

FOURTH AMENDMENT TO LEASE NO. 32944

32944

THIS FOURTH AMENDMENT TO LEASE NO. 32944 is made and entered, in duplicate, as of August 31, 2021 for reference purposes only, pursuant to a minute order adopted by the City Council of the City of Long Beach at its meeting held on January 21, 2020, by and between FRIENDS OF COLORADO LAGOON, a nonprofit for public benefit corporation ("Lessee") whose address is 6475 Pacific Coast Highway, #252, Long Beach, California 90803, and the CITY OF LONG BEACH, a municipal corporation ("City" or "Lessor").

WHEREAS, Lessee is dedicated to promoting the maintenance of the Colorado Lagoon in tandem with the Department of Parks, Recreation and Marine ("Department") to ensure a healthy balance between recreation, flood management, water quality, wildlife habitat, and native plants at the Lagoon, as well as Lagoon restoration-related activities including re-vegetation, fundraising and general advocacy; and

WHEREAS, Lessee and Lessor (the "Parties") executed Lease No. 32944 (the "Lease") wherein Lessor agreed to lease Lessee a facility commonly known as the Colorado Lagoon Wetland and Marine Science Education Center, located at 5119 E. Colorado Street, from which to provide such activities; and

WHEREAS, the Parties entered into a First Amendment to the Lease to extend the term to September 30, 2016; and

WHEREAS, the Parties entered into a Second Amendment to the Lease to extend the term to September 30, 2018; and

WHEREAS, the Parties entered into a Third Amendment to the Lease to extend the term to September 30, 2021 and amend various provisions of the Lease;

WHEREAS, the Parties desire to again extend the term;

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

1. Section 3 of the Lease is hereby amended to read as follows:

1 "3. Term. The term of this Lease shall begin at midnight on
2 October 1, 2012, and shall terminate on September 30, 2023. The term may be renewed
3 for one (1) additional two-year period, at the discretion of the City Manager."

4 2. Except as expressly amended herein, all terms and conditions in
5 Lease No. 32944, including any prior amendments thereto, are ratified and confirmed and
6 shall remain in full force and effect.

7
8 IN WITNESS WHEREOF, the Parties have caused this document to be duly
9 executed with all formalities required by law as of the date first stated herein.

10 FRIENDS OF COLORADO LAGOON, a
11 nonprofit for public benefit corporation

12 November 1, 2021

By C Whitcraft
13 Name Christine Whitcraft
14 Title CO-president

15 11/2, 2021

By D. A. Pizarro
16 Name DAVID PIZARRO
17 Title CO-PRESIDENT

18 "Lessee"

19 CITY OF LONG BEACH, a municipal
20 corporation

21 _____, 2021

By _____
City Manager

22 "Lessor"

23 This Fourth Amendment to Lease No. 32944 is approved as to form on
24 _____, 2021.

25 CHARLES PARKIN, City Attorney

26 By _____
27 Deputy
28

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
411 West Ocean Boulevard, 9th Floor
Long Beach, CA 90802-4511

1 Permit will result in the immediate termination of Lease No. 32944."

2 2. Except as expressly amended herein, all of the terms, covenants and
3 conditions in Permit No. 32943, including any prior amendments thereto, are ratified and
4 confirmed and shall remain in full force and effect.

5
6 IN WITNESS WHEREOF, the Parties have caused this document to be duly
7 executed with all formalities required by law as of the date first stated herein.

8 FRIENDS OF COLORADO LAGOON, a
9 nonprofit for public benefit corporation

10 November 1, 2021

By CW Whitcraft
Name Christine Whitcraft
Title co-president

11
12 11/2, 2021

By D. W. Pirelli
Name DAVID PIRELLI
Title CO-PRESIDENT

13 "Permittee"

14 CITY OF LONG BEACH, a municipal
15 corporation

16
17 2/8, ²⁰²²~~2021~~

By Linda F. Tabum
City Manager

18 "City"

EXECUTED PURSUANT
TO SECTION 301 OF
THE CITY CHARTER.

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20 This Fourth Amendment to Permit No. 32943 is approved as to form on
21 November 09, 2021.

22
23 CHARLES PARKIN, City Attorney

24 By Anita Lakhani
25 Anita Lakhani, Deputy City Attorney