



CITY OF LONG BEACH

DEPARTMENT OF PARKS, RECREATION & MARINE



2760 N. Studebaker Road, Long Beach, CA 90815-1697
(562) 570-3100 • FAX (562) 570-3109
www.LBParks.org

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best in the nation

September 1, 2009

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Authorize the City Manager to execute the Thirteenth Amendment to Lease No. 22897 with Jan and Michael Todd, for a period of three months, from October 1, 2009 through December 31, 2009, for the sale of Christmas trees, using the portion of the former Pacific Electric right-of-way property located between Ximeno and Tremont Avenues. (District 3)

DISCUSSION

Jan and Michael Todd (Lessee) have been selling Halloween pumpkins and Christmas trees in Long Beach for the past 50 years. They have used the Pacific Electric right-of-way (PE ROW) property since 1996. During the 2009 holiday season, the Lessee anticipates selling only Christmas trees. The proposed amendment will allow ample time for setup and sale of Christmas trees, using the portion of the leased property located between Ximeno and Tremont Avenues (Attachment A).

City Council approved the initial lease on April 13, 1993, for the purpose of developing and operating a year-round Christmas tree farm. In 1996, the Los Angeles County Department of Public Works announced the construction of a new storm drain, which would require a 50-foot wide temporary construction easement on the property leased to the Todd family. As a result of the County's plans, the construction of the tree farm was postponed. Therefore, the Lessee annually requests an amendment to allow the sale of Christmas trees from the property during the holiday season.

The proposed Thirteenth Amendment contains the following major provisions:

- Location: Portion of the former PE ROW between Ximeno and Tremont Avenues.
- Term: October 1, 2009 through December 31, 2009.
- Rent: \$4,000 for the three-month term.

- Authorized Use: The premises shall be used for the sale of Christmas trees.
- Maintenance: The Lessee shall be responsible for maintaining the property in good condition.
- Utilities: The Lessee shall be responsible for all costs related to the installation and use of utilities at the site.
- Insurance: The Lessee shall provide evidence of insurance as deemed sufficient by the City's Risk Manager.

This matter was reviewed by Deputy City Attorney Gary J. Anderson on August 4, 2009, and Budget and Performance Management Bureau Manager David Wodynski on August 4, 2009.

TIMING CONSIDERATIONS

City Council action is requested on September 1, 2009, in order to authorize the execution of the Thirteenth Amendment.

FISCAL IMPACT

Revenue in the amount of \$4,000 will be deposited in the General Fund (GP) in the Department of Parks, Recreation and Marine (PR).

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



PHIL T. HESTER
DIRECTOR OF PARKS, RECREATION AND MARINE

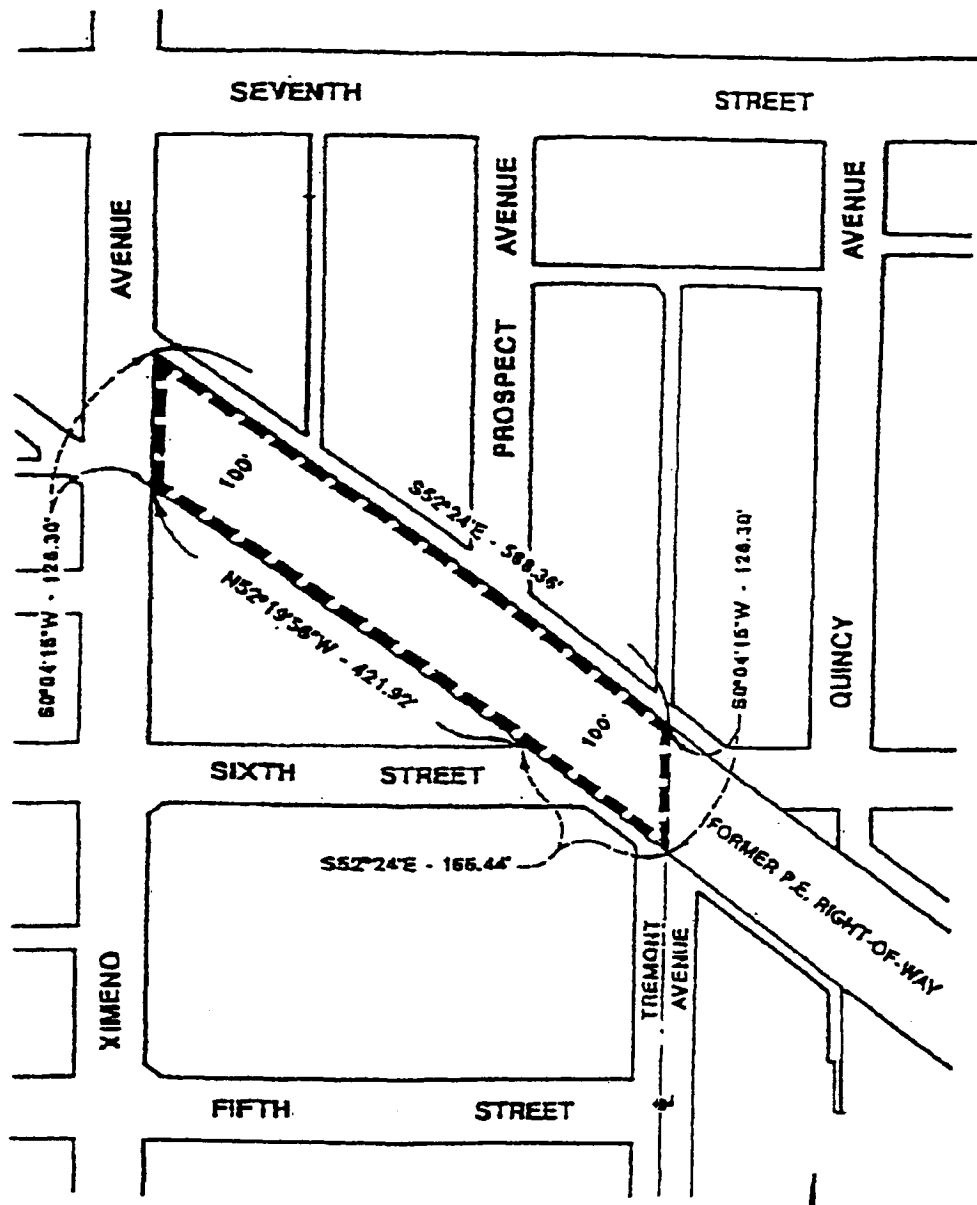
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Attachment

APPROVED:



PATRICK H. WEST
CITY MANAGER



--- INDICATES LEASE AREA BOUNDARY
TOTAL ACREAGE : 1.35

M-1887

CITY OF LONG BEACH - CALIFORNIA
DEPARTMENT OF PUBLIC WORKS, ENGINEERING BUREAU

LEASE AND VICINITY MAP FOR
TODDS' SEASONAL SALES LOT

P.E. ROW between XIMENO AVE AND E OF TREMONT AVE