

**AMENDMENT NO. 1
TO FUNDING AGREEMENT
BETWEEN COUNTY OF MONTEREY AND
CARMEL CANINE SPORTS CENTER, LLC**

THIS AMENDMENT NO. 1 to the Funding Agreement between the County of Monterey, a political subdivision of the State of California (hereinafter, "County") and Carmel Canine Sports Center, LLC (hereinafter, "PROJECT APPLICANT") is hereby entered into between the County and the PROJECT APPLICANT (collectively, the "Parties") and effective as of the last date opposite the respective signatures below.

WHEREAS, PROJECT APPLICANT entered into a Funding Agreement with County on July 31, 2014 (hereinafter "Agreement"); and

WHEREAS, PROJECT APPLICANT has applied to the County for approval of various development permits for the Carmel Canine Sports Center (hereinafter, "Project") requiring an Environmental Impact Report (hereinafter, "EIR"); and

WHEREAS, County engaged AMEC Environment & Infrastructure, Inc. (hereinafter, "Contractor") to prepare the EIR for the Project; and

WHEREAS, the completed Final EIR has not been certified; and

WHEREAS, additional time is needed to allow for the completion of the EIR and for the discretionary hearing process for the Project; and

WHEREAS, the Parties wish to amend the Agreement to extend the term to October 28, 2015 with no associated dollar amount increase to continue to allow funding by the PROJECT APPLICANT to the County for costs incurred by the Contractor and County departments to allow for completion of the EIR and for the discretionary hearing process for the Project.

NOW, THEREFORE, the Parties agree to amend the Agreement as follows:

1. Amend the second paragraph Section a. of Paragraph 6, "Payments to CONTRACTOR and County", to read as follows:

Should this AGREEMENT be terminated prior to October 28, 2015, any unearned balance of the Base Budget deposited by PROJECT APPLICANT to fund the PSA's Base Budget amount shall be returned to PROJECT APPLICANT within sixty (60) days of receipt of notice of termination by County.

2. Amend Paragraph 8, "Term", to read as follows:


AGREEMENT shall become effective August 4, 2014 and continue through October 28, 2015, unless terminated pursuant to Paragraph 9 or amended pursuant to Paragraph 13 of AGREEMENT.

3. Amend the first sentence of Paragraph 9, "Termination", to read as follows:

AGREEMENT shall terminate on October 28, 2015, but may be terminated earlier by PROJECT APPLICANT or County, by giving thirty (30) days' written notice to the other.
4. All other terms and conditions of the Agreement remain unchanged and in full force.
5. This Amendment No. 1 shall be attached to Agreement and incorporated therein as if fully set forth in the Agreement.
6. The recitals to this Amendment No. 1 are incorporated into the Agreement and this Amendment No. 1.

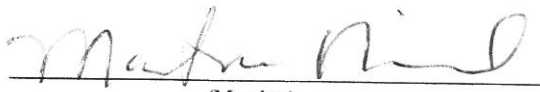
IN WITNESS WHEREOF, the Parties hereto have executed this Amendment No. 1 to the Agreement which shall be effective as of the last date opposite the respective signatures below:

COUNTY OF MONTEREY

By: 
Director of Planning

Date: 5/22/15

CARMEL CANINE SPORTS CENTER, LLC*

By: 
(Member)

Its: Martha Diehl, member
(Printed Name and Title)

Date: May 27, 2015

By: 
(Member)

Its: Kenneth O. Ekelund, member
(Printed Name and Title)

Date: May 27, 2015

**Approved as to Form and Legality
Office of the County Counsel**

By: 
Deputy County Counsel

Date: May 27, 2015

*INSTRUCTIONS: IF CONTRACTOR is a corporation, including limited liability and non-profit corporations, the full legal name of the corporation shall be set forth above together with the signatures of two specified officers. If CONTRACTOR is a partnership, the name of the partnership shall be set forth above together with the signature of a partner who has authority to execute this Agreement on behalf of the partnership. IF CONTRACTOR is contracting in an individual capacity, the individual shall set forth the name of the business, if any, and shall personally sign the Agreement.