

OFFICE OF THE CITY ATTORNEY
ROBERT E. SHANNON, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

1 FIRST AMENDMENT TO PERMIT NO. 31412

2 **31412**

3 THIS FIRST AMENDMENT TO PERMIT NO. 31412 is made and entered,
4 in duplicate, as of July 1, 2012, for reference purposes only, pursuant to a minute order
5 adopted by the City Council of the City of Long Beach ("City"), at its meeting on October
6 6, 2009, between McCORMICK DIVERS, ("Permittee") and THE CITY OF LONG
7 BEACH, a municipal corporation ("City").

8 WHEREAS, City granted Permittee permission to use the diving well and
9 dry board training area at Belmont Plaza Pool; and

10 WHEREAS, the parties desire to amend this permit by extending the term;

11 NOW THEREFORE, in consideration of the mutual terms and conditions in
12 Permit No. 31412, the parties agree as follows:

13 1. Section 1 of Permit No. 31412 is hereby deleted and amended in it's
14 entirety as follows:

15 "1. PERMITTED USE. Access to diving well and dry board training area
16 at Belmont Plaza Pool as designated on Exhibit "A" for the purpose of training
17 divers for national and international competitions, developing recreational diving,
18 conducting diving competitions, use of a 20x20 storage space and for no other
19 purpose.

20 A. Scheduled Time of Use.

21 Permittee may use the permitted area as follows:

22 **1) September 1 through June 14**

23 (a) Use of the diving well at Belmont Plaza Pool
24 which includes: two (2) – one (1) meter boards, two (2) – three (3)
25 meter boards, one (1) – five (5) meter platform, one (1) – seven (7)
26 meter platform, and one (1) – ten (10) meter platform as illustrated
27 on Exhibit "A".

28 (b) Use of the dry board training area as illustrated

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

on Exhibit "A."

(c) Monday through Friday from 4:00 p.m. to 7:00 p.m.

(d) Practice Fee of twenty dollars (\$20.00) per hour.

(e) Practice is defined as single team workouts which are closed to the public.

2) June 15 through August 30

(a) Use of the diving well at Belmont Plaza Pool includes: two (2) – one (1) meter boards, two (2) – three (3) meter boards, one (1) – five (5) meter platform, one (1) – seven (7) meter platform, and one (1) – ten (10) meter platform as illustrated on Exhibit "A".

(b) Use of the dry board training area of the Indoor Pool as indicated on Exhibit "A."

(c) Monday through Friday from 3:30 p.m. to 7:00 p.m.

(d) Practice Fee of twenty dollars (\$20.00) per hour.

B. The Aquatics Supervisor may change the scheduled hours and days to accommodate special events or other pool activities. In making such changes, the Aquatics Supervisor will endeavor to provide a minimum of five (5) days notice. The Department of Parks, Recreation and Marine shall relocate the Permittee whenever possible. The Scheduled Time of Use and Use Fee provisions of this permit shall apply.

C. The scheduled time of use as listed in Section 1 A and the permitted area as illustrated on Exhibit "A" is only for the use of the Permittee. At no time is the Permittee allowed to subcontract or share the permitted area or time of use with another organization."

///

1 2. Section 2 of Permit No. 31412 is hereby deleted and amended in its
2 entirety as follows:

3 “2. STORAGE SPACE. The Permittee shall be authorized to utilize the
4 20 x 20 storage container located at Belmont Plaza Pool Area for the storage of
5 equipment and supplies. The City shall not be held responsible for any property
6 belonging to the Permittee. Permittee shall be required to carry personal property
7 insurance as designated by the City’s Risk Manager.”

8 3. Section 4 of Permit No. 31412 is hereby amended in its entirety to
9 read as follows:

10 “4. TERM. The term of this Permit shall commence on September 1,
11 2012 and shall terminate on August 31, 2014. Notwithstanding the foregoing,
12 either party may terminate this Permit at any time for any or no reason upon ninety
13 (90) days written notice to the other party. Upon termination of this Permit
14 (whether by lapse of time or otherwise), Permittee shall quit and surrender
15 possession of the Permit Area and remove its personal property therefrom.”

16 ///
17 ///
18 ///
19 ///
20 ///
21 ///
22 ///
23 ///
24 ///
25 ///
26 ///
27 ///
28 ///

OFFICE OF THE CITY ATTORNEY
ROBERT E. SHANNON, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

4. Except as expressly stated herein, all of the terms, covenants, and conditions of Permit No. 31412 are ratified and confirmed and shall remain in full force and effect.

Permittee consents to and agrees to perform the terms, covenants, and conditions imposed on Permittee under this Permit during the renewal period.

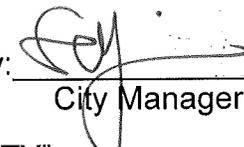
McCORMICK DIVERS

8/17, 2012
—, 2012

By: 
By: —
"PERMITTEE"

CITY OF LONG BEACH, a municipal corporation

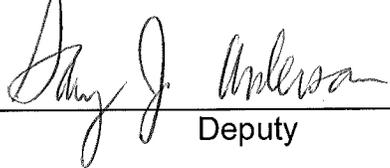
9.20, 2012

By:  **Assistant City Manager**
City Manager
"CITY"

EXECUTED PURSUANT TO SECTION 301 OF THE CITY CHARTER.

THIS FIRST AMENDMENT to Permit No. 31412 is approved as to form, this 24th day of August, 2012.

ROBERT E. SHANNON, City Attorney

By:  Deputy