

AMENDMENT NO. FIVE (5)

PROPERTY MANAGEMENT AGREEMENT FOR THE BANK OF AMERICA  
PLAZA & THE PROMENADE AT PALMAIRE (Contract No. C-6616)  
City of Glendale Solicitation No. RFP 2008-34

This Amendment to the Property Management Agreement is made this 23rd day of October, 2013, by and between the City of Glendale, an Arizona municipal corporation ("City") and MODE Real Estate Management Services, LLC, an Arizona limited liability company, authorized to do business in Arizona ("Contractor").

RECITALS

- A. City and Contractor previously entered into a Property Management Agreement, Contract No. C-6616, dated November 1, 2008 ("Agreement");
- B. City and Contractor previously amended the Agreement September 14, 2009 (Amendment One), September 6, 2010 (Amendment Two), September 15, 2011 (Amendment Three) and September 10, 2012 (Amendment Four); and
- C. City and Contractor wish to further modify and amend the Agreement subject to, and strictly in accordance with, the terms of this Amendment.

AGREEMENT

In consideration of the mutual promises set forth herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and Contractor hereby agree as follows:

- 1. **Recitals.** The recitals set forth above are not merely recitals, but form an integral part of this Amendment.
- 2. **Addition/Change Location.** The Materials Testing Lab property (2437 rentable square feet) located at 6771 North Glen Harbor Blvd., Glendale, Arizona, will be added to this Agreement.

3. **Term.** The term of the Agreement is extended for a one year period from November 1, 2013 through October 31, 2014, unless otherwise terminated or canceled as provided by the Agreement.
4. **Compensation.** Contractor's compensation is amended as of the Effective Date of this Amendment, and Exhibit B of the original Agreement is amended as set forth in the attached Exhibit B to Amendment No. 5. City will pay an additional \$600.00 flat fee per month to the original contract amount for the management of the property (with tenant) added to the Agreement under this Amendment.
5. **Insurance Certificate.** The existing insurance certificate is expiring and a new certificate applying to the extended term is required and must be received by the Contract Specialist prior to November 1, 2013.
6. **Ratification of Agreement.** City and Contractor hereby agree that except as expressly provided herein, the provisions of the Agreement shall be, and remain in full force and effect, and that if any provision of this Amendment conflicts with the Agreement, then the provisions of this Amendment shall prevail.

(Signatures appear on the following page.)

CITY OF GLENDALE, an Arizona  
municipal corporation



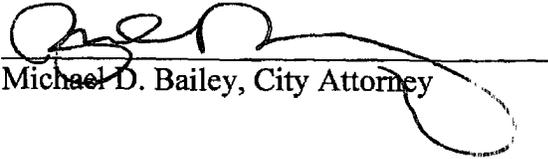
\_\_\_\_\_  
Brenda S. Fischer, City Manager

ATTEST:



\_\_\_\_\_  
Pamela Hanna, City Clerk (SEAL)

APPROVED AS TO FORM:



\_\_\_\_\_  
Michael D. Bailey, City Attorney

MODE Real Estate Management Services,  
LLC, an Arizona limited liability company

 10 25 2013  
By: Patricia C. Hartley  
Its: President

EXHIBIT B TO  
AMENDMENT NO. 5

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AMENDED COMPENSATION

**METHOD AND AMOUNT OF COMPENSATION**

City will pay an additional \$600.00 flat fee each month to the Contractor under the original contract amount for the management of the property (with a tenant) added through this Amendment.

**NOT TO EXCEED AMOUNT**

The total amount of compensation paid to Contractor for full completion of all work required by the Project must not exceed the original amount of this contract together with the amount added by this Amendment.

**DETAILED PROJECT COMPENSATION**

N/A