

30946

FIRST AMENDMENT TO GROUND LEASE

1
2 This First Amendment to Ground Lease ("Amendment") is made and
3 entered, in duplicate, pursuant to a minute order adopted by the City Council of the City
4 of Long Beach at its meeting held on September 23, 2008, by and between the CITY OF
5 LONG BEACH, a municipal corporation ("Landlord") and WILMINGTON-LOMITA BLVD.,
6 LLC, a California limited liability company ("Tenant").

7 WHEREAS, Landlord and Tenant previously entered into a Ground Lease
8 (Lease Number 30946) dated October 21, 2008 (the "Lease"); and

9 WHEREAS, Landlord and Tenant now desire to amend the Lease to,
10 among other things, establish the rent commencement date, reflect the actual useable
11 square footage of the Leased Premises and increase the rent payable in connection
12 therewith;

13 NOW, THEREFORE, Landlord and Tenant mutually agree as follows:

14 1. This Amendment shall be effective as of the date on which this
15 Amendment is executed by both parties (the "Effective Date").

16 2. Section 1 of the Lease is amended and restated to read in its entirety
17 as follows:

18 "1. Leased Premises. Landlord hereby leases to Tenant and
19 Tenant leases from Landlord that certain real property located within the
20 Terminal Island Freeway right-of-way, comprised of approximately 5.12
21 gross acres and 3.40 useable acres, and more particularly described in
22 Exhibits "A-1" and "A-2" attached hereto (the "Premises")."

23 3. Exhibit "A" to the Lease shall be superseded and replaced by
24 Exhibits "A-1" and "A-2" attached hereto, reflecting the actual useable acreage of the
25 Premises established after survey.

26 4. The following sentence is added at the end of Section 5 of the
27 Lease: "Tenant shall conduct operations only in the useable acreage of the Premises as
28 shown on Exhibit "A-2"."

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

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1 5. Commencing on the Rent Commencement Date and continuing
2 monthly thereafter (subject to adjustment as provided in the Lease), the rent payable
3 pursuant to Section 6 of the Lease shall be Eight Thousand Four Hundred Fifty Dollars
4 (\$8,450).

5 6. The "Commencement Date" of the Lease shall be October 31, 2008,
6 and the term of the Lease shall therefore expire on October 31, 2038. The "Rent
7 Commencement Date" of the Lease shall be April 30, 2009. This Amendment shall serve
8 as the Memorandum of Commencement Date, Rent Commencement Date and Term
9 ("Memorandum") called for by Section 2 of the Lease and attached to the Lease as
10 Exhibit "B", and the parties shall have no further obligation to execute such
11 Memorandum.


12 7. All terms, covenants, and conditions of the Lease, except as
13 amended herein, shall remain unchanged and in full force and effect.

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

16 "Landlord"


17 CITY OF LONG BEACH, a California municipal
corporation

EXECUTED PURSUANT
TO SECTION 301 OF
THE CITY CHARTER

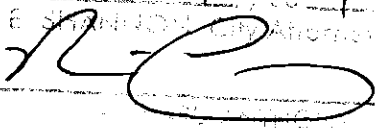
18 By:  Assistant City Manager
19 Patrick West
20 City Manager

21 "Tenant"

22 WILIMINGTON-LOMITA BLVD., LLC,
a California limited liability company

23 By: 
24 Name: To-Dean
25 Title: Manager

26 APPROVED AS TO FORM

27 7-9-09
ROBERT E. SHANNON, City Attorney
28 By: 
CITY ATTORNEY

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Approved as to form this 9 day of July, 2009.

ROBERT E. SHANNON, City Attorney

By:

