

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

FIRST AMENDMENT TO AGREEMENT NO. 34395

**34395**

THIS FIRST AMENDMENT TO AGREEMENT NO. 34395 is made and entered, in duplicate, as of September 11, 2019, for reference purposes only, pursuant to a minute order adopted by the City Council of the City of Long Beach at its meeting on September 3, 2019, by and between 2009 CUSA COMMUNITY OWNER, LLC, a Delaware limited liability company ("Owner"), and the CITY OF LONG BEACH, a municipal corporation ("Licensee").

WHEREAS, Owner and Licensee (the "Parties") entered into Agreement No. 34395 (the "Agreement") whereby Owner leased to Licensee 275 parking spaces in the parking garage located at 40 Cedar Walk, Long Beach, California; and

WHEREAS, the Parties desire to increase the contract authority by \$264,000 to cover a \$5.00 annual increase per space for a total of \$80,000 per space per month and exercise their first option to extend the term;

NOW, THEREFORE, in consideration of the mutual terms, covenants, and conditions herein contained, the Parties agree as follows:

1. Section 2 of the Agreement is hereby amended to read as follows:
2. For accounting purposes, the monthly rental period runs from the first day of the current month to the first of the next month. Year one Licensee fee is \$65 per space, \$70 per space in year two, \$75 per space in year three, and \$80 per space in year four. Licensee shall be responsible for the payment of all applicable sales tax on all license fees due hereunder. Renewal options rental cost to be negotiated.
3. The first extension to the Agreement will commence on October 1, 2019 and shall terminate on September 30, 2020, unless sooner terminated as provided in the Agreement.
4. Except as expressly modified herein, all of the terms and conditions contained in Agreement No. 34395 are ratified and confirmed and shall remain in full force and effect.


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

2009 CUSA COMMUNITY OWNER, LLC, a Delaware limited liability company

November 4, 2019

By   
Name WILLIAM W. SENGLMANN  
Title EXECUTIVE VICE PRESIDENT  
REAL ESTATE INVESTMENTS


\_\_\_\_\_, 2019

By \_\_\_\_\_  
Name \_\_\_\_\_  
Title \_\_\_\_\_

"Consultant"

CITY OF LONG BEACH, a municipal corporation

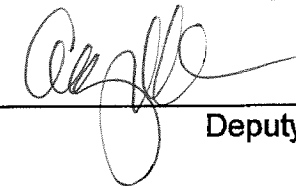
Nov. 20, 2019

By   
CITY ATTORNEY  
EXERCISING AUTHORITY PURSUANT  
TO SECTION 301 OF  
"City" THE CITY CHARTER

This First Amendment to Agreement No. 34395 is approved as to form on

11-19, 2019.

CHARLES PARKIN, City Attorney

By   
Deputy

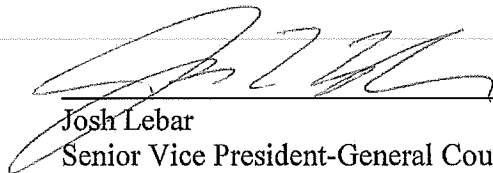
**CERTIFICATE OF THE SECRETARY  
OF  
2009 CUSA COMMUNITY OWNER, LLC**

I, Josh Lebar, acting solely in my capacity as Senior Vice President-General Counsel and Secretary of 2009 CUSA Community Owner, LLC, a Delaware limited liability company (the "Company") certify on behalf of the Company as follows:

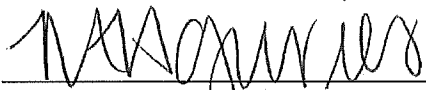
As appears from the records of the Company in my possession, as Secretary, the individual whose name appears immediately below is a duly elected, qualified and acting officer of Company as of this date, occupying the office set opposite his name, and such officer is duly authorized to execute and deliver any and all documentation on behalf of Company, including any documents, agreements, applications or other instruments.

<u>Name</u>	<u>Office</u>
William W. Sengelmann	Executive Vice President-Real Estate Investments

IN WITNESS WHEREOF, I have hereunto set my hand as of the 19<sup>th</sup> day of November, 2019.

  
\_\_\_\_\_  
Josh Lebar  
Senior Vice President-General Counsel and  
Secretary

SWORN TO AND SUBSCRIBED BEFORE ME this 19 day of November, 2019, by  
Josh Lebar.

  
\_\_\_\_\_  
Notary Public in and for the State of Texas

