



CITY OF LONG BEACH

DEPARTMENT OF PARKS, RECREATION & MARINE

C-12

September 4, 2007

2760 N. Studebaker Road, Long Beach, CA 90815-1697

(562) 570-3100 • FAX (562) 570-3109

www.lbparks.org

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Authorize the City Manager to execute an Eleventh Amendment to Lease No. 22897 with Jan and Michael Todd, for a period of three months, from October 1, 2007 through December 31, 2007, for the sale of Halloween pumpkins and Christmas trees, using the portion of the former Pacific Electric right-of-way property located between Ximeno and Tremont Avenues. (District 3)

DISCUSSION

Jan and Michael Todd (Lessee) have been selling Halloween pumpkins and Christmas trees in Long Beach for the past 48 years. They have used the Pacific Electric right-of-way (PE ROW) property since 1996. The proposed amendment will allow the Lessee to sell Halloween pumpkins and Christmas trees from October 1, 2007 through December 31, 2007, using the portion of the leased property located between Ximeno and Tremont Avenues (Attachment A).

City Council approved the initial lease on April 13, 1993, for the purpose of developing and operating a year-round Christmas tree farm. In 1996, the Los Angeles County Department of Public Works announced the construction of a new storm drain, which would require a 50-foot wide temporary construction easement on the property leased to the Todd family. As a result of the County's plans, the construction of the tree farm was postponed. To date, the storm drain project has been repeatedly delayed and is tentatively scheduled to begin March 2008.

Since 1996, the Lessee has requested an annual amendment, to allow them to sell Halloween pumpkins and Christmas trees from the property during the holiday season. This amendment ensures that the City receives fair market rent during the three-month term. The rental rate has been adjusted to reflect a three percent increase in the Consumer Price Index (March 2006 to March 2007).

The proposed Eleventh Amendment contains the following major provisions:

- Location: Portion of the former PE ROW between Ximeno and Tremont Avenues.
- Term: October 1, 2007 through December 31, 2007.

- Rent: \$3,850 for the three-month term.
- Authorized Use: The premises shall be used for the sale of Halloween pumpkins and Christmas trees.
- Maintenance: The Lessee shall be responsible for maintaining the property in good condition.
- Utilities: The Lessee shall be responsible for all costs related to the installation and use of utilities at the site.
- Insurance: The Lessee shall provide evidence of insurance as deemed sufficient by the City's Risk Manager.

This matter was reviewed by Principal Deputy City Attorney Charles Parkin on August 7, 2007, and Budget and Performance Management Bureau Manager David Wodynski on August 7, 2007.

TIMING CONSIDERATIONS

City Council action is requested on September 4, 2007, to authorize the execution of the Eleventh Amendment.

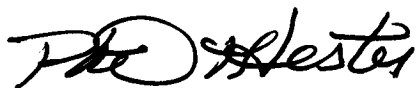
FISCAL IMPACT

Revenue in the amount of \$3,850 will be deposited in the General Fund (GP) in the Department of Parks, Recreation and Marine (PR).

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



PHIL T. HESTER
DIRECTOR OF PARKS, RECREATION AND MARINE

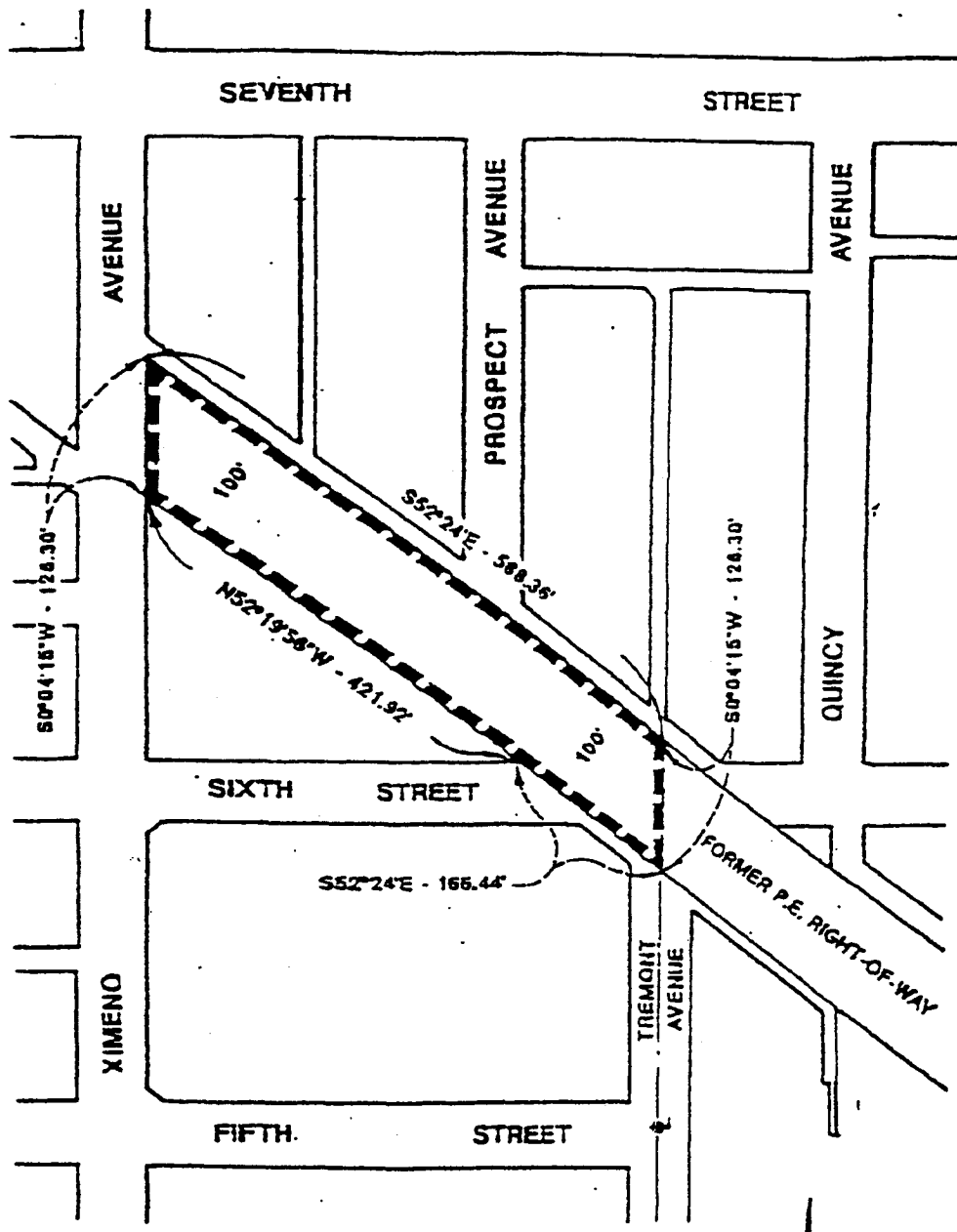
PTH:GP:eh

Attachment

APPROVED:



ANTHONY W. BATTS
CITY MANAGER



--- INDICATES LEASE AREA BOUNDARY
 TOTAL ACREAGE : 1.35

M-1887

CITY OF LONG BEACH - CALIFORNIA
 DEPARTMENT OF PUBLIC WORKS, ENGINEERING BUREAU

LEASE AND VICINITY MAP FOR
TODDS' SEASONAL SALES LOT

P.E. ROW between XIMENO AVE. AND E. OF TREMONT AVE.