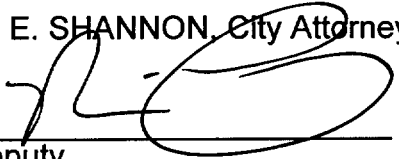
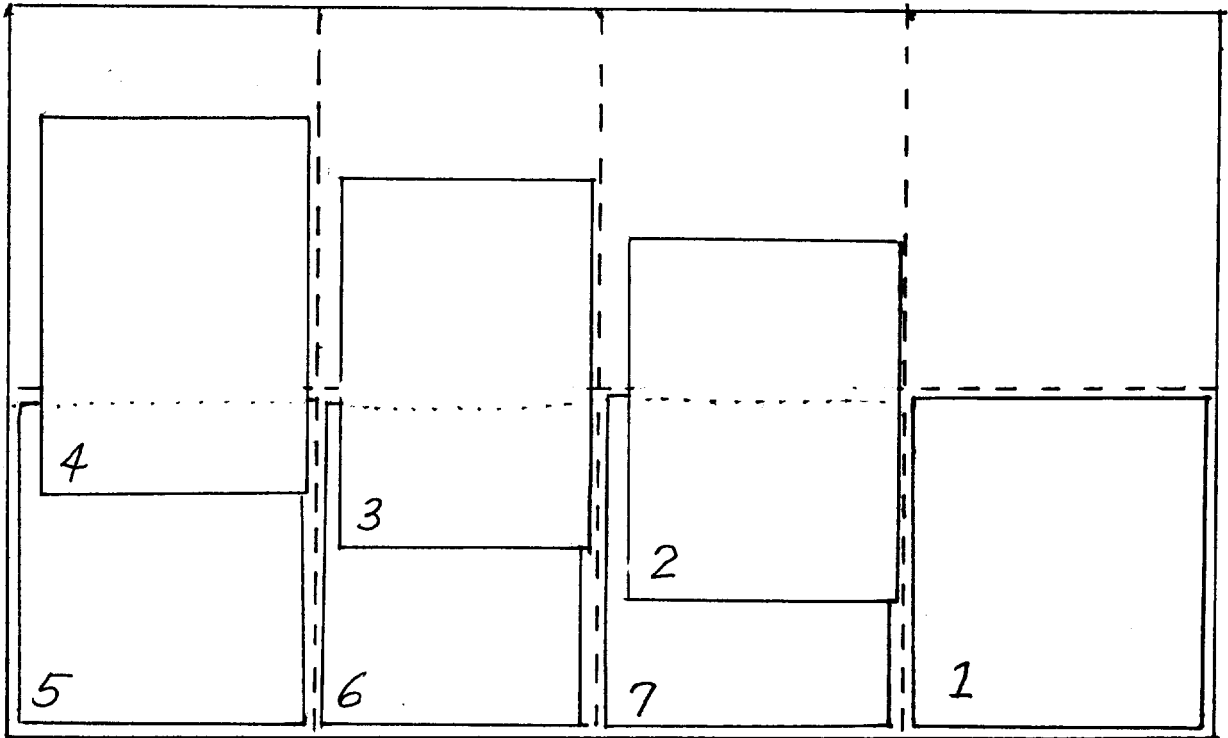
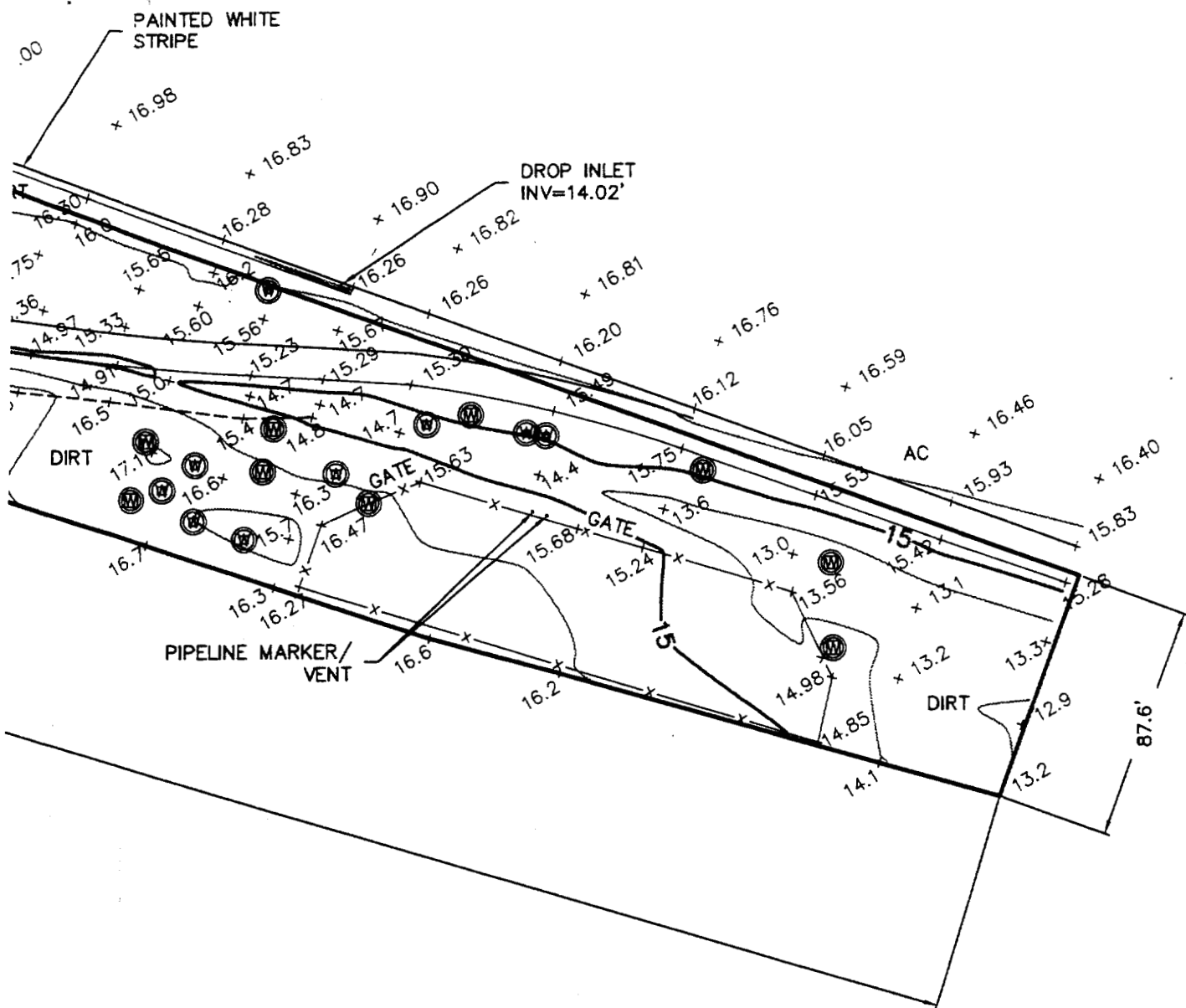

Deputy

EXHIBIT "A-1"
Gross Lease Area
Compilation sections of original 24 inch x 36 inch survey





AT

UPDATE 05/27/09 TO SHOW DIMENSIONS
 UPDATE 04/20/09 TO SHOW APPROXIMATE GROSS USABLE SPACE AND PROPERTY IMPRC

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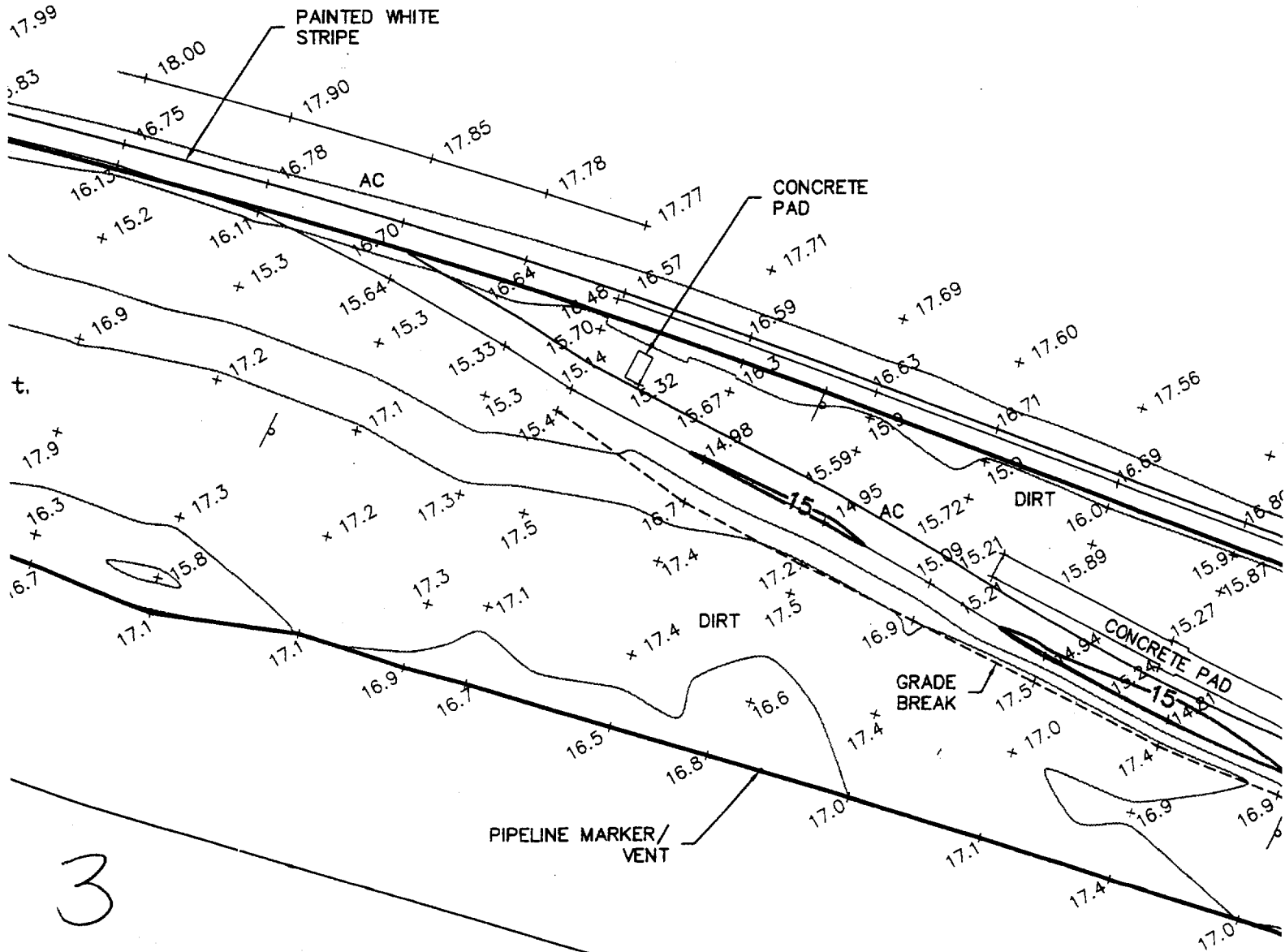
MAP FOR

