



Legislation Text

File #: 08-0854, **Version:** 1

Recommendation to authorize City Manager to execute a Twelfth Amendment to Lease No. 22897 with Jan and Michael Todd for a period of three months from October 1, 2008 through December 31, 2008, for the sale of 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 49 years. They have used the Pacific Electric right-of-way (PE ROW) property since 1996. During the 2008 holiday season, the Lessee anticipates selling only Christmas trees. The proposed amendment will allow ample time for setup and sale of Christmas trees, 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. Therefore, the Lessee annually requests an amendment to allow the sale of Christmas trees from the property during the holiday season. To date, the storm drain project has been repeatedly delayed and is tentatively scheduled to begin in March 2009.

The proposed Twelfth Amendment contains the following major provisions:

- Location: Portion of the former PE ROW between Ximeno and Tremont Avenues.
- Term: October 1, 2008 through December 31, 2008.
- Rent: \$3,850 for the three-month term.
- Authorized Use: The premises shall be used for the sale of 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 matter was reviewed by Deputy City Attorney Gary J. Anderson on August 8, 2008, and Budget Management Officer Victoria Bell on August 11, 2008.

City Council action is requested on September 2, 2008, in order to authorize the execution of the Twelfth Amendment.

Revenue in the amount of \$3,850 will be deposited in the General Fund (GP) in the Department of Parks, Recreation and Marine (PR).

Approve recommendation.

PHIL T. HESTER
DIRECTOR OF PARKS, RECREATION AND MARINE

NAME
TITLE

APPROVED:

PATRICK H. WEST
CITY MANAGER