLOGICAL
SOCIETY, INC.**

By: _____
Mayor

By: _____

Printed Name:

Attest: _____
City Clerk

Its: _____

Date Attested:

By: _____

Printed Name:

Countersigned:

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City Auditor

Its: _____

Approved as to form:

City Attorney