



Legislation Text

File #: 06-1096, **Version:** 1

Recommendation to authorize City Manager to execute a Tenth Amendment to Lease No. 22897 with Jan and Michael Todd, for a period of three months through December 31, 2006, for the sale of Halloween pumpkins and Christmas trees, using the portion of the former Pacific Electric right-of-way property located between Ximeno and Tremont Avenues. (District 3)

Jan and Michael Todd (Lessee) have been selling Halloween pumpkins and Christmas trees in Long Beach for the past 47 years. They have used the Pacific Electric right-of-way (PE ROW) property since 1996. The amendment will allow the Todd family to sell Halloween pumpkins and Christmas trees for a period of three months through December 31, 2006, using the portion of the leased property located between Ximeno and Tremont Avenues (Attachment A).

City Council approved the initial lease on April 13, 1993, for the purpose of developing and operating a year-round Christmas tree farm. In 1996, the Los Angeles County Department of Public Works announced the construction of a new storm drain, which would require a 50-foot wide temporary construction easement on the property leased to the Todd family. As a result of the County's plans, the construction of the tree farm was postponed. To date, the storm drain project has been repeatedly delayed and is tentatively scheduled to begin March 2007.

Since 1996, the Todd family has requested an annual amendment to allow them to sell Halloween pumpkins and Christmas trees from the property during the holiday season. This amendment ensures that the City receives fair market rent during the three-month term. The rental rate has been adjusted to reflect a 4.67 percent increase in the Consumer Price Index (March 2005 to March 2006).

The proposed Tenth Amendment contains the following major provisions:

- . Location: Portion of the former PE ROW between Ximeno and Tremont Avenues.
- . Term: Three months through December 31, 2006.
- . Rent: \$3,738 for the three-month term.
- . Authorized Use: The premises shall be used for the sale of Halloween pumpkins and Christmas trees.
- . Maintenance: The Lessee shall be responsible for maintaining the property in good condition.
- . Utilities: The Lessee shall be responsible for all costs related to the installation and use of utilities at the site.
- . Insurance: The Lessee shall provide evidence of insurance as deemed sufficient by the City's Risk Manager.

This letter was reviewed by Senior Deputy City Attorney Donna F. Gwin on October 4, 2006, and Budget Management Officer David Wodynski on October 12, 2006.

City Council action is requested on October 24, 2006, to authorize the execution of the Tenth Amendment before the planned lease term begins.

Revenue in the amount of \$3,738 will be deposited in the General Fund (GP) in the Department of Parks, Recreation and Marine (PR).

Approve recommendation.

NAME PHIL T. HESTER
TITLE DIRECTOR OF PARKS, RECREATION AND
MARINE

APPROVED:

GERALD R. MILLER
CITY MANAGER