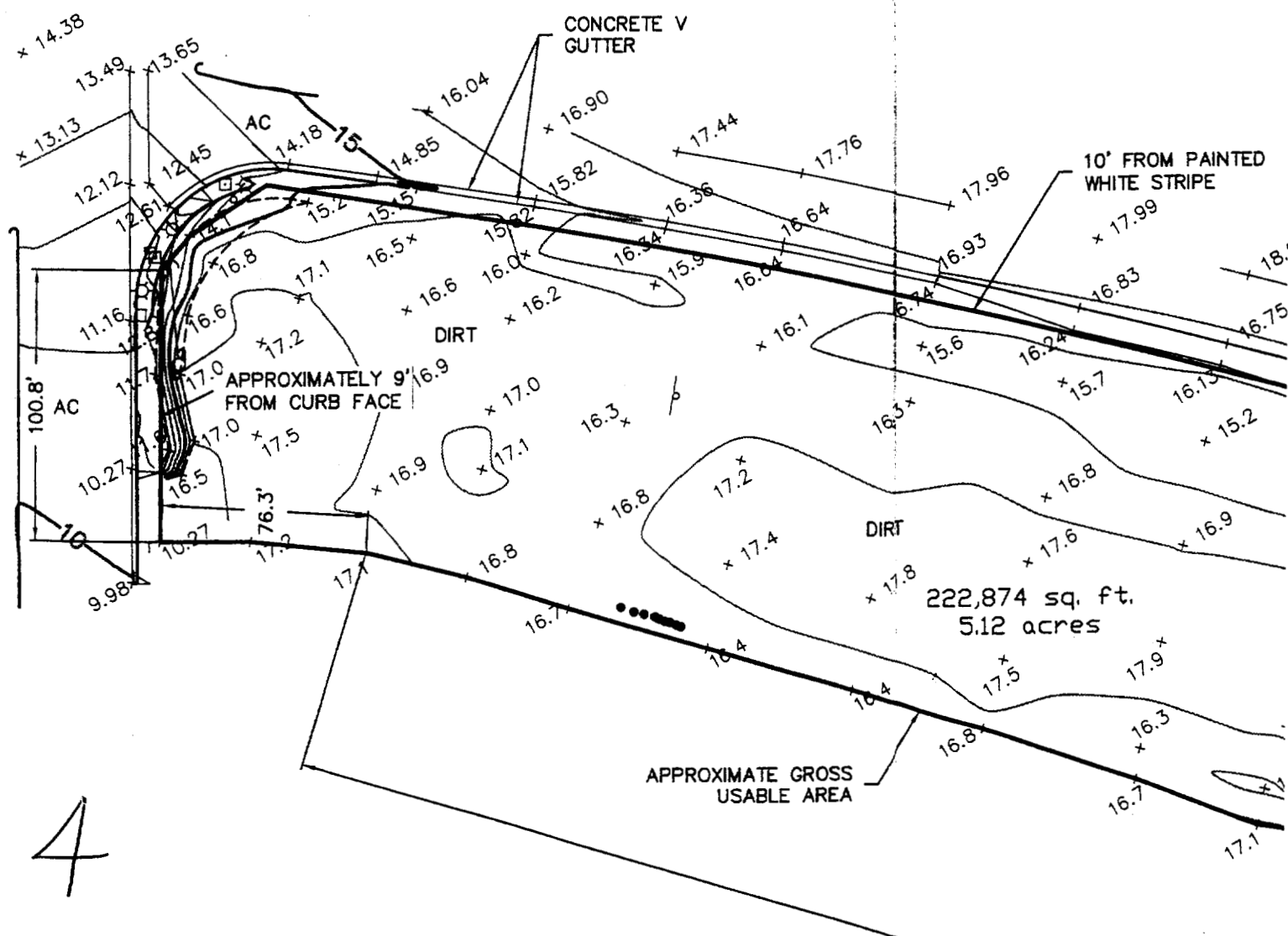
KELTY CO
 TI FREEWAY
 LONG BEACH, CA

EC

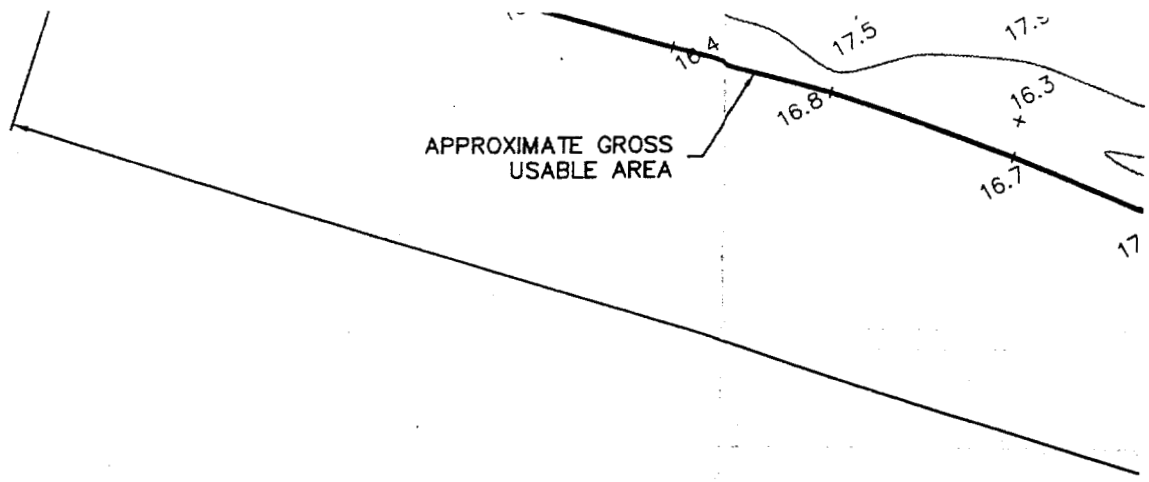
DATE: 20 JAN 09

' FROM PAINTED
WHITE STRIPE





4



Property Improvements

- New 5' wide D.G. walkway at bottom of slope along Willow Street
- New groundcover planted with sprinklers on North slope facing Willow Street
- Minor grading with new asphalt throughout property
- 20' wide border of crushed rock around perimeter of property
- New 6' high CMU block wall running length of property along Route 103
- New 8' high chain link fence to replace fencing running length of property along RR
- 5-60' wide gate openings-2 North, 2 South, and 1 emergency egress at midway
- Bougainvillea planted in front of block along Route 103 wall with bubblers
- Provided 12' wide, 120' long truck run-off area at South end of property
- New electrical service with a 277 panel and a 120 panel

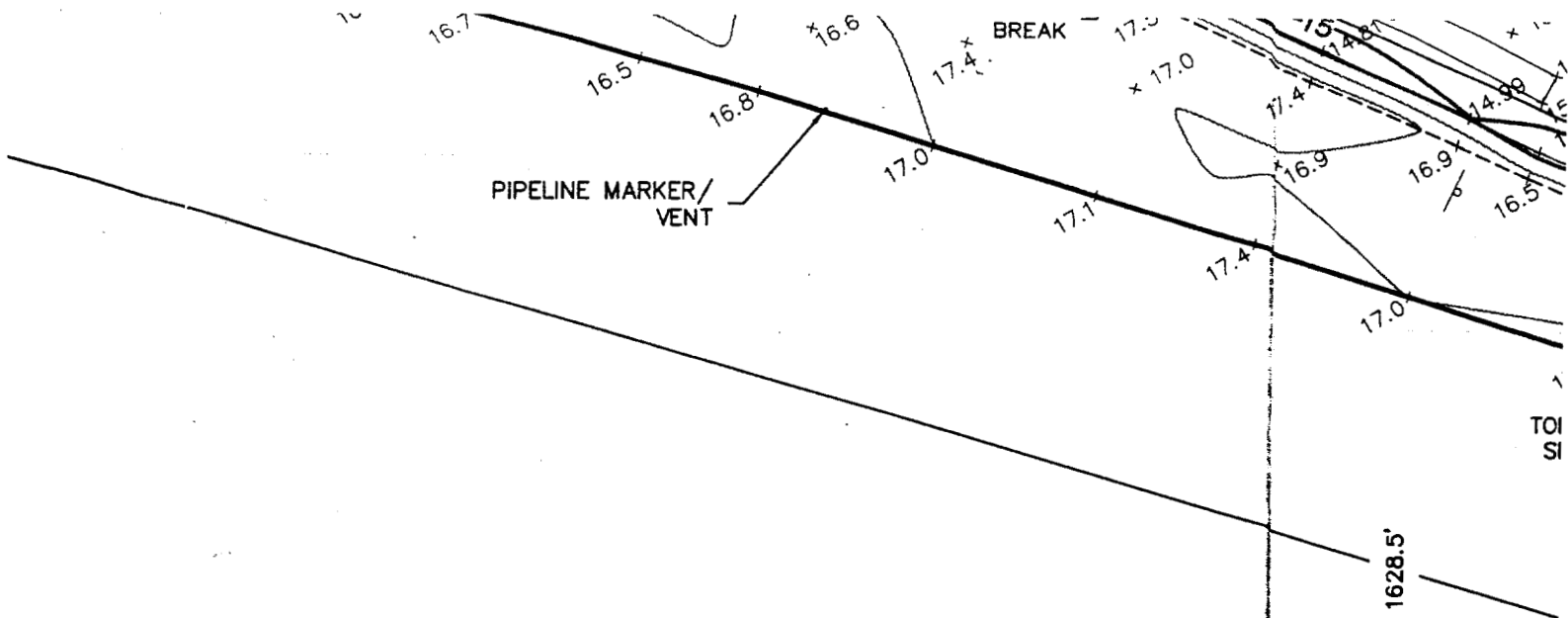
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






