## OFFICE OF THE CITY ATTORNEY ROBERT E. SHANNON, City Attorney 333 West Ocean Boulevard, 11th Floor Long Beach, CA 90802-4664

## SECOND AMENDMENT TO LEASE No. 28222

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THIS SECOND AMENDMENT TO LEASE No. 28222 is made and entered, in duplicate, as of September 16, 2010 for reference purposes only, pursuant to a minute order adopted by the City Council of the City of Long Beach ("City") at its meeting on December 10, 2002, by and between the CITY OF LONG BEACH, a municipal Accorporation ("Landlord") and CATHY JACOBSON GUZY, an individual doing business as FIRST SERVE TENNIS INC., whose address is 1040 Park Avenue, Long Beach, California 90804 ("Tenant").

WHEREAS, Landlord is the owner of certain real property in the City of Long Beach, County of Los Angeles, State of California, which Landlord leases to Tenant; and

WHEREAS, the parties executed Lease No. 28222 on April 11, 2003 wherein Landlord agreed to lease premises to Tenant for ten (10) years with two (2) five (5) year options to renew for an additional ten (10) years; and

WHEREAS, Tenant has made substantial Tenant improvements to the Premises in the past few years; and

WHEREAS, NOW the parties desire to exercise the first (1<sup>st</sup>) option to extend the lease term to December 31, 2018;

NOW, THEREFORE, in consideration of the terms, covenants, and conditions stated herein, the parties agree as follows:

- 1. Section 2 of Lease No. 28222 is hereby amended in its entirety to read as follows:
- "1. <u>TERM</u>. A. The term of this Lease shall commence on April 1, 2003, and shall terminate on December 31, 2018, unless sooner terminated as provided herein. The "anniversary date" of this Lease shall be January 1.
- B. Subject to the approval of the City Manager, Tenant shall have an option to extend the term of this Lease for one (1) additional period of five (5) years. Tenant

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shall exercise this option by giving to Landlord notice of same at least six (6) months prior to the expiration of the extended term. Tenant shall have the right to exercise this option only if Tenant is not in default hereunder at the time that Tenant gives said notice. Provided, however, that Landlord may cancel the exercise of Tenant's option (even after Tenant has exercised it) if Tenant defaults prior to the commencement of an extension If Tenant exercises an option, then Tenant shall pay the new rent described in term. Section 3(B).

C. Upon the expiration or sooner termination of this Lease, Tenant shall have the right to remove her personal equipment and furnishings from the Premises within three (3) days from the date of expiration or termination and to restore the Premises to the condition existing at the commencement of this Permit, to the satisfaction of the Landlord. If Tenant's equipment and furnishings are not removed within that period, they shall become the property of the Landlord or, at option of the Landlord, they may be removed and the Premises restored and the Landlord shall charge Tenant for the labor and materials required to perform the work plus any overhead costs."

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| 1  | 2. Except as expressly amended herein, all of the terms, covenants, and                 |
| 2  | conditions of Lease No. 28222, as amended and to the extent not contrary to this Second |
| 3  | Amendment, shall remain unchanged and in full force and effect.                         |
| 4  | IN WITNESS WHEREOF, the parties have executed this SECOND                               |
| 5  | AMENDMENT TO LEASE NO. 28222, with all of the formalities required by law.              |
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| 7  | THE CITY OF LONG BEACH, CALIFORNIA  |
| 8  | Assistant City Manager  |
| 9  | By City Manager section 301 OF  |
| 10 | "Landlord" THE CITY CHARTER.  |
| 11 | 10-11 and 11-91   |
| 12 | CATIVIY JACOBSON GUZY, an individual-   |
| 13 | -deing business as FIR≰T SERVE<br>TENNIS, INC.  |
| 14 | "Tenant"  |
| 15 | This Lease is approved as to form on <u>Oct. 5</u> , 2010.                              |
| 16 | ROBERT SHANNON, City Attorney   |
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