

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

1 SECOND AMENDMENT TO PERMIT NO. 30285

2 **30285**

3 THIS SECOND AMENDEMENT TO PERMIT NO. 30285 is made and
4 entered, in duplicate, as of April 23, 2012 for reference purposes only, pursuant to minute
5 order adopted by the City Council of the City of Long Beach at its meeting on June 19,
6 2007.

7 WHEREAS, in 2007, the parties executed a five (5) year Permit wherein the
8 City permitted Permittee to use and occupy portions of the docks, slips and end ties at
9 Rainbow Harbor; and

10 WHEREAS, the parties desire to execute the option to extend the Permit for
11 an additional two (2) years;

12 NOW, THEREFORE, in consideration of the mutual terms, covenants and
13 conditions in Permit No. 30285 and herein, the parties agree as follows:

14 1. Section 3 of Permit No. 30285 is deleted and amended in its entirety
15 to read as follows:

16 "3. TERM: The term of this Permit shall commence at 12:01 a.m. on
17 May 15, 2007 and shall terminate at midnight on June 30, 2014. Notwithstanding the
18 foregoing, either party may terminate this Permit at any time for any or no reason upon
19 ninety (90) days written notice to the other party. Upon termination of this Permit
20 (whether by lapse of time or otherwise), Permittee shall quit and surrender possession of
21 the Permit Area and remove its personal property therefrom."

22 2. Section 4.1 of Permit No. 30285 is deleted and amended in its
23 entirety to read as follows:

24 "4.1. COMPENSATION:

25 4.1. Dock Fee. Permittee shall pay to the City for the use of the Permit
26 Area an amount equal to Sixteen Dollars (\$16.00) per lineal foot, per month, or other fee
27 subsequently adopted by the City Council of the City of Long Beach, occupied and/or
28 reserved by Permittee for any time such slip or end tie is so used. The Dock Fee shall be

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1 paid on or before the first day of each month during the term of this Permit. The Dock Fee
2 shall be paid in advance and Permittee shall not have any right of abatement, deduction,
3 set off, prior notice or demand.”

4 3. Section 4.2.(B) of Permit No. 30285 is deleted and amended in its
5 entirety to read as follows:

6 “4.2.(B) In the event that the five (5) percent of gross receipts derived from
7 Permittee's Long Beach Operations paid by Permittee to City does not exceed Four
8 Thousand Two Hundred Eighty-Five Dollars (\$4,285.00) for each calendar year
9 (“Minimum Payment”), then Permittee shall pay to City the difference between Four
10 Thousand Two Hundred Eighty Five Dollars (\$4,285.00) and the amount of Permit Fees
11 paid during the calendar year on or before January 31 of each year.”

12 4. Except as expressly amended herein, all of the terms, covenants,
13 and conditions in Permit No. 30285 are ratified and confirmed and shall remain in full
14 force and effect.

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IN WITNESS WHEREOF the parties have executed this document with all formalities required by law as of the date stated above.

CHILDREN'S MARITIME INSTITUTE,
INC.

Dated: May 2, 2012

By: Henry D. Clinton

By: [Signature]

"Permittee"

CITY OF LONG BEACH, a Municipal Corporation

Dated: 6-12, 2012

By: [Signature] Assistant City Manager
City Manager

"City"

EXECUTED PURSUANT
TO SECTION 301 OF
THE CITY CHARTER.

This Second Amendment is approved as to form on May 22, 2012.

ROBERT E. SHANNON, City Attorney

By: [Signature]
Deputy City Attorney