

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

1 FIFTH AMENDMENT TO LEASE NO. 27497

2 **27497**

3 This Fifth Amendment to Lease No. 27497 is authorized pursuant to a
4 minute order adopted by the City Council of the City of Long Beach at its meeting held on
5 November 13, 2007, between AMUSEMENT INDUSTRY, INC., a California corporation
6 ("Lessor") and the CITY OF LONG BEACH, a municipal corporation ("Lessee"),
7 collectively referred to as the parties.

8 WHEREAS, Agreement No. 27497 dated August 10, 2001 (the "Lease"),
9 was entered into between the parties for office space located at 1320 Gaviota Avenue as
10 a Community Police Center; and

11 WHEREAS, Lease No. 27497 was amended (i) in September of 2003 to
12 extend the term through September 30, 2004, (ii) in September of 2004 to extend the
13 term through September 30, 2005 and provide Lessee with additional extension options,
14 (iii) in September of 2005 to extend the term through September 30, 2006, and (iv) in
15 September of 2006 to extend the term through September 30, 2007; and

16 WHEREAS, the Lessee now desires to amend Lease No. 27497 to (i)
17 extend the term of this Lease, as amended, through September 30, 2008, (ii) provide
18 Lessee with three (3) additional consecutive one-year options to extend the term of this
19 Lease, (iii) amend the Consumer Price Index (CPI) month for purposes of calculating
20 increases in rent, (iv) upon the effective date of each extension option exercised by
21 Lessee to raise the monthly rent by the amount of the CPI increase for the previous year,
22 provided however that in no event shall the monthly rent adjustment be less than a 2.0
23 percent increase nor more than a 5.0 percent increase over the monthly rent paid during
24 the immediately preceding one-year period, and (v) provide that Lessor shall replace
25 security film on windows of leased office space at the time of the 2007-2008 lease
26 extension, at no cost to Lessee.

27 NOW THEREFORE, the parties mutually agree as follows:

28 1. The Amendment shall become effective October 1, 2007.

1 2. The Lease shall be amended to extend the term for a one-year
2 period through September 30, 2008. Rent for the period of October 1, 2007 through
3 September 30, 2008 shall be One Thousand Two Hundred Thirty-Four and 51/100
4 Dollars (\$1,234.51) per month.

5 3. Lessee shall have the option to extend the term of this Lease for
6 three (3) additional consecutive one-year periods.

7 4. Upon the exercise by Lessee of any or all of its options to extend the
8 term of this Lease, effective each October 1, monthly rent shall be increased by one-
9 hundred percent (100%) of the percentage of increase, if any, with said percentage
10 rounded to the nearest tenth as shown by the Consumer Price Index for all urban
11 consumers, all items, for the Los Angeles-Riverside, Orange County, California area
12 (base period 1982-84 = 100) ("Index"), published by the United States Department of
13 Labor, Bureau of Labor Statistics for the month of July as compared with the Index for the
14 same month in the immediately preceding calendar year, provided however that in no
15 event shall the monthly rent adjustment be less than a 2.0 percent increase nor more
16 than a 5.0 percent increase over the monthly rent paid during the immediately preceding
17 one-year period. Lessor shall give written notice of the amount of the increase. Lessee
18 shall pay this amount, which shall constitute monthly rent. If the Index is discontinued or
19 revised during the term or during any extended term of this Lease, the government index
20 or computation with which it is replaced shall be used to obtain substantially the same
21 result as if the Index had not been discontinued or revised.

22 5. Lessor shall replace security film on windows of leased office space
23 at the time of the 2007-2008 lease extension, at no cost to Lessee.

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6. All terms, covenants, and conditions of the Lease and Amendments thereto, except as amended herein, shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment.

AMUSEMENT INDUSTRY, INC., a California corporation

Dated: November 15, 2007 By: David Greenoff
Title: Asset Manager
"Lessor"

CITY OF LONG BEACH, a municipal corporation

Dated: November 28, 2007 By: Christine F. Shippey
City Manager
"Lessee"

Approved as to form this 20th day of November, 2007.

ROBERT E. SHANNON, City Attorney

By: Doug J. Anderson
Deputy

GA:lk 07-05344
11/7/07 - 5TH Amd.