

ELEVENTH AMENDMENT TO LEASE NO. 22897

22897

THIS ELEVENTH AMENDMENT is made and entered, in duplicate, as of August 21, 2007 for reference purposes only, pursuant to a minute order adopted by the City Council of the City of Long Beach at its meeting on ~~August 21, 2007~~ ^{September 4, 2007}, by and between the CITY OF LONG BEACH, a municipal corporation ("Lessor"), and JAN TODD and MICHAEL TODD (jointly referred to as "Lessee").

WHEREAS, the parties entered Lease No. 22897 as of April 13, 1993 whereby Lessee leased certain premises ("Premises") from Lessor for the construction of a site for the growing and selling of trees; and

WHEREAS, construction has not yet begun and, as a result, Lessee is not required to and is not paying rent; and

WHEREAS, Lessee desires to use the Premises for a limited time to sell pumpkins and Christmas trees and is willing to pay rent during that time; and

WHEREAS, the Lease has been amended ten times to permit Lessee to sell pumpkins and Christmas trees but each amendment is no longer effective and expired by its own terms;

NOW, THEREFORE, in consideration of the mutual terms, covenants, and conditions in Lease No. 22897 and herein, the parties agree as follows:

1. Section 4 of Lease No. 22897 is hereby amended by the addition of the following subsection:

"K. For the period from October 1, 2007 through December 31, 2007, Lessee shall pay to Lessor lump sum rent in the amount of Three Thousand Eight Hundred Fifty Dollars (\$3,850.00). Lessee shall pay said rent on or before October 1, 2007, without deduction, setoff, notice or demand."

2. If Lessee has paid said rent, then Lessee may use that portion of the Premises shown on Attachment "1" attached hereto and incorporated herein by this

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1 reference, as follows: (a) during the period from October 10, 2007 through October 31,
2 2007, Lessee may use the Premises shown on Attachment "1" for the purpose of selling
3 pumpkins; and (b) during the period from November 1, 2007 through December 31, 2007,
4 Lessee may use the Premises shown on Attachment "1" for the purpose of selling
5 Christmas trees.

6 3. This Eleventh Amendment shall terminate by its terms on December
7 31, 2007 without further action or documentation by the parties and the original terms of
8 Lease No. 22897, to the extent inconsistent with this Eleventh Amendment, shall be
9 effective.

10 4. Except as expressly amended herein, all of the remaining terms,
11 covenants, and conditions of Lease No. 22897 are ratified and confirmed and shall
12 remain in full force and effect during the duration of this Eleventh Amendment.

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

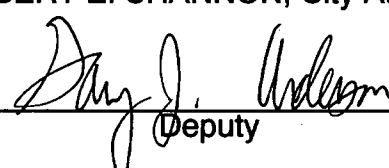
15 Lessor:
16 CITY OF LONG BEACH, a municipal
17 corporation

15 Lessee: 
16 JAN TODD

17 BY: 
18 City Manager

17 
18 MICHAEL GENE TODD

19 This Eleventh Amendment to Lease NO. 22897 is approved as to form on
20 October 16, 2007.

22 ROBERT E. SHANNON, City Attorney
23 By 
24 Deputy

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