

VA

THIRD AMENDMENT TO AGREEMENT NO. 27497

27497

This Third Amendment to Agreement No. 27497 is authorized pursuant to a minuted order adopted by the City Council of the City of Long Beach at its meeting held on September 7, 2004, between AMUSEMENT INDUSTRY, INC., a California corporation ("Lessor") and the CITY OF LONG BEACH, a municipal corporation ("Lessee"), collectively referred to as the parties.

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

WHEREAS, Agreement No. 27497 was amended in September of 2003 to extend the term through September 30, 2004, and again in September of 2004 to extend the term through September 30, 2005 and to provide Lessee with additional extension options; and

WHEREAS, the Lessee now desires to amend Agreement No. 27497 to exercise an option to extend the term of this Lease, as amended, and amend the base CPI month for purposes of calculating increases in rent; and

WHEREAS, upon the effective date of each extension exercised by Lessee, the rent would be raised by the amount of the Consumer Price Index (CPI) increase for the previous year.

NOW, THEREFORE, the parties mutually agree as follows:

1. This Amendment shall become effective September 30, 2005.
2. The existing Agreement shall be amended to extend the term for a one-year period through September 30, 2006. Base rent for the period of October 1, 2005 through September 30, 2006 shall be One Thousand One Hundred Forty-Eight and 78/100 Dollars (\$1,148.78) per month.
3. Lessee shall have the option to extend the term of this Agreement for one (1) additional one-year period.

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1           4.     Upon the exercise by Lessee of its option to extend the term of this  
2 Agreement, effective October 1, base rent shall be increased by one-hundred  
3 percent (100%) of the percentage of increase, if any, shown by the Consumer Price  
4 Index for all urban consumers for Los Angeles-Riverside-Orange County (base  
5 years 1982-1984=100) ("Index"), published by the United States Department of  
6 Labor, Bureau of Labor Statistics for the month of September as compared with the  
7 Index for the same month in the immediately preceding calendar year. Lessor shall  
8 calculate the amount of this increase in base rent after the United States  
9 Department of Labor publishes the statistics on which the amount of the increase  
10 will be based. Lessor shall give written notice of the amount of the increase.  
11 Lessee shall pay this amount, which shall constitute base rent. If the Index is  
12 discontinued or revised during the term of this Agreement, the government index or  
13 computation with which it is replaced shall be used to obtain substantially the same  
14 result as if the Index had not been discontinued or revised.

15           5.     All terms, covenants, and conditions of the Agreement and  
16 amendments thereto, except as amended herein, shall remain unchanged and in  
17 full force and effect.

18           IN WITNESS WHEREOF, the parties hereto have executed this amendment.

19           AMUSEMENT INDUSTRY, INC., a California  
20 corporation

21 Dated: 10/28, 2005

22 By David Kieff  
23 Title ASSET Manager

24 "Lessor"

25           CITY OF LONG BEACH, a municipal  
26 corporation

27 Dated: 10.28, 2005

28 By [Signature]  
City Manager

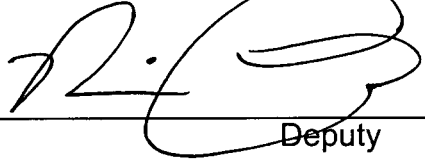
"Lessee"

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Approved as to form this 25<sup>th</sup> day of October, 2005.

ROBERT E. SHANNON, City Attorney

By  Deputy

RFA  
10/21/05 (final)  
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