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

## SECOND AMENDMENT TO LEASE NO. 30620

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THIS SECOND AMENDMENT TO LEASE NO. 30620 is made and entered on December 18, 2009, between the CITY OF LONG BEACH, a municipal corporation, and trust grantee of the State of California of certain tide and submerged lands within the limits of said City (hereinafter "Lessor"), and the NAVY YACHT CLUB - LONG BEACH, a California nonprofit corporation (hereinafter "Lessee"), who agree as follows:

- 1. <u>RECITALS</u>. This Lease is made with reference to the following facts and objectives:
  - A. Lessor and Lessee negotiated the terms and conditions of Lease No. 30620.
  - B. On December 4, 2007, by minute order, the City Council of the City of Long Beach approved the Lease and the City Manager executed the same.
  - C. Lessor and Lessee now desire to exercise the last remaining, one (1) year renewal option.
    - 2. Section 4 of the Lease is amended in its entirety to read as follows:
    - "4. TERM.
  - A. The term of this Lease shall commence on December 1, 2007 and end at midnight on November 30, 2010.
  - B. This Lease is revocable by either party upon ninety (90) days written notice to the other party. Upon termination of this Lease, Lessee shall quit and surrender possession of the Premises and remove its personal property therefrom."
    - 3. Section 6 of the Lease is amended in its entirety to read as follows:
- "6. <u>RENT</u>. Lessee shall pay to Lessor rent for each month during the term in the amount of Six Hundred Eight-Nine Dollars and Forty-Four Cents (\$689.44) due on the first (1<sup>st</sup>) of each month.

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A. On each anniversary of the Lease, Lessee's rent shall be adjusted and Lessee shall pay the annual rent paid for the immediately preceding year (base rent), plus an amount which is equal to the base rent multiplied by the Consumer Price Index adjuster for the Los Angeles-Riverside-Orange County, California area.

## RENT PAYMENT PROCEDURE AND ACCOUNTING.

- B. Date and Place of Payment and Filing: Rent payments shall be delivered on the first (1ST) day of each month to the Department of Parks, Recreation and Marine, 2760 Studebaker Road, Long Beach, California 90815. The designated place of payment and filing may be changed at any time by Lessor upon written notice to Lessee. Rentals may be paid by check made payable to the City of Long Beach.
- Charge for Late Payment. Rent not paid when due shall bear interest at the rate of ten percent (10%) per annum from the date due until paid."

Except as expressly stated herein, all of the terms and covenants, and conditions of Lease No. 30620 are ratified and confirmed and shall remain in full force and effect.

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NAVY YACHT CLUB - LONG BEACH, a California nonprofit corporation "Lessee" CITY OF LONG BEACH, a municipal corporation Assistant City Manager City Manager

The foregoing Second Amendment to Lease No. 30620 is hereby approved

ROBERT E. SHANNON, City Attorney