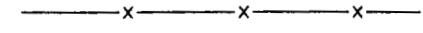
GRAPHIC SCALE



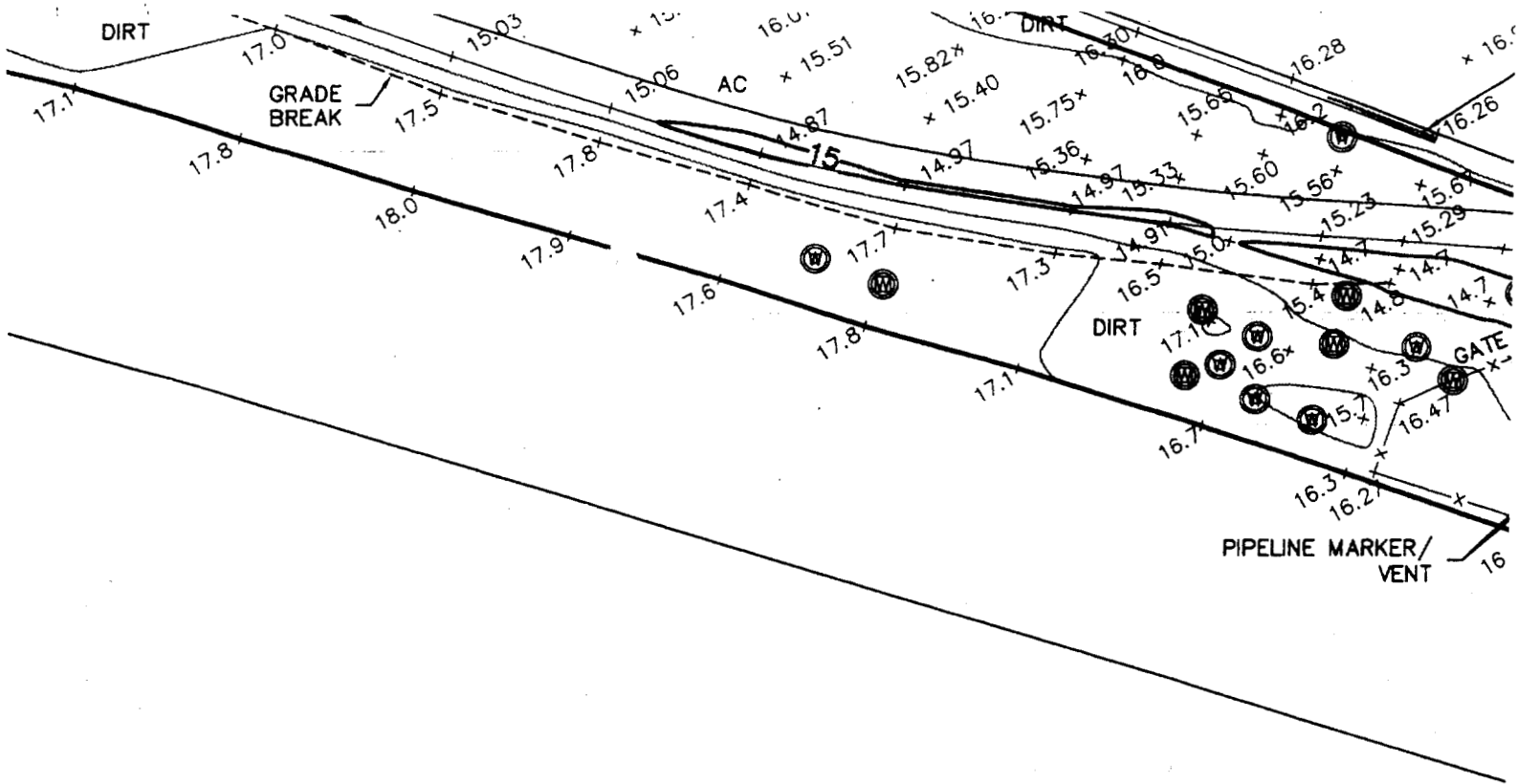
(IN FEET)
1 inch = 60 ft.



SYMBOL LEGEND

	STREET LIGHT	
	PULL BOX	
	POWER POLE	
	MONITOR WELL WITH CONCRETE PADS	
	SIGN	
	RISER	
	GUY WIRE	
	CHAINLINK FENCE	

6



BENCHMARK

VERTICAL DATUM NGVD29

CITY OF LONG BEACH BM #1655 SW CORNER SEABRIGHT AVE AT
WILLOW ST BRASS DISC FLUSH WITH PAVEMENT, 1.0' S/CURB.

