

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

1 FIRST AMENDMENT TO LEASE NO. 31767

2 **31767**

3 THIS FIRST AMENDMENT TO LEASE NO. 31767 is made and entered, in
4 duplicate as of December 14, 2015, for reference purposes only, pursuant to a minute
5 order adopted by the City Council of the City of Long Beach at its meeting held on
6 February 2, 2010, by and between the CITY OF LONG BEACH, a municipal corporation
7 and trust grantee of the State of California of certain tide and submerged lands within the
8 limits of said City ("City") and BEACH VENTURES ENTERPRISES, INC., a California
9 corporation with a business address of Post Office Box 41757, Long Beach, California,
10 90853 ("Lessee").

11 WHEREAS, City and Lessee entered into that certain Lease dated as of
12 February 2, 2010 (the "Lease"), pursuant to which Lessee leased from City beach
13 concession locations more particularly described in the Lease; and

14 WHEREAS, City and Lessee desire to amend the Lease to extend the term
15 for an additional period of two (2) years and change the capital improvements
16 requirement to \$20,000 for year seven (7) of the Lease;

17 NOW, THEREFORE, in consideration of the mutual terms and conditions in
18 Lease No. 31767 and herein, the parties agree as follows:

19 1. Section 4 of Lease No. 31767 is amended in its entirety to read as
20 follows:

21 "4. TERM. The initial term of this Lease shall commence at 12:01
22 a.m. on January 1, 2010 and shall terminate at midnight on December 31, 2015 (year (1)
23 through year (6)). The first extended term of this Lease shall be for an additional period
24 of two (2) years from January 1, 2016 to midnight on December 31, 2017 (year (7)
25 through year (8)). Upon termination of this Lease (whether by lapse of time or
26 otherwise), Lessee shall quit and surrender possession of the Premises and remove its
27 personal property therefrom. City's City Manager shall have discretion for renewing this
28 Lease for one (1) additional period of two (2) years and for one (1) additional, subsequent

1 period of five (5) years, upon mutual consent of the parties.”

2 2. Section 10.A of Lease No. 31767 is amended in its entirety to read
3 as follows:

4 “A. Upon the execution of this Lease agreement or during the
5 term of the Lease, Lessee, at its sole cost shall invest a minimum of One Hundred and
6 Fifty Thousand Dollars (\$150,000.00) in capital improvements. By the end of year one
7 (1), Lessee shall complete Fifty Thousand Dollars (\$50,000.00) in capital improvements.
8 Within eighteen (18) months of executing each renewal (as applicable), Lessee shall
9 complete additional capital improvements with values as follows: end of year one (1)
10 occurring on December 31, 2010 – Fifty Thousand Dollars (\$50,000.00) as described
11 above; end of year seven (7) occurring on December 31, 2016 – Twenty Thousand
12 Dollars (\$20,000.00); end of year nine (9) occurring on December 31, 2018 – Thirty
13 Thousand Dollars (\$30,000.00); and end of year eleven (11) occurring on December 31,
14 2020 – Fifty Thousand Dollars (\$50,000.00). All projects are subject to the approval of
15 the Director. However, shall Lessee deem that the more timely completion of capital
16 improvements will benefit sales revenue, Lessee has the option of investing the required
17 One Hundred and Fifty Thousand Dollars (\$150,000.00) in capital improvements upon
18 execution of the contract or on a date prior to those listed above with prior approval by
19 the Department Director.”

20 3. Except as expressly amended herein, all terms and conditions in
21 Lease No. 31767 are ratified and confirmed and shall remain in full force and effect.

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IN WITNESS WHEREOF, the parties have caused this document to be duly executed with all formalities required by law as of the date first stated herein.

BEACH VENTURES ENTERPRISES, INC., a California corporation

2-10, 2016

By [Signature]
Name MICHELLE KHAMMAR
Title PRESIDENT

2-10 - , 2016

By [Signature]
Name FRED KHAMMAR
Title VP

"Tenant"

CITY OF LONG BEACH, a municipal corporation

Feb. 29, 2016

By [Signature]
City Manager

EXECUTED PURSUANT TO SECTION 301 OF THE CITY CHARTER.

"City"

Assistant City Manager

This First Amendment to Lease No. 31767 is approved as to form on

2/11, 2016.

CHARLES PARKIN, City Attorney

By [Signature]
Deputy