	1	PUBLIC SEAWALL MOORING LEASE PERMIT		
	2	P - 00078		
	3	This Public Seawall Mooring Lease Permit ("Lease Permit") is granted this		
	4	_1st day ofSeptember, 2015, pursuant to Resolution No. RES-15-0073		
	5	adopted by the City Council of the City of Long Beach ("City") at its meeting of June 16,		
	6	2015, to Mary Jo Smith ("Permittee"), whose address is		
	7	138 Rivo Alto Canal, L.B., CA 90803, for the limited-term private use and occupancy of		
	8	public waterways located upon tidelands, as more particularly described and depicted in		
	9	Exhibit "A" ("Premises"), which is attached hereto and incorporated by reference.		
	10	This Lease Permit is granted with reference to the following facts:		
	11	1. As required by the California Coastal Commission, the City has		
RNEY orney th Floc 64	12	developed the Public Seawall Mooring Lease Program ("Lease Program") with rental fees		
Y ATTORNEN City Attorney vard, 11th Flo 0802-4664	13	established in relation to the lease area and temporal length of each lease, for the limited-		
E CITY RKIN, CI Bouleva CA 908	14	term private use and occupancy of public waterways upon tidelands.		
F THE S PAR cean E sach.	15	2. Permittee's Premises and associated improvements are located within		
OFFICE OF THE CITY ATTORNEY CHARLES PARKIN, City Attorney 333 West Ocean Boulevard, 11th Floor Long Beach. CA 90802-4664	16	areas that are subject to the Lease Program.		
0FF 333 V 1	17	3. Permittee desires to enter into this Lease Permit for Permittee's		
	18	limited-term private use and occupancy of public waterways upon tidelands, as described		
	19	and depicted in Exhibit "A".		
	20	The use and occupancy of public waterways is hereby granted upon and		
	21	subject to the following terms and conditions:		
	22	1. <u>PREMISES</u> . Premises as described and depicted in Exhibit "A" shall		
	23	include the square footage of public waterways occupied by docks, floats, gangways, or		
	24	piers, including berthing space surrounding the private structures. Berthing space is		
	25	defined as waters around the edge of the structure where a vessel could be tied. The width		
	26	of the berthing area extends from the outer edge of the structure to the pierhead line, as		
	27	established in Section 16.08.740 of the Long Beach Municipal Code, or any amendment		
	28	thereto. The length of the berthing area follows the contours of the dock.		
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2. LIMITATION ON DOCK FLOAT SIZE. In order to reduce further 1 2 encroachment or development into the navigable channel, the dimensions of each dock float in the Rivo Alto Canal and Naples Canal shall be restricted to a width of six feet (6'), 3 effective upon the earlier of: (i) at such time the docking structure is substantially repaired 4 or replaced; or (ii) December 31, 2023. Each dock, and any vessels moored permanently 5 6 or temporarily at the dock, must conform to all other Long Beach Marina Rules and 7 Regulations, including but not limited to the pier head and property width guidelines as 8 established in Sections 16.08.740 and 16.08.750 of the Long Beach Municipal Code.

3. <u>TERM</u>. This Lease Permit shall be valid for a period of five (5) years beginning on <u>September 1st</u>, 2015 and expiring on <u>August 31st</u>, 2020, unless terminated earlier as provided herein. A new permit may be automatically issued by the City upon expiration, provided the rental fee is paid and the Premises are maintained. The City's policy is to re-issue lease permits to the upland property owner who also owns the physical structure associated with the Premises that occupy the water space.

4. <u>RENT</u>. Permittee shall pay to the City annual rent in the amount of
Fifty Cents (\$0.50) per square foot of water space occupied by docks, floats, gangways, or
piers, including berthing space surrounding the structures, as calculated pursuant to
Resolution No. RES-15-0072 or any successor/amended resolution. Resolution No. RES15-0072 and any successor/amended resolution are automatically incorporated by
reference into this Lease Permit, without any further action by the parties, when adopted
by the Long Beach City Council.

5. <u>UTILITIES AND TAXES</u>. Permittee is solely responsible for obtaining
all utilities and paying all taxes (including possessory interest tax, if applicable), fees and
assessments for the Premises or improvements located thereon.

6. <u>MAINTENANCE</u>. Permittee assumes full responsibility for operation and maintenance and repair of the Premises, the physical structure associated with the Premises that occupy the waters space, and associated improvements throughout the term of this Lease Permit at its sole cost, and without expense to the City.