1985 ELEV= 17.522 FEET NGVD29

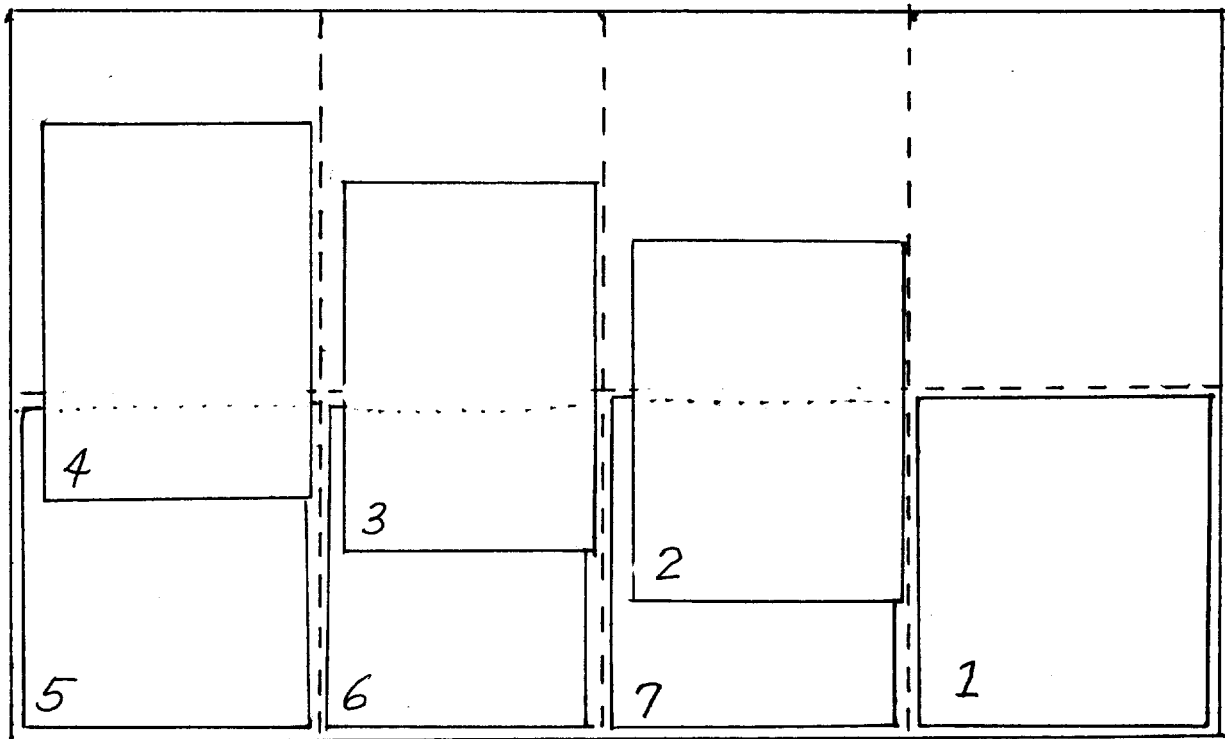
HORIZONTAL DATUM NAD83

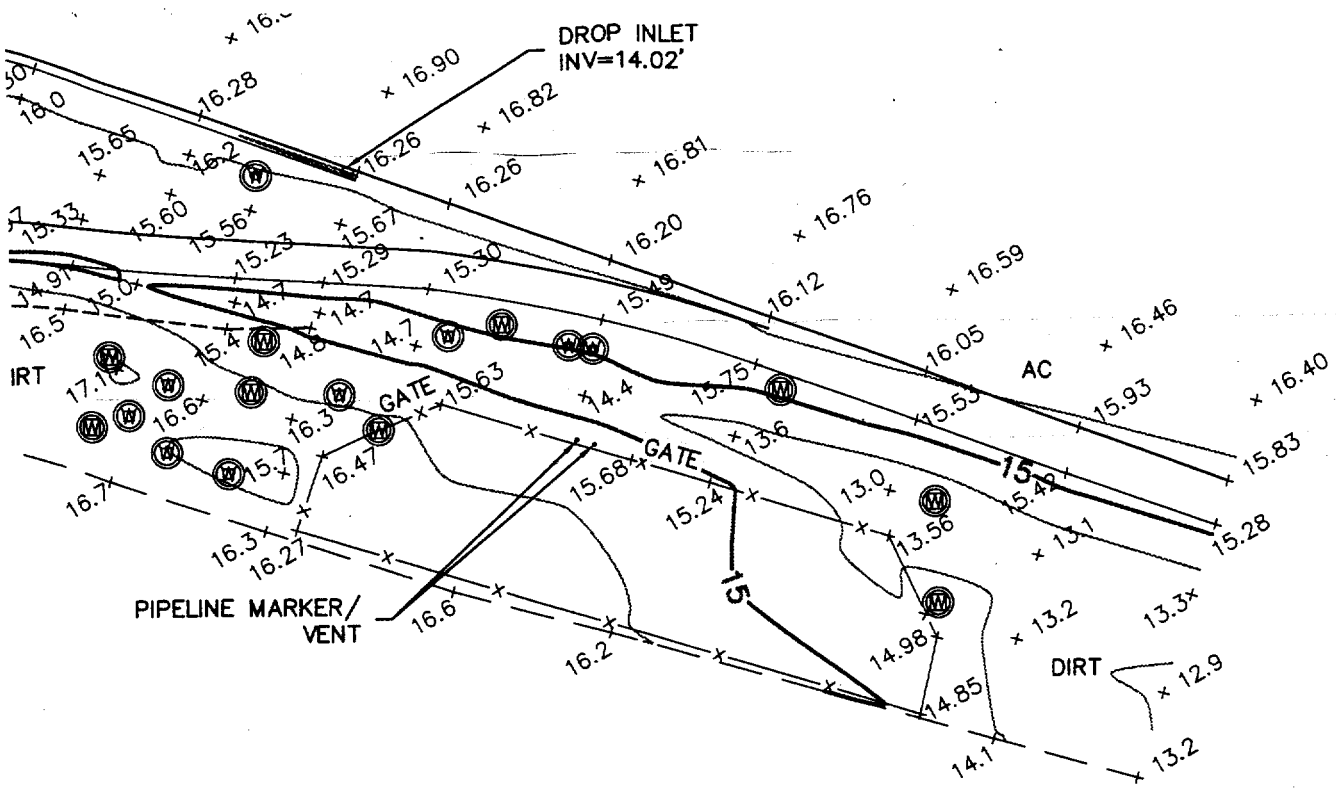
NGS PID STATIONS AJ1853 AND AJ1876 EPOCH DATE 2000.35

7

DRAWN BY:	EC	DATE:	20 JAN 09
CHECKED BY:	BD	DRAWING NO.:	KELTY-TI

EXHIBIT "A-2"
Net Lease Area
Compilation sections of original 24 inch x 36 inch survey





