

Robert E. Shannon
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1 FOURTH AMENDMENT TO OPERATING AGREEMENT NO. 26085

2 **26085**

3 THIS FOURTH AMENDMENT TO OPERATING AGREEMENT NO. 26085
4 is made and entered, in duplicate, as of December 14, 2005 for reference purposes only,
5 pursuant to a minute order adopted by the City Council of the City of Long Beach at its
6 meeting on April 22, 2003, by and between ACE PARKING MANAGEMENT, INC
7 ("Operator") and the CITY OF LONG BEACH ("City").

8 WHEREAS, the parties entered Agreement No. 26085 whereby Operator
9 agreed to manage the parking facility at the Civic Center; and

10 WHEREAS, the term of the Agreement has been extended and
11 compensation increased accordingly in previous amendments; and

12 WHEREAS, the parties desire to extend the term again and add additional
13 facilities;

14 NOW, THEREFORE, in consideration of the mutual terms and conditions in
15 Agreement No. 26085 and in this Amendment, the parties agree as follows:

16 1. Section 7 of Agreement No. 26085 is amended in its entirety to read
17 as follows:

18 "Section 7. Term of Agreement. This Agreement shall commence on
19 January 15, 1999, and shall terminate on July 14, 2006, provided, however, that City may
20 terminate this Agreement by giving at least sixty (60) days notice to Operator. The City
21 may extend the term of this Agreement for one additional year by giving notice to Operator
22 of its desire to extend at least thirty (30) days prior to expiration."

23 2. Exhibit "A-3" is attached to this Fourth Amendment and is
24 incorporated by reference. Exhibit "A-3" identifies additional parking Facilities that are
25 subject to the Agreement pursuant to this Fourth Amendment and also identifies the fees
26 payable to Operator that are associated with the Facilities. If Facilities are added to the
27 Agreement subsequent to this Fourth Amendment, then the Agreement will again be
28 amended and one or more additional exhibits attached to those amendments.

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1 3. Except as expressly amended in this Fourth Amendment and as
2 previously amended, to the extent consistent with this Amendment, all terms and
3 conditions contained in Agreement No. 26085 are ratified and confirmed and shall remain
4 in full force and effect.

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

7 ACE PARKING MANAGEMENT, INC.
8 By [Signature]
9 President

10 John M Baumgardner
11 (Type or Print Name)

12 By [Signature]
13 Secretary

14 Keith B. Jones
15 (Type or Print Name)

16 "Operator"

17 CITY OF LONG BEACH

18 By [Signature]
19 City Manager

20 "City"

21 This Fourth Amendment to Agreement No. 26085 is approved as to form on

22 1/12, 2006

23 ROBERT E. SHANNON, City Attorney
24 By [Signature]
25 Senior Deputy

EXHIBIT "A-3"

Additional Facilities and Fees

200 Aquarium Way (surface lot)

Rates: \$0.50 every 15 minutes with a 90-minute maximum at \$3.00

Ace monthly management fee: \$300

Effective: December 7, 2005

335 E. Broadway (surface lot)

Rates: \$4.00 flat rate per day for transient parking; \$35 monthly rate

Ace monthly management fee: \$200

Effective: October 1, 2005