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

SECOND AMENDMENT TO LEASE NO. 29961

THIS SECOND AMENDMENT TO LEASE NO. 29961 is made and entered, in duplicate as of August 8, 2016, 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 April 18, 2006, by and 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 ("City") and BEACH VENTURES INTERNATIONAL, INC., with a business address of 5411 East Ocean Boulevard, Long Beach, California, 90802 ("Lessee").

WHEREAS, City and Lessee entered into that certain Lease dated as of January 19, 2007 (the "Lease"), pursuant to which Lessee leased from City a portion of the Belmont Veterans Memorial Pier to conduct various operations and services more particularly described in the Lease; and

WHEREAS, City and Lessee entered into a First Amendment to the Lease, dated February 2, 2016 to reduce the minimum rent, increase certain percentage rents, add an annual in-kind consideration for City use, and assign the Lease to Beach Ventures International, Inc. as successor in interest to Beach Ventures Enterprises, Inc.; and

WHEREAS, City and Lessee desire to exercise the first extension under the Lease to extend the term to August 31, 2021;

NOW, THEREFORE, in consideration of the mutual terms and conditions in Lease No. 29961 and herein, the parties agree as follows:

- 1. Section 3 of the Lease is amended in its entirety to read as follows:
- "3. <u>TERM</u>. The term of this Lease shall commence at 12:01 a.m. on September 1, 2006 and shall terminate at midnight on August 31, 2021. Upon termination of this Lease (whether by lapse of time or otherwise), Lessee shall quit and surrender possession of the Premises and remove its personal property therefrom. The term of this Lease may be extended for one (1) additional five-year period at the sole