UPDATE 05/27/09 TO SHOW DIMENSIONS
UPDATE 04/20/09 TO SHOW APPROXIMATE NET USABLE SPACE AND PROPERTY IMPROVEMENTS

MAP FOR

KELTY CO
TI FREeway,
LONG BEACH, CA

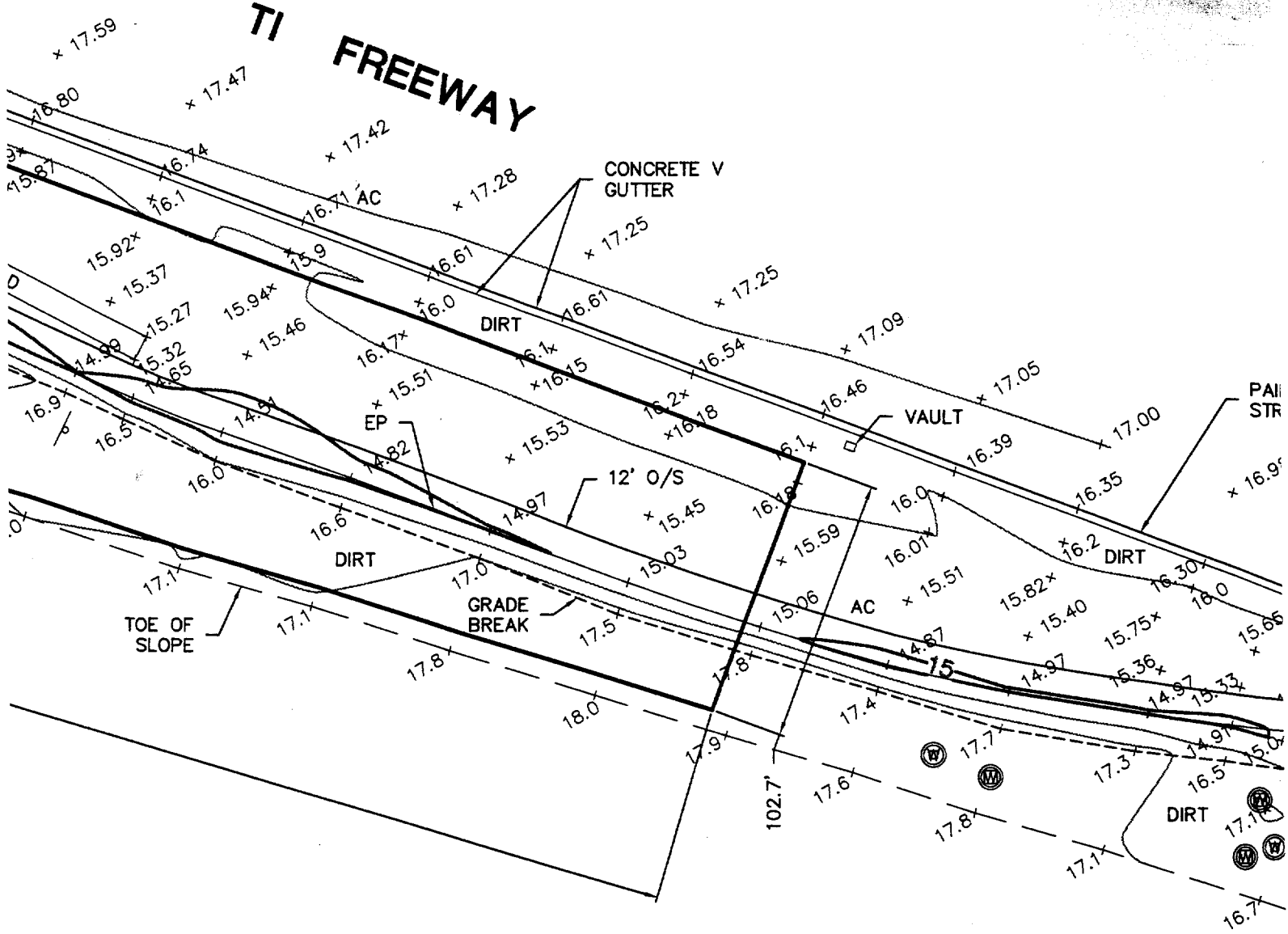
1

DATE: 20 JAN 09
DRAWING NO.: KELTY-TI

DULIN & BOYNTON
LICENSED SURVEYORS



TI FREEWAY



2

BENCHMARK

VERTICAL DATUM NGVD29

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WILLOW ST BRASS DISC FLUSH WITH PAVEMENT, 1.0' S/CURB.

