



## Legislation Text

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**File #:** 10-1193, **Version:** 1

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Recommendation to authorize City Manager to execute the Fourteenth Amendment to Lease No. 22897 with Jan and Michael Todd, for a period of seven weeks, from November 10, 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 Seventh 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 50 years. They have used the Pacific Electric right-ofway (PE ROW) property since 1996. During the 2010 holiday season, the Lessee anticipates selling only Christmas trees. On October 19, 2010, the City Council approved the use of the PE ROW between Park Avenue and Roycroft Avenue, with the understanding that the County's ongoing storm drain project would be completed in this section of the PE ROW by November 12, 2010, allowing set-up of the lot; however, the County has advised of a later completion date for this section and has granted permission for the Lessee to use the portion of the property located between Seventh Street and Ximeno Avenue, which will have no bearing on the project.

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 proposed Fourteenth Amendment contains the following major revised provisions:

- Location: Portion of the former PE ROW between Seventh Street and Ximeno Avenue.
- Term: November 10, 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 on October 25, 2010, and Budget Management Officer Victoria Bell on October 8, 2010.

City Council action is requested on November 2, 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 OF PARKS, RECREATION AND MARINE

APPROVED:

PATRICK H. WEST  
CITY MANAGER