

**SECOND AMENDMENT TO
THE MASTER PLANNING AND MARKETING AGREEMENT**

THIS SECOND AMENDMENT TO THE MASTER PLANNING AND MARKETING AGREEMENT (“Second Amendment”) is made and entered into this 5th day of April, 2016, by and between the City of Maricopa, Arizona, an Arizona municipal corporation (“City”), and Boyer Project Company, L.C., a Utah limited liability company (“Boyer”) to plan and market the Estrella Gin Property located at 45862 West Garvey Road, Maricopa, Arizona.

RECITALS

WHEREAS, on May 20, 2014, pursuant to Section 3-215 of the City of Maricopa’s City Code, the Maricopa City Council approved an agreement known as the Master Planning and Marketing Agreement ("Agreement") for an initial term of one (1) year ("Initial Term"); and

WHEREAS, on March 5, 2015, the Maricopa City Council approved the First Amendment to the Master Planning and Marketing Agreement to extend the Initial Term of the Agreement for one (1) additional year pursuant to Section 3 of the Agreement (“First Amendment”); and,

WHEREAS, due to circumstances beyond the control of the City and Boyer related to the City’s construction of the public improvements for the Estrella Gin Property, the parties now desire to amend the Agreement to extend the Term for one (1) year and waive any bid requirements related thereto in the best interest of the City.

AGREEMENT

NOW, THEREFORE, the parties specifically agree to amend the Agreement approved on June 25, 2014, and the First Amendment approved on March 5, 2015 as follows:

1. Section 3 of the Agreement regarding term shall be amended to extend the Term of the Agreement for one (1) additional year, until June 25, 2017, unless extended or earlier terminated as provided in the Agreement, the First Amendment and this Second Amendment

2. All other terms and conditions of the Agreement and First Amendment are to continue in full force and effect as stated and agreed to in the Agreement and the First Amendment.

BOYER:

Boyer Project Company, L.C.

By: _____

Title: _____

CITY OF MARICOPA

Christian Price, Mayor

ATTEST:

APPROVED AS TO FORM:

Vanessa Bueras, City Clerk

City Attorney