20' FROM PAINTED
WHITE STRIPE

PAINTED WHITE
STRIPE

CONCRETE
PAD

AC

sq. ft.
acres

DIRT

AC

DIRT

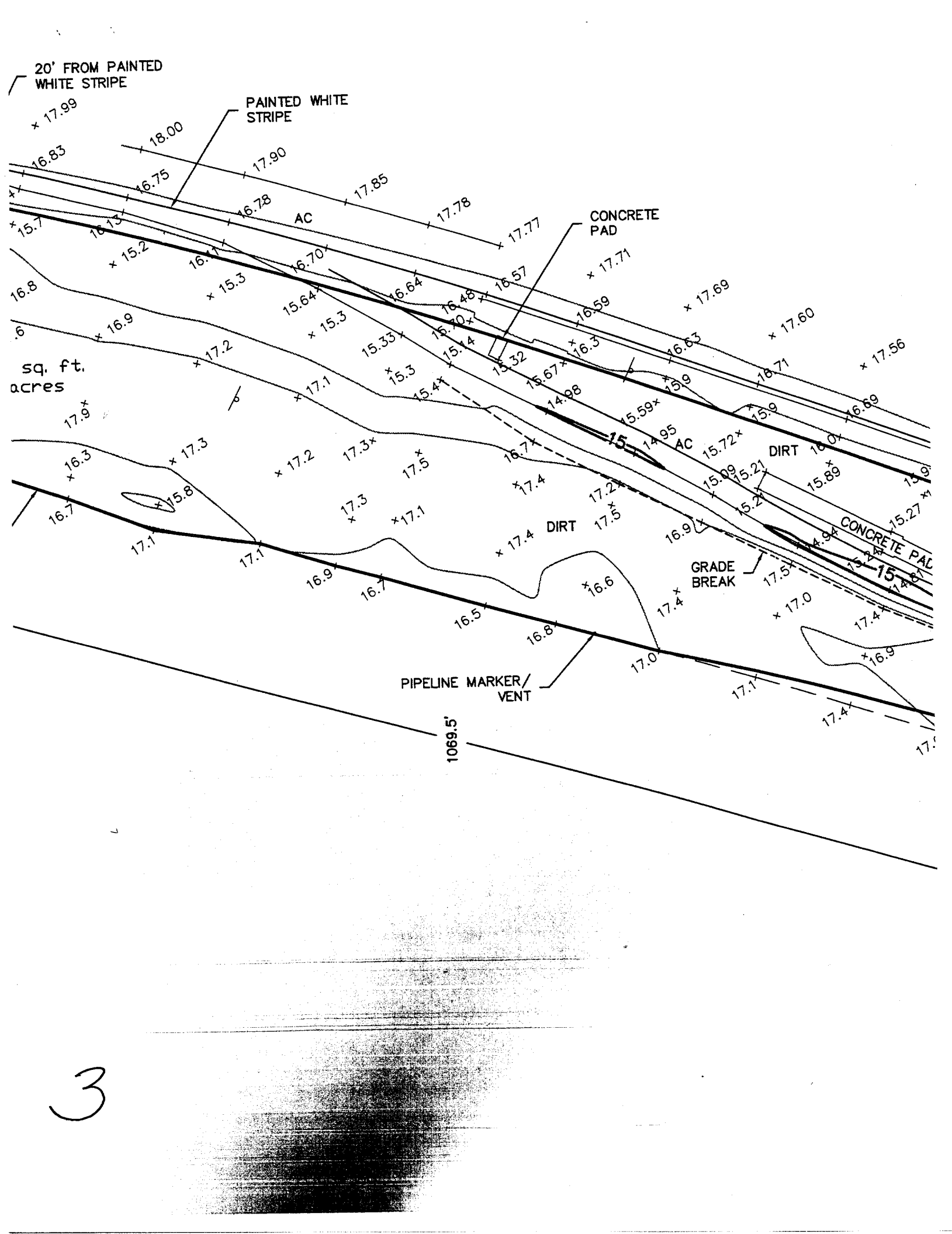
GRADE
BREAK

PIPELINE MARKER/
VENT

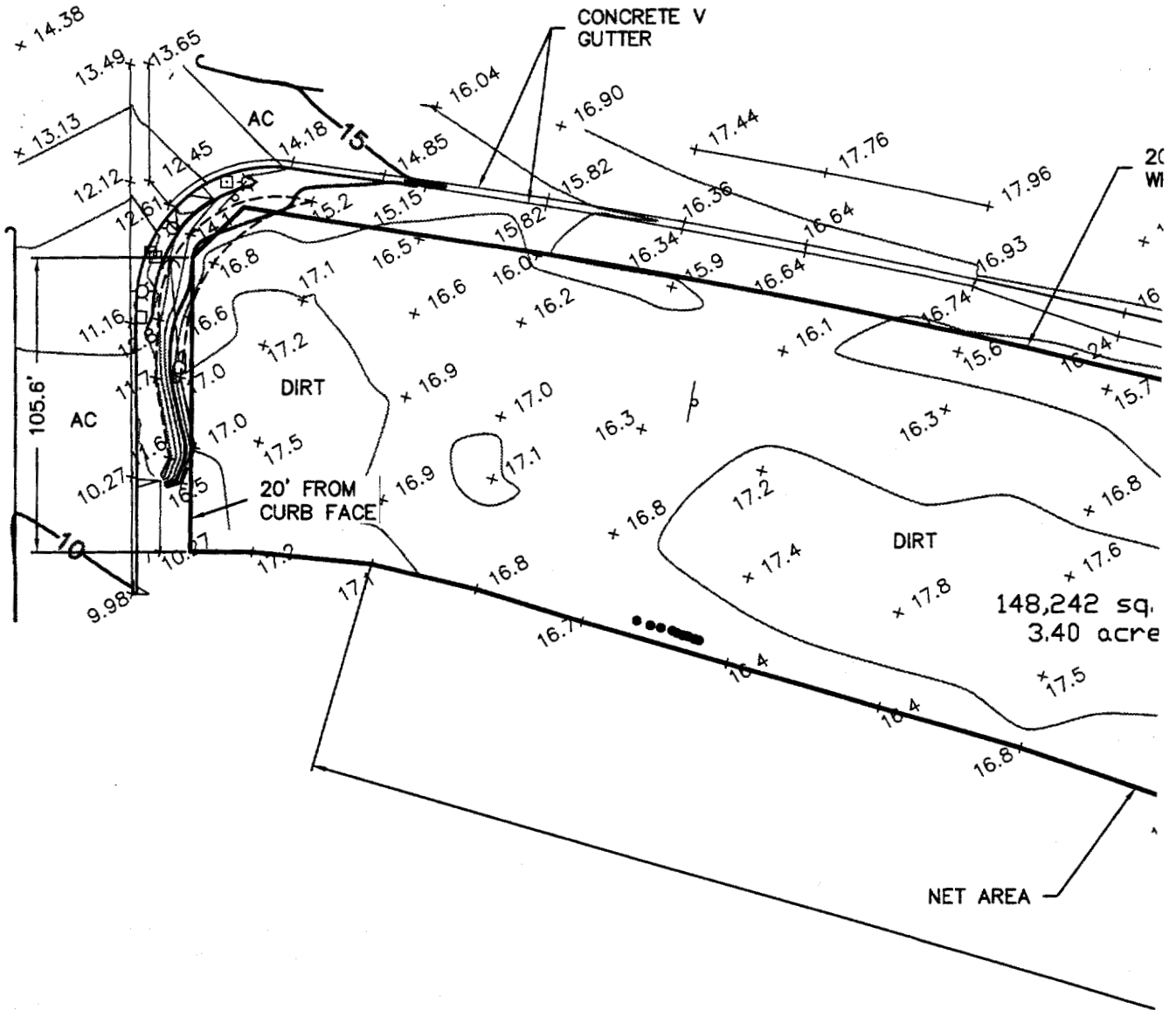
CONCRETE PAD

1069.5'

3



WILLOW ST



Property Improvements

A