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7. 1 LIABILITY FOR DAMAGES. Permittee waives all claims against the 2 City for damage to persons and/or property sustained by Permittee on or about Permittee's vessel, dock, float, pier, gangway, or other private structures permitted in the public 3 waterways and adjacent public right-of-way. Neither the City of Long Beach nor any of its 4 5 officers, employees, or contractors shall be liable for such claim for damage to any persons, 6 and/or property. All property belonging to Permittee located at said location shall be there 7 at the risk of the Permittee and the City shall not be liable for damage thereto nor theft or misappropriation. 8

9 8. INDEMNIFICATION. Permittee, by its acceptance of this Permit, 10 agrees to indemnify, defend, save and keep the City of Long Beach, its officers, agents, 11 and employees free and harmless from and against any and all liability as well as from and 12 against any and all loss, claims, demands, damages, expenses and costs of whatsoever nature arising out of or in any manner resulting, directly or indirectly, from Permittee's 13 operations on or the condition, use or misuse of the Premises, including liability, claims or 14 damages to or as a result of any structures or fixtures on the Premises or appurtenances 15 16 to it.

<u>TRANSFER / ASSIGNMENT</u>. This Lease Permit does not and shall
 not be construed as the grant, conveyance or transfer of an interest in real property.
 Neither this Lease Permit nor any interest herein may be transferred or assigned except in
 accordance with the Long Beach Municipal Code and the Long Beach Marina Rules and
 Regulations.

10. <u>COMPLIANCE WITH ALL APPLICABLE LAWS</u>. Nothing in this Lease Permit shall be construed to excuse compliance by Permittee with any and all of the laws and ordinances of City and State; neither shall this Lease Permit be deemed to obviate the necessity of Permittee's obtaining such other permits or paying other fees as are required to repair, construct and/or maintain any physical structures, or to moor vessels in the area, including but not limited to payment of the annual inspection fee as prescribed in Section 16.08.760 of the Long Beach Municipal Code.

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Permittee's use and occupancy of the public 1 11. TERMINATION. 2 waterways may be terminated by the City after notice to Permittee of Permittee's failure to observe and comply with provisions of the Long Beach Municipal Code and the Rules and 3 Regulations, policies and procedures ("Applicable Regulations") governing and controlling 4 5 the administration and operation of the Long Beach marinas. Permittee acknowledges that 6 Permittee has read and understands the Applicable Regulations and that they are subject 7 to change. Permittee, in Permittee's use and occupancy of the public waterways, agrees to comply with and be bound by the Applicable Regulations now in force and as hereafter 8 changed. Notice of cancellation must be received in writing by the fifth (5th) day of a 9 calendar month in order to be effective on the last day of that month. 10

12. <u>PROPERTY RIGHT PROTECTION</u>. The Premises, the physical structure associated with the Premises that occupy the waters space, and associated improvements maintained under this Lease Permit are all private property and shall be protected to the maximum extent under the law from unlawful seizure.

The acceptance of this Lease Permit by Permittee shall be endorsed on this Lease Permit and shall be an acceptance by Permittee of all of the terms and conditions of this Lease Permit and an agreement to abide and comply with it.

18 le Smith Mary 20 19 "PERMITTEE" 20 CITY OF LONG BEACH, a municipal 21 corporation 22 City Manager 23 "CITY" 24 Approved as to form this 111 day of 25 CHARLES PARKIN, City Attorney 26 27 By. **Deputy City Attorney** 28 4 LTV:bg A15-00948 (6/8/15) L:\Apps\CtyLaw32\WPDocs\D020\P024\00537906.decx

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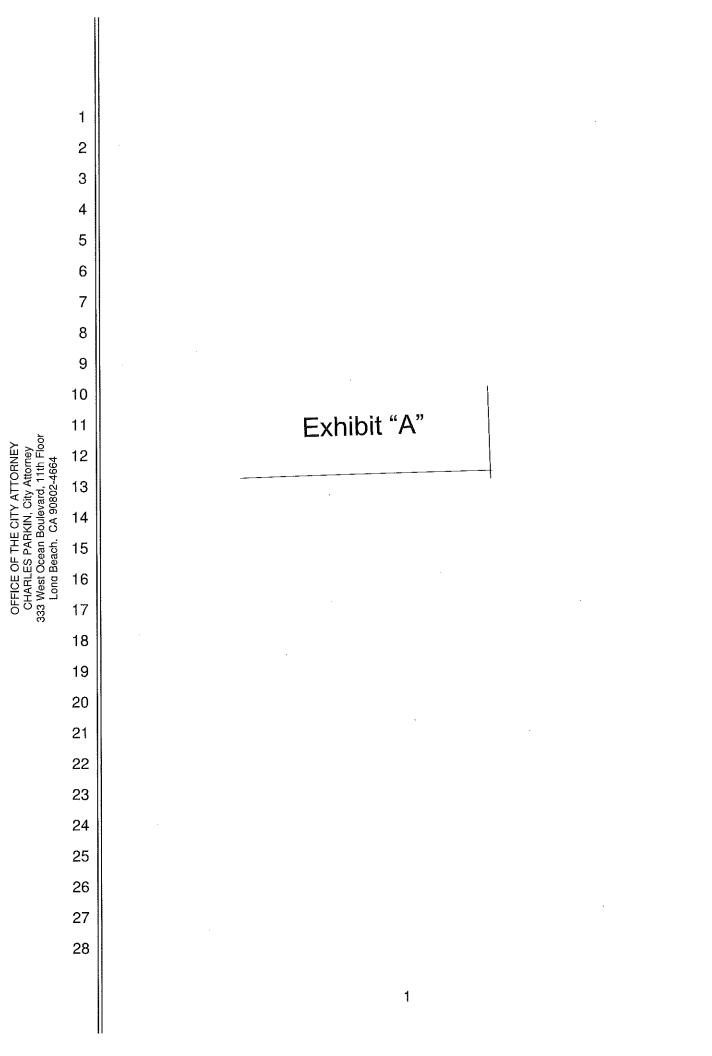
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## Google Maps 138 Rivo Alto Canal, Long Beach, CA

