

AMENDMENT #1 TO VISTA PARK GAZEBO ADMINISTRATION AGREEMENT

THIS AMENDMENT #1 is entered into as of January 6, 2026 (the "Effective Date"), by and between the City of Fullerton, a municipal corporation ("City") and the Summit Restaurant Company, LLC ("Tenant"). City and Tenant are collectively referred to as the "Parties."

RECITALS

- A. City is the owner of Vista Park located at 2002 E. Bastanchury Road in the City of Fullerton; and
- B. The Parties entered into an agreement on August 18, 2006, entitled "Vista Park Gazebo Administration Agreement" (the "Agreement") for the use of the Gazebo and Gazebo seating area in connection with the Summit House Restaurant business in Vista Park at 2000 E. Bastanchury Road (the "Premises"); and
- C. The Agreement has an initial term of ten (10) years with an option for Tenant to extend the term of the Agreement for four additional five-year periods of which two have been exercised with two options remaining; and
- D. The Parties now desire to add an additional five extension options and to provide for rent adjustments.

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

- 1. Section B (Extension of Term) of Paragraph V (Term) of the Agreement is amended to add five additional options to extend of five years each. The final optional extension period shall terminate in 2061 concurrent with the last optional extension of the Summit House Lease Agreement.
- 2. Subsection B (Extension of Term) of Paragraph IV (Payments) of the Agreement is amended to add the following:

Rent shall be increased 3% upon the first day of the fifth extension period in 2036, and on each anniversary thereafter.
- 3. All terms not defined herein shall have the same meaning and use as set forth in the Agreement.
- 4. All other terms, conditions, and provisions of the Agreement not in conflict with this Amendment shall remain in full force and effect.

{SIGNATURE PAGE TO FOLLOW}

IN WITNESS WHEREOF, the Parties have executed this Agreement the day and year first above written.

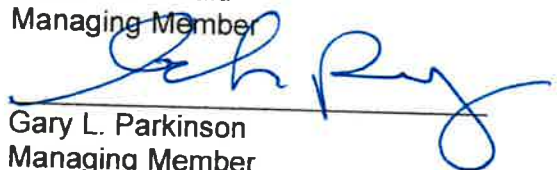
CITY OF FULLERTON
a municipal corporation

Eddie Manfro
Interim City Manager

SUMMIT RESTAURANT COMPANY
LLC



Bruce McDonald
Managing Member



Gary L. Parkinson
Managing Member

ATTEST

Lucinda Williams, City Clerk

APPROVED AS TO FORM

Richard D. Jones, City Attorney