

1 **FIRST AMENDMENT TO AGREEMENT**

2 THIS FIRST AMENDMENT TO AGREEMENT (hereinafter "Amendment") is made and entered into this
3 ____ day of _____, 2023 by and between **CITY OF BROOKINGS**, South Dakota, a Municipal
4 Corporation (hereinafter "City") and **PHEASANT'S FURY AVIATION, LLC** of Brookings, South Dakota
5 (hereinafter "Operator").

6
7 **WITNESSETH:**

8 WHEREAS, City and Operator entered into "FIXED BASE OPERATOR'S AGREEMENT", dated
9 July 24, 2018 (hereinafter "Agreement"), pursuant to which Operator agreed to provide Fixed Base
10 Operation (FBO) services at the Brookings Regional Airport, located in Brookings, SD; and

11 WHEREAS, City and Operator now desire to amend the Agreement in order to exercise the
12 option to renew the Agreement.

13 NOW THEREFORE, for good and valuable consideration, the receipt and adequacy of which is
14 hereby acknowledged, City and Operator agree as follows:

- 15 1. That the "ARTICLE I – TERM, Sections 1.1 and 1.2 be deleted in its entirety and replaced with
16 the following:

17 **ARTICLE I – TERM**

18 **Section 1.1 Term.** The term of this Amendment shall be five (5) years, beginning as of
19 August 1, 2023 and ending on July 31, 2028. This Agreement shall terminate at an earlier date
20 is Operator, City, and third party enter into an agreement to have the third party perform Fixed
21 Base Operations in lieu of Operator or as otherwise allowed in accordance with this Agreement.

22 **Section 1.2 Option to Renew.** Subject to Operator having performed the terms and
23 conditions of this Agreement during the amended term to the reasonable satisfaction of the City,
24 this Agreement may be extended by written amendment.

25 City and Operator agree that this Amendment is sufficient to amend the Agreement, and that
26 upon execution of this Amendment, the Agreement and this Amendment together shall be considered
27 the Agreement.

28

1 The Agreement, as hereby amended, is ratified and continued. All provisions, terms, covenants,
2 conditions and promised contained in the Agreement and not amended herein shall remain in full force
3 and effect.

4 EXECUTED AND EFFECTIVE as of the date first set forth.

5
6 **CITY:**

7 CITY OF BROOKINGS

6 **OPERATOR:**

7 PHEASANT'S FURY AVIATION

8
9 BY: _____

9 BY: _____

10 Printed Name: Paul Briseno

10 Printed Name: _____

11 Title: City Manager

11 Title: _____

12
13 **ADDRESS:**

14 _____
15 _____
16 _____

17
18 **ATTEST:**

19 BY: _____

20 Printed Name: Bonnie Foster

21 Title: City Clerk

22
23
24
25
26
27
28