

**Amendment 3 Version 1 to CB 121036 – Golden Gardens Concession Agreement with Kite Cafe**

**Sponsor:** Councilmember Strauss

Reduce annual concession base fee and remove annual inflationary adjustment

**Effect:** This amendment would change the concession base fee as follows:

- Reduce the annual fee from \$16,300 to \$16,000 to align with the amount listed in the 2023 Request for Proposals; and
- Remove the annual inflationary adjustment (i.e., CPI increase of no more than 4%).

Over the course of the five-year agreement, this amendment could decrease the concession base fee by up to \$8,300.

Amend Section 5 of Attachment A to CB 121036 as follows and renumber subsequent sections as appropriate:

**5. CONCESSION BASE FEE**

**5.1 Monthly Concession Base Fee and Leasehold Excise Tax.**

Concessionaire shall commence paying annual concession base fee of ~~(((\$16,300))~~ \$16,000, and concession base fee shall be paid by installments every month for the duration of the Term. This is equal to the amount listed in the 2023 Request for Proposals and the approximate appraised value done in March 2023. On or before the 5<sup>th</sup> day of each month, Concessionaire shall pay to City of Seattle at the address and to the account specified by the City, without notice or demand of any setoff or deduction whatsoever, in lawful money of the United States the following:

- a. An installment of the annual concession base fee in the amount of ~~(((\$1,358.34))~~ \$1,333.33 monthly. If Commencement date does not occur at the start of the calendar month, Concessionaire shall pay prorated amount for first month no later than five days after commencement.
- b. Monthly amount of applicable Leasehold Excise Tax required under Section 10.

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~~((5.4 Adjustments to Concession Base Fee: Beginning on the anniversary of the Effective Date and annually thereafter, the concession base fee will be adjusted upward based on CPI, but no more than four percent (4%) annually on the first day of the following month and on each anniversary of that date thereafter until this Agreement terminates.))~~

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