

EIGHTH AMENDMENT TO LEASE NO. 17448

17448

This EIGHTH Amendment to Lease No. 17448 ("Eighth Amendment"), is made and entered, in duplicate, pursuant to a minute order adopted by the City Council of the City of Long Beach, at its meeting on JUL 01 2014, 2014, by and between the CITY OF LONG BEACH, a municipal corporation ("Landlord"), and AMERICAN GOLF CORPORATION, a California corporation ("Tenant").

RECITALS

WHEREAS, when American Golf Corporation (Tenant) first executed Lease No. 17448 with the City of Long Beach (Landlord) in 1984, the upstairs floor (Upstairs) of the Clubhouse at Recreation Park 18 Golf Course was leased to Southerby Productions, and therefore not included for use by Tenant; and

WHEREAS, Lease No. 23609 between Tenant and Landlord, executed in 1994 and amended in 1995, permitted Tenant to use one thousand six hundred fifty-one thousand (1,651) square feet of specified portions of the Upstairs for One Dollar (\$1.00) per square foot, per month; and

WHEREAS, the 3rd Amendment to Lease No. 17448, executed in 1999, transferred the food and beverage operation and related premises at Recreation Park 18 Golf Course to Tenant, but did not address the specified portions of the Upstairs for use by Tenant for the food and beverage operation; and

WHEREAS, Lease No. 23609 has been in a month-to-month holdover since 1999 at the rental rate of One Dollar (\$1.00) per square foot; and

WHEREAS, the 7th Amendment to Lease No. 17448, executed in 2014, allowed Tenant to rent the Heartwell Junior Golf Building at 6730 E. Carson Street, for a net rent of Twenty-Five Hundred Dollars (\$2,500.00) per month, which allowed Tenant to move all staff and offices, except those specifically related to the Recreation Park 18 Golf Course food and beverage operation, from the Upstairs to the Heartwell Junior Golf Building; and

1 Whereas, Tenant now only needs to utilize four hundred - twenty (420)
2 square feet of the Upstairs, specified by Lease No. 23609 for the Recreation Park 18 Golf
3 Course food and beverage operation;

NOW, THEREFORE, in consideration of the mutual terms, covenants, and conditions contained in this Eighth Amendment, Landlord and Tenant agree as follows:

1. The above recitals are true and correct and are incorporated hereby reference.

2. Article XII of Lease No. 17448 is hereby amended, to read as follows:

“ARTICLE XII

Food Facilities at Recreation Park 18-hole Golf Course

12.1 Additional Premises for Rec-18 Food Facilities:

Landlord hereby leases and Tenant hereby accepts 'as is' the kitchen, grill room, entrance lobby, restrooms, garages, snack shop stand near the 12th tee, service yard, four hundred - twenty (420) square feet of office space upstairs, and basement at the Recreation Park 18-hole Golf Course ('Additional Premises for Rec-18 Food Facilities').

12.2 Use of Additional Premises for Rec-18 Food Facilities:

The Additional Premises for Rec-18 Food Facilities shall be used solely to sell to the public food and beverages, including alcoholic beverages; as banquet and meeting rooms; and for such additional services as are usual and customary in the conduct of a golf course food and beverage concession, and for no other purpose. Tenant shall provide 'coffee shop' service for breakfast and lunch, and shall provide dinner only for banquets.

12.3 Hours of Operation:

Generally, the Additional Premises for Rec-18 Food Facilities shall be open at the same time as the pro shop at Recreation Park 18-hole Golf Course and close no earlier than 5:30 p.m.”

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

2. Except as expressly amended herein, all of the terms and conditions in Lease Agreement No. 17448 are ratified and confirmed and shall remain in full force and effect.

IN WITNESS WHEREOF, Landlord and Tenant have signed this Eighth Amendment with all formalities required by law as of the date first stated above.

Date: October 17, 2014

AMERICAN GOLF CORPORATION, a
California corporation

By: [Signature]
Senior Vice President

By: [Signature]
Chief Financial Officer

"Tenant"

Date: 11-17, 2014

CITY OF LONG BEACH, a municipal
corporation

By: [Signature]
City Manager

Assistant City Manager

"Landlord"

EXECUTED PURSUANT
TO SECTION 301 OF
THE CITY CHARTER.

This EIGHTH Amendment to Lease No. 17448 is approved as to form on
October 28, 2014.

CHARLES PARKIN, City Attorney

By: [Signature]
Deputy