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GRAPHIC SCALE



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5

106:

17.0'

16.6'







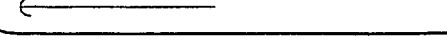

TOE OF SLOPE

17.1'

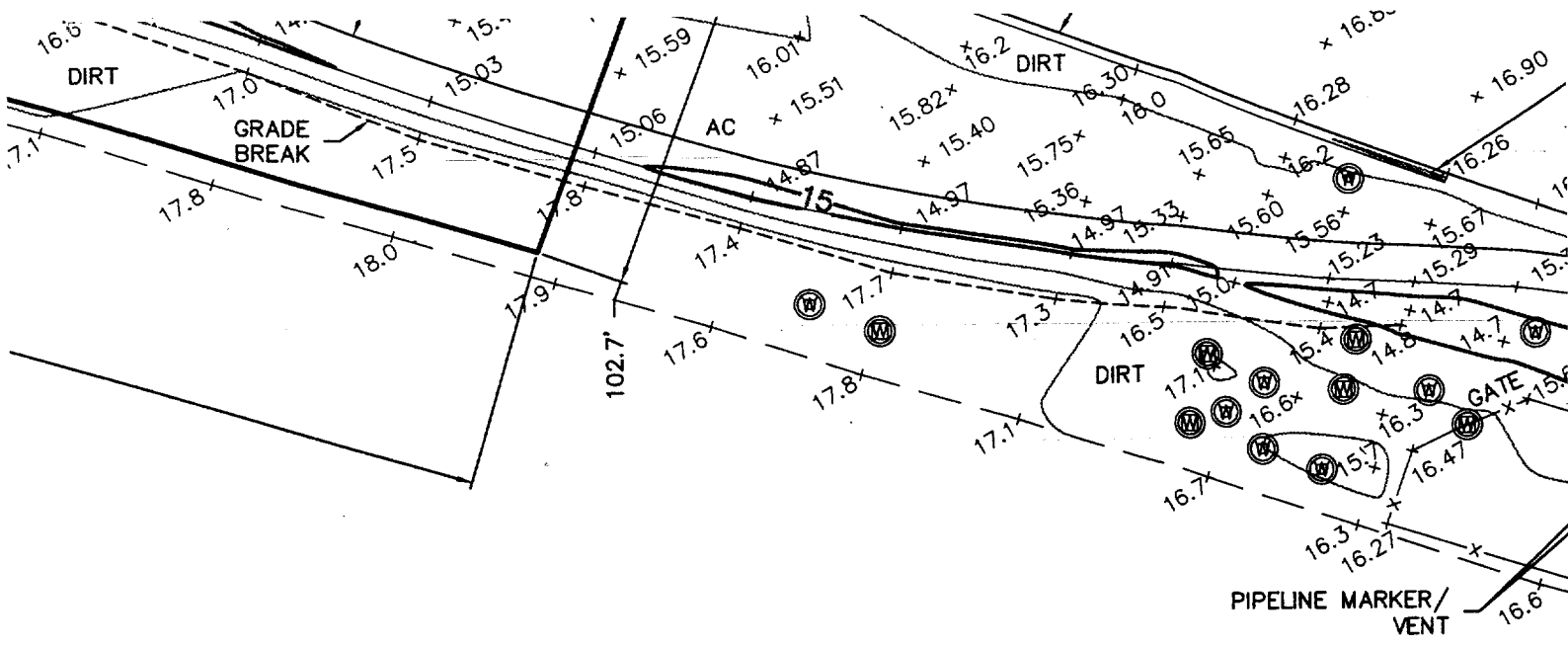
17.1'

D

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UP
UP
M