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SECOND AMENDMENT TO AGREEMENT NO. 24560

**24560**

THIS SECOND AMENDMENT TO AGREEMENT NO. 24560 ("Second Amendment") is made and entered, in duplicate, as of August 17, 2006 pursuant to a minute order adopted by the City Council of the City of Long Beach at its meeting on August 15, 2006, by and between the RANCHO LOS CERRITOS FOUNDATION, a California nonprofit public benefit corporation ("Foundation"), and the CITY OF LONG BEACH, a municipal corporation ("City").

WHEREAS, the parties previously entered Cooperative Agreement No. 24560 on May 7, 1996, whereby the parties agreed to cooperate to develop the historical site as a major community asset; and

WHEREAS, the parties entered a First Amendment to this Agreement on May 3, 2001, ("First Amendment") whereby the parties amended some of the Agreement's terms; and

WHEREAS, the parties desire to enter this Second Amendment to the Agreement to extend the term and amend other terms of the Agreement;

NOW, THEREFORE, in consideration of the mutual terms and conditions in the Cooperative Agreement and this Amendment, the parties agree as follows:

1. Article I of the Agreement is amended in its entirety to read as follows:

"The term of this Agreement shall begin at 12:01 a.m. on May 7, 1996, and shall end at midnight on May 6, 2016. The Foundation shall have an option to extend the term of this Agreement for an additional period of five (5) years, which option shall be exercised by giving at least sixty (60) days prior notice to the City."

2. Section 2.5 is amended in its entirety to read as follows:

"2.5. Foundation may review City's plans for capital improvements to the Rancho and may make recommendations to City's Director of Parks, Recreation and Marine regarding said plans. In the alternative, the City and the Foundation agree to

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1 enter a lease to enable the Foundation to construct improvements to the Rancho. If a  
2 lease is entered, its terms shall provide that City shall own the improvements at the  
3 expiration of the lease.”

4           3.       Section 2.6 is added to Article II of the Agreement to read as  
5 follows:

6           “2.6.   Foundation will set policies for the use of the Rancho grounds by  
7 private parties and community groups. Foundation acknowledges that these policies  
8 will comply with applicable laws. The parties agree that any donations collected for the  
9 use of the Rancho shall be retained by Foundation for use in the operation and  
10 development of the Rancho.”

11           4.       Section 3.6 is added to Article III of the Agreement to read as  
12 follows:

13           “3.6.   City will make good faith efforts to budget and appropriate funds in  
14 its annual budget for the purpose of supporting daily operations and maintenance of the  
15 Rancho grounds and current and new construction.”

16           5.       Except as expressly amended in this Second Amendment, all  
17 terms and conditions in Agreement No. 24560 are ratified and confirmed and shall  
18 remain in full force and effect.

19           IN WITNESS WHEREOF, the parties have executed this Amendment with

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1 all formalities required by law as of the date first written above.

2  
3 September 7, 2006

RANCHO LOS CERRITOS FOUNDATION, a  
California nonprofit public benefit corporation  
By *Ken J. Hoog*  
President

4  
5 September 7, 2006

By *Ernesta L. ...*  
Secretary

6 "Foundation"

7  
8  
9 *12/1*, 2006

CITY OF LONG BEACH, a municipal  
corporation  
By *...*  
City Manager

11 "City"

12 This Second Amendment to Cooperative Agreement No. 24560 is  
13 approved as to form on 10/30, 2006.

14 ROBERT E. SHANNON, City Attorney  
15 By *...*  
16 Senior Deputy