



## Legislation Text

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**File #:** 11-0854, **Version:** 1

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Recommendation to authorize City Manager to execute the Fifteenth Amendment to Lease No. 22897 with Jan and Michael Todd, for a period of three months, from October 1, 2011, through December 31, 2011, for the sale of pumpkins and Christmas trees, using a portion of the former Pacific Electric right-of-way property located between 7th Street and Ximeno Avenue. (District 3)

Jan and Michael Todd (Lessee) have been selling Halloween pumpkins and Christmas trees in Long Beach for the past 52 years. On April 13, 1993, the City Council approved Lease No. 22897 for the Lessee's use of a portion of the former Pacific Electric right-of-way (PE ROW) property located between Ximeno and Tremont Avenues, for the purpose of operating a seasonal pumpkin patch and Christmas tree lot. During the 2010 holiday season, it was necessary to move the Lessee to a different portion of the PE ROW, located between 7th Street and Ximeno Avenue (Premises), as shown on the aerial map (Attachment), in order to accommodate the County of Los Angeles' ongoing storm drain project. Although the County of Los Angeles is no longer occupying this area, the Lessee has requested to remain at these Premises for another year. Therefore, a Fifteenth Amendment to Lease No. 22897 is required in order to allow the Lessee to return to the Premises for the 2011 holiday season.

The proposed Fifteenth Amendment contains the following major provisions:

- Premises: Portion of the former PE ROW located between 7th Street and Ximeno Avenue.
- Term: October 1, 2011 through December 31, 2011.
- Rent: A one-time payment of \$4,000, due on or before January 15, 2012.
- Authorized Use: The premises shall be used for the sale of pumpkins and Christmas trees.
- Maintenance/Restoration of Premises: The Lessee shall be solely responsible for maintaining the Premises in good condition, and shall restore the Premises to its original unused state, as deemed satisfactory by the City Manager or his designee.
- Utilities: The Lessee shall be solely responsible for all costs related to the installation and use of utilities at the Premises.
- Insurance: The Lessee shall provide evidence of insurance as required and approved by the City's Risk Manager.

This matter was reviewed by Deputy City Attorney Gary J. Anderson on August 15, 2011, and Budget Management Officer Victoria Bell on August 12, 2011.

City Council action is requested on September 6, 2011, in order to authorize the execution of the Fifteenth Amendment to Lease No. 22897.

Revenue in the amount of \$4,000 will accrue to the General Fund (GP) in the Department of Parks, Recreation and Marine (PR). The recommended action will result in a positive impact on jobs. Several part-time jobs will be created by the Lessee to assist in its operation during the three-month period.

Approve recommendation.

GEORGE CHAPJIAN  
DIRECTOR OF PARKS, RECREATION AND MARINE

APPROVED:

PATRICK H. WEST  
CITY MANAGER