

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
411 West Ocean Boulevard, 9th Floor
Long Beach, CA 90802-4664

1 FIRST AMENDMENT TO JOINT APPLICATION AND INDEMNIFICATION AGREEMENT

2 NO. 35623

3 **35623**

4 THIS FIRST AMENDMENT TO JOINT APPLICATION AND
5 INDEMNIFICATION AGREEMENT NO. 35623 ("Amendment") is made and entered as of
6 May 1, 2021, pursuant to minute order adopted by the City Council of the City of Long
7 Beach on April 20, 2021, by and between the CITY OF LONG BEACH, a municipal
8 corporation ("City"), and CENTRO C.H.A. INC., a California nonprofit corporation ("Centro
9 CHA").

10 RECITALS

11 A. City and Centro CHA are parties to that certain Lease and Option to
12 Purchase Agreement (No. 35521) dated as of January 1, 2020 (the "Lease"), pursuant to
13 which Centro CHA leases from City certain real property more particularly described
14 therein (the "Property");

15 B. Centro CHA exercised the purchase option provided for under the
16 Lease on April 8, 2020, and in connection therewith, executed an Agreement for
17 Acquisition of Real Property dated July 1, 2020 ("Purchase Agreement") and opened
18 escrow on December 10, 2020, pursuant to which Centro CHA shall purchase the
19 Property from City upon the terms and conditions contained in the Purchase Agreement;

20 C. City and Centro CHA are parties to that certain Joint Application and
21 Indemnification Agreement (No. 35623) dated as of August 27, 2020 (the "Agreement"),
22 pursuant to which City and Centro CHA jointly submitted a grant application to the United
23 States Economic Development Administration ("EDA") for the award of an EDA grant in
24 the amount of \$3,000,000 (the "Grant") to be used in connection with the development of
25 a regional workforce development and social services center on the Property;

26 D. City and Centro CHA desire to amend the Agreement to, among
27 other things, provide for City's contribution of certain Property sale proceeds toward the
28 Grant match requirements.

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1 **AGREEMENT**

2 1. City Contribution. Notwithstanding anything to the contrary in the
3 Agreement, including without limitation Sections 1 and 2 thereof, City shall give Centro
4 CHA \$500,000 ("City Funds") upon close of escrow for the Property under the Purchase
5 Agreement and City's receipt of the entire purchase price required thereunder, it being
6 the intention of the parties that City's obligation under this Section 1 shall only be
7 satisfied with proceeds of sale from the Property. Centro CHA shall only use the City
8 Funds to (i) satisfy matching requirements under the Grant (partially or totally), or (ii)
9 make direct physical improvements to the Property necessary to support the operation of
10 a business and workforce development center on the Property. Centro CHA's failure to
11 comply with the terms of this Section shall constitute a default under the Agreement, City
12 shall have the right to immediately demand repayment of all City Funds, and Centro CHA
13 shall repay the City Funds within thirty (30) days after such demand.

14 2. Capitalized terms not otherwise defined herein shall have the
15 meaning ascribed to such terms in the Agreement.

16 3. Except as herein amended, the Agreement shall remain unchanged
17 and in full force and effect.

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IN WITNESS WHEREOF, City and Centro CHA have signed this First Amendment as of the date opposite their signature.

CENTRO C.H.A. INC., a California nonprofit corporation

May 12, 2021

By: [Signature]
Name: EXECUTIVE DIRECTOR, CEO

_____, 2021

By: _____
Name: _____

Tenant

CITY OF LONG BEACH, a municipal corporation

5/24/ 2021

By: [Signature]
City Manager

Landlord

EXECUTED PURSUANT
TO SECTION 301 OF
THE CITY CHARTER

This First Amendment to Joint Application and Indemnification Agreement No. 35623 is approved as to form on May 14, 2021.

CHARLES PARKIN, City Attorney

By: [Signature]
Deputy

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