

OFFICE OF THE CITY ATTORNEY  
CHARLES PARKIN, City Attorney  
411 West Ocean Boulevard, 9th Floor  
Long Beach, CA 90802-4664

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THIRD AMENDMENT TO LEASE NO. 33631

**33631**

THIS THIRD AMENDMENT TO LEASE NO. 33631 (the "Third Amendment") is entered into September 30, 2021 ("Effective Date"), pursuant to a minute order adopted by the City Council of the City of Long Beach at its meeting on October 13, 2015, by and between the CITY OF LONG BEACH ("Lessor") and NCWPCS MPL 29 - YEAR SITES TOWER HOLDINGS LLC, a Delaware limited liability company, by and through CCATT LLC, a Delaware limited liability company, its attorney-in-fact ("Lessee").

RECITALS

WHEREAS, the Board of Water Commissioners of the City of Long Beach ("Original Lessor") and AB Cellular LA, LLC ("Original Lessee") entered into a Lease dated March 7, 2003 (as previously amended, the "Lease"), whereby original Lessee leased certain real property, together with access and utility easements, located in Los Angeles County, California, from Original Lessor (the "Premises"), all located within certain real property owned by Original Lessor (the "Property"); and

WHEREAS, NCWPCS MPL 29 - Year Sites Tower Holdings LLC is currently the Lessee under the Lease, as ultimate successor in interest to Original Lessee; and

WHEREAS, City of Long Beach is currently the Lessor under the Lease as ultimate successor in interest to Original Lessor; and

WHEREAS, the Lease, as amended, is scheduled to expire on September 30, 2021; and

WHEREAS, Lessor and Lessee desire to recognize Lessee's exercise of its option to extend the term of the Lease one (1) five-year period;

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are acknowledged, Lessor and Lessee agree as follows:

1. Recitals; Defined Terms. The parties acknowledge the accuracy of the foregoing recitals. Any capitalized terms not defined herein shall have the meanings ascribed to them in the Lease.

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1           2.     Term. Section 2 of the Lease is hereby deleted in its entirety and the  
2 following is inserted in its place:

3           "The term of this Lease shall commence at midnight on October 1, 2001, and shall  
4 terminate at 11:59 p.m. on September 30, 2026, unless sooner terminated as  
5 provided herein. The anniversary date of this Lease shall be October 1. Lessor  
6 shall have the right to terminate this Lease, without penalty, by giving Lessee sixty  
7 (60) days prior notice if the Premises are required for storm drains or purposes  
8 related to storm drainage. Provided that Lessor has no need for the Premises and  
9 provided that Lessee is not in default at the time that Lessee gives notice of its  
10 desire to extend the term, Lessee shall have an option to extend the term one (1)  
11 additional period of five (5) years ("Renewal Term") by giving to Lessor, at least  
12 ninety (90) days prior to the expiration of the term, notice that Lessee is exercising  
13 its option to extend. Lessor may cancel the exercise of Lessee's option (even after  
14 Lessee has exercised its option) if Lessee defaults and fails to cure such default  
15 prior to the commencement of an extended term."

16           3.     Remainder of Lease Unaffected. The parties hereto acknowledge that  
17 except as expressly modified hereby, the Lease remains unmodified and in full force and  
18 effect. In the event of any conflict or inconsistency between the terms of this Third  
19 Amendment and Lease, or between the terms of this Third Amendment and any prior  
20 amendment, the terms of this Third Amendment shall control. This Third Amendment may  
21 be executed simultaneously or in counterparts, each of which shall be deemed an original,  
22 but all of which together shall constitute one and the same agreement.

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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 above.

NCWPCS MPL 29 - YEAR SITES TOWER HOLDINGS LLC, a Delaware limited liability company, by and through CCATT LLC, a Delaware limited liability company

March 3, 2022

By [Signature]  
Name Helen V. Smith  
Title Director National RE Ops

March 3, 2022

By [Signature]  
Name Tara Groda  
Title Sr. Mgr Natl RE Ops

"Lessee"

CITY OF LONG BEACH, a municipal corporation

March 16, 2022

By [Signature]  
City Manager

EXECUTED PURSUANT TO SECTION 301 OF THE CITY CHARTER.

"Lessor"

This Third Amendment to Lease No. 33631 is approved as to form on

March 8, 2022.

CHARLES PARKIN, City Attorney

By [Signature]  
Deputy

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By [Signature]  
Name Helen V. Smith  
Title Director National RE Ops

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Name Tara Groda  
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"Lessee"

CITY OF LONG BEACH, a municipal corporation

\_\_\_\_\_, 2022

By \_\_\_\_\_  
City Manager

"Lessor"

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\_\_\_\_\_, 2022.

CHARLES PARKIN, City Attorney

By \_\_\_\_\_  
Deputy

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