

**DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL
CONTROL
DIVISION OF PARKS AND RECREATION**

**CONCESSION LICENSE AGREEMENT FOR THE PUBLIC EQUESTRIAN PROGRAM
AT LUMS POND STATE PARK
SUNSET STABLES
CONTRACT LPSP-01-2012**

AMENDMENT #I

WHEREAS, the Department of Natural Resources and Environmental Control, Division of Parks and Recreation (“DIVISION”) entered into the Concession License Agreement for the Public Equestrian Program at Lums Pond State Park Equestrian Center at Lums Pond State Park in Bear, Delaware with Sunset Stables (“CONCESSIONAIRE”), with the term from January 13, 2012 to January 12, 2015, and

WHEREAS, the initial term of the contract between the successful CONCESSIONAIRE and the DIVISION was for three (3) years with the option to renew for another three (3) year period with a final option to renew for no more than four (4) years, based on successful completion of the terms and conditions, and

WHEREAS, the DIVISION and the CONCESSIONAIRE have continued the contract payment and terms since January 12, 2015 without an Amendment for Contract LPSP-01-2012, and

WHEREAS, through this Amendment No. 1, the contract will be mutually extended per the original terms and conditions,

WHEREAS, the DIVISION hereby authorizes the following amendments to listed sections and subsections:

II. Contract Terms and Conditions

Contract Term and Extension:

The term of the contract between the CONCESSIONAIRE and the DIVISION shall be extended through January 12, 2018, that date being inclusive. A final option to renew for no more than four (4) years remains, based on successful completion of the terms and conditions.

Any agreement to renew or renegotiate between the parties shall be mutually agreed upon. The DIVISION may cancel, bid or negotiate with others at the termination thereof unless a new agreement is entered into with the CONCESSIONAIRE.

Contract Fee:

The CONCESSIONAIRE, as a fee for the contract and concession rights herein granted, agrees to pay the Department of Natural Resources and Environmental Control, Division of Parks and Recreation, 89 Kings Highway, Dover, DE 19901, an annual contract fee as follows*:

January 13, 2015 – January 12, 2018	\$3,500.00 or 5% of gross receipts
January 13, 2018 – January 12, 2022	\$4,000.00 or 7% of gross receipts

***Gross receipt % shall be paid by CONCESSIONAIRE when annual gross receipt % is greater than the annual contract fee.**

The annual contract fee shall be due in two (2) installments on July 15 and September 15 during the term of this contract. If the percentage of total gross receipts is greater than the annual contract fee, the Concessionaire agrees to pay the additional amount based on the specified percentage of total gross receipts to the Division on or before December 31 of each year.

The Concessionaire agrees to submit a weekly receipts report covering daily operation under this agreement to Parks_OBS@state.de.us plus a tabulated annual gross receipts report and annual financial records for the period of operation on or before December 31 of each year. All annual gross receipt reports must be "Reviewed" by a certified public accountant prior to submission and proof of "Review" must be included in Concessionaire submission.

All other terms and conditions of the original Agreement remain unchanged and shall continue in full force and effect.

Sunset Stables, hereby agrees to comply with Amendment No. I and all terms and conditions contained in the Concession License Agreement for the Public Equestrian Program at Lums Pond State Park Equestrian Center at Lums Pond State Park.

SIGNATURE PAGE TO FOLLOW