

**AMENDMENT NO. 1 TO FACILITIES LEASE
BY AND BETWEEN
SAN RAFAEL CITY SCHOOLS AND JEFF LUCHETTI CONSTRUCTION, INC.**

This Amendment No. 1 to the Facilities Lease ("First Amendment") is made and entered into this 24th day of July 2018 ("Effective Date") by and between the San Rafael City Schools ("District") and Jeff Luchetti Construction, Inc. ("Developer") (collectively, the "Parties") as follows:

RECITALS

WHEREAS, the Parties entered into a Facilities Lease, dated as of December 20, 2017, pertaining to the San Pedro Elementary School New Construction and Modernization Project ("Project") at the District's San Pedro Elementary School, located at 498 Point San Pedro Rd., San Rafael, California 94901 (APN: 016-213-13), ("Project Site"); and

WHEREAS, the plans and specifications for Phase 1 of the Project, Increment 1: Parking Lot and Building Pads Only Project, have been completed and subcontractors provided bids thereto; and

WHEREAS, the Parties wish to amend and supplement the Facilities Lease to amend the Project's Guaranteed Maximum Price for the work bid to date.

NOW, THEREFORE, the Parties agree as follows:

Section I. First Amendment of Facilities Lease.

A. Exhibit C (Guaranteed Maximum Price and Other Project Cost, Funding, and Payment Provisions) to the Facilities Lease is amended and supplemented such that the existing Exhibit C is struck and replaced with the amended Exhibit C, which is attached hereto as **EXHIBIT "1"** and incorporated herein by this reference. All references to Exhibit C in the Facilities Lease shall mean and refer to Exhibit "1" hereto.

The Parties expressly acknowledge and agree that this amendment is intended to and does change payment provisions for the Project under the Facilities Lease, including, but not limited to, the amount of Tenant Improvement Payments and amount of Lease Payments.

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Section II. All Other Provisions Reaffirmed.

All other provisions of the Facilities Lease shall remain in full force and effect and are hereby reaffirmed. If there is any conflict between this First Amendment and any provision of the Facilities Lease, the provisions of this First Amendment shall control.

IN WITNESS WHEREOF, the Parties have caused this Amendment No. 1 to the Facilities Lease to be executed by their respective officers who are duly authorized, as of the Effective Date.

ACCEPTED AND AGREED on the date indicated below:

Dated: _____, 2018

Dated: _____, 2018

SAN RAFAEL CITY SCHOOLS

JEFF LUCHETTI CONSTRUCTION, INC.

By: _____

By: _____

Name: Michael Watenpaugh

Name: Jeff Luchetti

Title: Superintendent

Title: President

EXHIBIT 1

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