

OFFICE OF THE CITY ATTORNEY
DAWN MCINTOSH, City Attorney
411 West Ocean Boulevard, 9th Floor
Long Beach, CA 90802-4511

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FIRST AMENDMENT TO RIGHT OF ENTRY AND
MAINTENANCE AGREEMENT NO. 35159
35159

THIS FIRST AMENDMENT TO RIGHT OF ENTRY AND MAINTENANCE AGREEMENT NO. 35159 is made and entered, as of December 29, 2022, for reference purposes only, pursuant to a minute order adopted by the City Council of the City of Long Beach at its meeting on December 6, 2022, by and between the CITY OF LONG BEACH, a municipal corporation ("City") and SIGNAL HILL PETROLEUM, INC., a California corporation ("SHP") for the installation and maintenance of landscape improvements at Willow Springs Park.

WHEREAS, City requires specialized services to maintain newly installed landscaping at Willow Springs Park located at 2745 Orange Avenue; and

WHEREAS, City and Contractor (the "Parties") entered into Right of Entry and Maintenance Agreement No. 35159 ("Agreement") on August 22, 2018 pursuant to Chapters 2.69 and 2.85 of the Long Beach Municipal Code whereby Contractor agreed to provide these services; and

WHEREAS, the Parties desire to extend the term of the Right of Entry and Maintenance Agreement for an additional four years;

NOW, THEREFORE, in consideration of the mutual terms, covenants, and conditions herein contained, the Parties agree as follows:

1. Section 8 of the Right of Entry and Maintenance Agreement is hereby amended to read as follows:

"8. TERM; TERMINATION.

A. The term of this Agreement shall be for a period of nine (9) years, beginning on July 1, 2018 and shall terminate on June 30, 2027.

B. City may terminate this Agreement at any time for any reason by giving sixty (60) days' prior written notice to SHP, specifying the date on which termination shall take effect. SHP may terminate this Agreement at any time for

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any reason by giving sixty (60) days' prior written notice to City, specifying the date on which termination shall take effect; provided however, SHP shall pay to City the applicable early termination value as set forth in Exhibit "B" attached to this Agreement and incorporated by reference.

2. Except as expressly modified herein, all the terms and conditions contained in Right of Entry and Maintenance Agreement No. 35159 are ratified and confirmed and shall remain in full force and effect.

IN WITNESS WHEREOF, the Parties have caused this document to be duly executed with all formalities required by law as of the date first stated above.

SIGNAL HILL PETROLEUM, INC., a California corporation

01/26/23, 2023

By [Signature]
Name David Slater
Title VP / COO

1/30/2023, 2023

By [Signature]
Name JEFFREY L OCHELTREE
Title CFD / SECRETARY

**EXECUTED PURSUANT
TO SECTION 301 OF
THE CITY CHARTER.**

"Contractor"

CITY OF LONG BEACH, a municipal corporation

March 9, 2023

By [Signature]
City Manager

"City"

This First Amendment to Amended and Restated Agreement No. 35159 is approved as to form on 2/21, 2023.

DAWN MCINTOSH, City Attorney

By [Signature]
Deputy