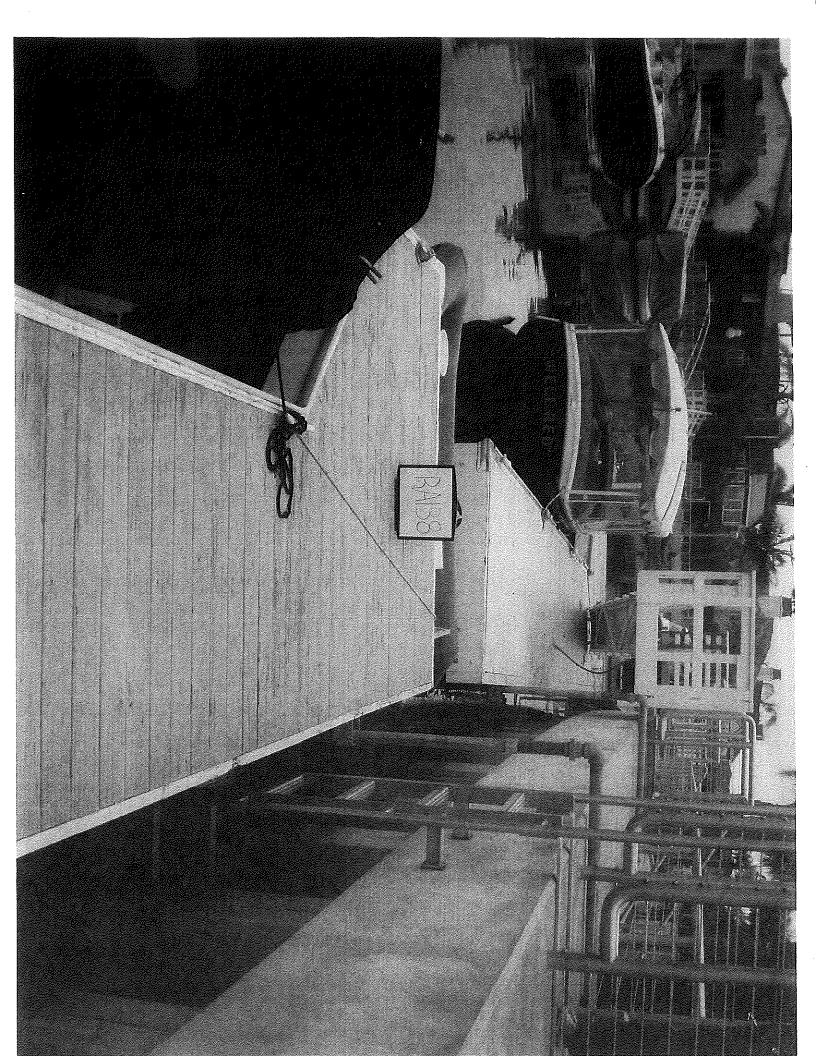


Imagery ©2016 Google, Map data ©2016 Google 20 ft

138 Rivo Alto Canal Rivo Alto Canal



Showing results 1 - 1



Time: Inspector:X	Date:       12/10/15       Structure Address:       R/         Time:       Inspector:       Chill C         Piling:       Number:       Plumbing:       R         Davits:       Number:       Electrical:       R         Davits:       Number:       Electrical:       R         Bolts/Screws attached to seawall:       Condition of Landing:       R         Item       Condition       N/A       R         Decking       N/A       R       R         Dry Rot	<u>4138</u> Location:
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