



Legislation Text

File #: 10-1124, **Version:** 2

Recommendation to authorize City Manager to execute the Fourteenth Amendment to Lease No. 22897 with Jan and Michael Todd, for a period of seven (7) weeks, from November 13, 2010, through December 31, 2010, for the sale of Christmas trees, using the portion of the former Pacific Electric right-of-way property located between Appian Way Park and Roycroft Avenues. (District 3)

Jan and Michael Todd (Lessee) have been selling Halloween pumpkins and Christmas trees in Long Beach for the past 50 years. They have used the Pacific Electric right-of-way (PE ROW) property since 1996. During the 2010 holiday season, the Lessee anticipates selling only Christmas trees. The proposed amendment will allow sufficient time for set-up and sale of Christmas trees, using the portion of the leased property located between Appian Way and Roycroft 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. The storm drain project will have completed construction in this section of the PE ROW by November 12, 2010, allowing the set-up of the lot. Due to the condensed time-frame available for sales, the historic annual rent of \$4,000 will be reduced for one year to \$3,000.

The proposed Fourteenth Amendment contains the following major provisions:

- Location: Portion of the former PE ROW between Appian Way and Roycroft Avenue.
- Term: November 13, 2010, through December 31, 2010.
- Rent: \$3,000 for the seven-week 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 and Budget Management Officer Victoria Bell on October 8, 2010.

City Council action is requested on October 19, 2010, in order to authorize the execution of the Fourteenth Amendment.

Revenue in the amount of \$3,000 will be deposited in the General Fund (GP) in the Department of Parks, Recreation and Marine (PRM). There will be several part-time jobs created to assist in the operation of the Christmas Tree Lot.

Approve recommendation.

PHIL T. HESTER
DIRECTOR, PARKS, RECREATION AND MARINE

APPROVED:

PATRICK WEST
CITY MANAGER