

**AGREEMENT FOR AMENDMENT OF OPTION TO LEASE AGREEMENT
AMENDMENT NO. [1]**

THIS AGREEMENT is entered into as of _____, 20____, by and between the SAN DIEGO UNIFIED PORT DISTRICT, a public corporation ("District"), and SUNROAD HIE HOTEL PARTNERS, L.P., hereinafter called "Optionee", WITNESSETH:

WHEREAS, District and Optionee, on the 2nd day of July, 2021, entered into an Option to Lease Agreement ("Option") of certain tidelands in the city of San Diego, California, which Lease is on file in the Office of the Clerk of District bearing Document No. 72948; and

WHEREAS, District and Optionee are mutually desirous of amending said Option;

NOW THEREFORE, for valuable consideration, said Option is hereby amended in the following respects and no others, and except as expressly amended, all terms, covenants, and conditions of said Option shall remain in full force and effect:

A. The Option is hereby amended by deleting paragraph 2 in its entirety and replacing it with paragraph 2 as follows:

2. **OPTION TERM:** Unless otherwise extended by written agreement by the parties, the term ("Term") of this Agreement shall commence on June 1, 2021 ("Commencement Date") and shall expire at 5:00 p.m. on May 31, 2025 unless terminated or extended as hereinafter provided and subject to Paragraph 11 below ("Termination Date"). The Term of this Agreement may, at the sole and absolute discretion of the Executive Director of the District, be extended by up to one (1) year, in three (3) month increments, following (i) written request from Optionee requesting such extensions(s); (ii) Optionee stating in writing the reasons for such extension(s); and (iii) Optionee, paying One Hundred Thousand Dollars (\$100,000) for each three (3) month extension of the Term granted by the District. Notwithstanding any other provision of this Agreement, Optionee's right to exercise the Option and execute the Lease will terminate and be of no further force and effect if the conditions set forth in this Agreement are not satisfied, and the Option exercised, before the expiration of the Term, as extended.

(SIGNATURE ON FOLLOWING PAGE)

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and the year first above written.

APPROVED AS TO FORM AND LEGALITY
GENERAL COUNSEL

SAN DIEGO UNIFIED PORT DISTRICT

By: _____
Assistant/Deputy

By: _____
Tony Gordon
Director, Real Estate

**SUNROAD HIE HOTEL PARTNERS,
L.P., a California limited partnership**

By: _____
Signature

PRINT NAME: _____

PRINT TITLE: _____

(FOR USE BY _____)

STATE OF CALIFORNIA)

COUNTY OF SAN DIEGO)

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

On _____ before me, _____,
Notary Public, personally appeared _____,
who proved to me on the basis of satisfactory evidence to be the person whose name is
subscribed to the within instrument and acknowledged to me that he/she/they executed the
same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the
instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the
instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the
foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

OPTIONAL

Though the information below is not required by law, it may prove valuable to person relying on the document
and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____

Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name _____

- ☐ Individual
☐ Corporate Officer -- Title(s): _____
☐ Partner -- ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer is Representing: _____

RIGHT THUMBPRINT
OF SIGNER

Top of thumb here

Signer's Name _____

- ☐ Individual
☐ Corporate Officer -- Title(s): _____
☐ Partner -- ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer is Representing: _____

RIGHT THUMBPRINT
OF SIGNER

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(FOR USE BY SAN DIEGO UNIFIED PORT DISTRICT)

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