

OFFICE OF THE CITY ATTORNEY  
CHARLES PARKIN, City Attorney  
333 West Ocean Boulevard, 11th Floor  
Long Beach, CA 90802-4664

1 FOURTH AMENDMENT TO PERMIT NO. 27276 BETWEEN CITY OF  
2 LONG BEACH AND HARBOR BREEZE, INC.

3 **27276**

4 THIS FOURTH AMENDMENT TO PERMIT NO. 27276 is made and  
5 entered, in duplicate, as of FEB 27 2015, for reference purposes only, by and  
6 between the CITY OF LONG BEACH, a municipal corporation ("City") and the HARBOR  
7 BREEZE, INC., a California corporation ("Permittee"), pursuant to a minute order  
8 approved by the City Council of the City of Long Beach on March 3, 2015.

9 WHEREAS, in 2001 the City Council for the City of Long Beach authorized  
10 a Permit to operate in Rainbow Harbor Marina with Permittee for five (5) years with  
11 three(3), five-year options upon the mutual consent in writing by the City Manager and  
12 Permittee; and

13 WHEREAS, on April 15, 2008, the Parties executed the First Amendment to  
14 exercise an option and extend the term for additional five years; and

15 WHEREAS, on June 19, 2011, the Parties executed the Second  
16 Amendment to exercise the remaining options and extend the term for an additional ten  
17 (10) years; and

18 WHEREAS, on November 14, 2012, the Parties executed the Third  
19 Amendment to account for Permittee's acquisition of a new vessel and amortize its cost;  
20 and

21 WHEREAS, the Parties now desire to amend the Permit remove or change  
22 certain terms of the Permit that have become unnecessary, cost prohibitive and/or would  
23 constitute a restated permitted use at Rainbow Harbor Marina:

24 NOW, THEREFORE, in consideration of the mutual terms, covenants and  
25 conditions contained in the Permit and herein, the parties agree as follows:

26 1. Section 2 of Permit No. 27276 is hereby amended by adding section 2.E  
27 to read as follows:

28 "2.E. Permittee may sell and operate individually-ticketed cruises, in

1 addition to its chartered cruises.”

2 2. Section 20 of Permit No. 27276 is hereby deleted in its entirety.

3 3. Section 21 of Permit No. 27276 is hereby amended in its entirety to  
4 read as follows:

5 “21. ASSIGNMENT OR TRANSFER: Permittee shall not assign or transfer  
6 this Permit nor shall any interest herein be assignable or transferable by operation of law  
7 or by any process or proceedings of any court or otherwise. Any attempted transfer or  
8 assignment shall be void and confer no rights whatsoever upon a transferee or assignee.

9 Notwithstanding the foregoing, each year, for three days preceding the  
10 opening of the Long Beach Grand Prix through and including three days following the  
11 conclusion of the event, Permittee may temporarily sublet its commercial boat slips to up  
12 to ten (10) private boat owners and/or Grand Prix attendees. Furthermore, Permittee may  
13 grant subpermits, licenses or concessions to others provided Permittee shall first obtain  
14 the written consent of the Manager. The Manager shall not be required to give any  
15 consent to a proposed subpermitting, licensing or grant of concession rights, unless and  
16 until Permittee has submitted to the Manager such additional information regarding the  
17 identity of proposed subpermittee, licensee or concessionaire and the terms and  
18 conditions of the proposed transaction as may be required by the Manager to make a  
19 determination to grant or withhold such consent. Further, the Manager shall have the  
20 right to impose such further conditions in connection with the granting of consent as may  
21 be required to assure that public health, safety, welfare and convenience will be best  
22 served by the proposed sub-permit, license or concession.

23 If Permittee shall be adjudicated a bankrupt or become insolvent or any  
24 interest in this Permit be taken by virtue of attachment, execution, or receivership, the  
25 City may terminate this Permit upon five (5) days written notice to Permittee.

26 4. Except as expressly stated herein, all of the terms, covenants, and  
27 conditions of Permit No. 27276 are ratified and confirmed and shall remain in full force  
28 and effect.

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

HARBOR BREEZE, INC., a California corporation

3/27, 2015

By [Signature]

Title President

3/27, 2015

By [Signature]

Title Vice President

"Permittee"

CITY OF LONG BEACH, a municipal corporation

April 23, 2015

By [Signature]  
City Manager

EXECUTED PURSUANT TO SECTION 301 OF THE CITY CHARTER.

"City" **Assistant City Manager**

This Fourth Amendment to Permit No. 27276 is approved as to form on April 20, 2015.

CHARLES PARKIN, City Attorney

By [Signature]  
Deputy