

FIRST AMENDMENT TO LEASE NO. 27959

27959

THIS FIRST AMENDMENT TO AGREEMENT NO. 27959 is made and entered, in duplicate, as of January 27, 2006 for reference purposes only, pursuant to an order adopted by the City Council of the City of Long Beach at its meeting on January 24, 2006, by and between THE GONDOLA GETAWAY, INC. ("LESSEE"), whose address is 5437 E. Ocean Boulevard, Long Beach, CA 90803, and the CITY OF LONG BEACH, a municipal corporation organized and trust grantee of the State of California of certain tide and submerged lands within said City ("City" or "LESSOR").

WHEREAS, on May 14, 2002, by minute order, the City Council of the City of Long Beach approved a lease between LESSEE and the LESSOR and authorized the City Manager to execute the same. Pursuant to said authorization, the parties hereto executed a lease for a ten (10) year term with two five-year options to extend; and

WHEREAS, the parties desire to expand the lease area of operation to include Rainbow Lagoon and modify the insurance coverage of Lease No. 27959;

NOW, THEREFORE, in consideration of the mutual terms, covenants and conditions in Lease No. 27959 and herein, the parties agree as follows:

1. The above recitals are true and correct and are incorporated herein by this reference.
2. Paragraph 2 of Lease No. 27959 dated as of May 14, 2002, is hereby amended in its entirety to read as follows:

"2. PREMISES: LESSOR leases to LESSEE and LESSEE leases from LESSOR real property and improvements thereon located in the City of Long Beach, County of Los Angeles, State of California, as shown on Exhibits "A-1" and "A-2" ("Premises"), upon the terms and conditions expressed herein and in the General Conditions set forth in Exhibit "B". Exhibits "A-1", "A-2" and "B" are by their reference made a part hereof."

3. General Conditions, Section 10. INSURANCE, paragraph b., set forth in Exhibit "B" is hereby amended in its entirety to read as follows:

"b. Protection and Indemnity insurance including a passenger liability covering

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City Attorney of Long Beach
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Long Beach, California 90802-4664
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1 all watercraft operating under this Permit with a combined single limit of at least One Million
2 (\$1,000,000) for each occurrence and naming City, its officials, employees and agents as
3 additional insureds."

4 4. Except as expressly amended herein, all of the terms, covenants, and conditions in
5 Lease No. 27959 are ratified and confirmed and shall remain in full force and effect.

6 IN WITNESS WHEREOF, the parties have caused this document to be duly
7 executed with all of the formalities required by law as of the date first stated above.

8 THE GONDOLA GETAWAY, INC., a
9 California corporation

10 Date: 3-13, 2006

11 By [Signature]
12 President

13 By [Signature]
14 Secretary

15 "LESSEE"

16 EXECUTED PURSUANT TO SECTION 301 OF THE CITY CHARTER. CITY OF LONG BEACH, a municipal corporation
17 ASSISTANT

18 Date: 7/28, 2006

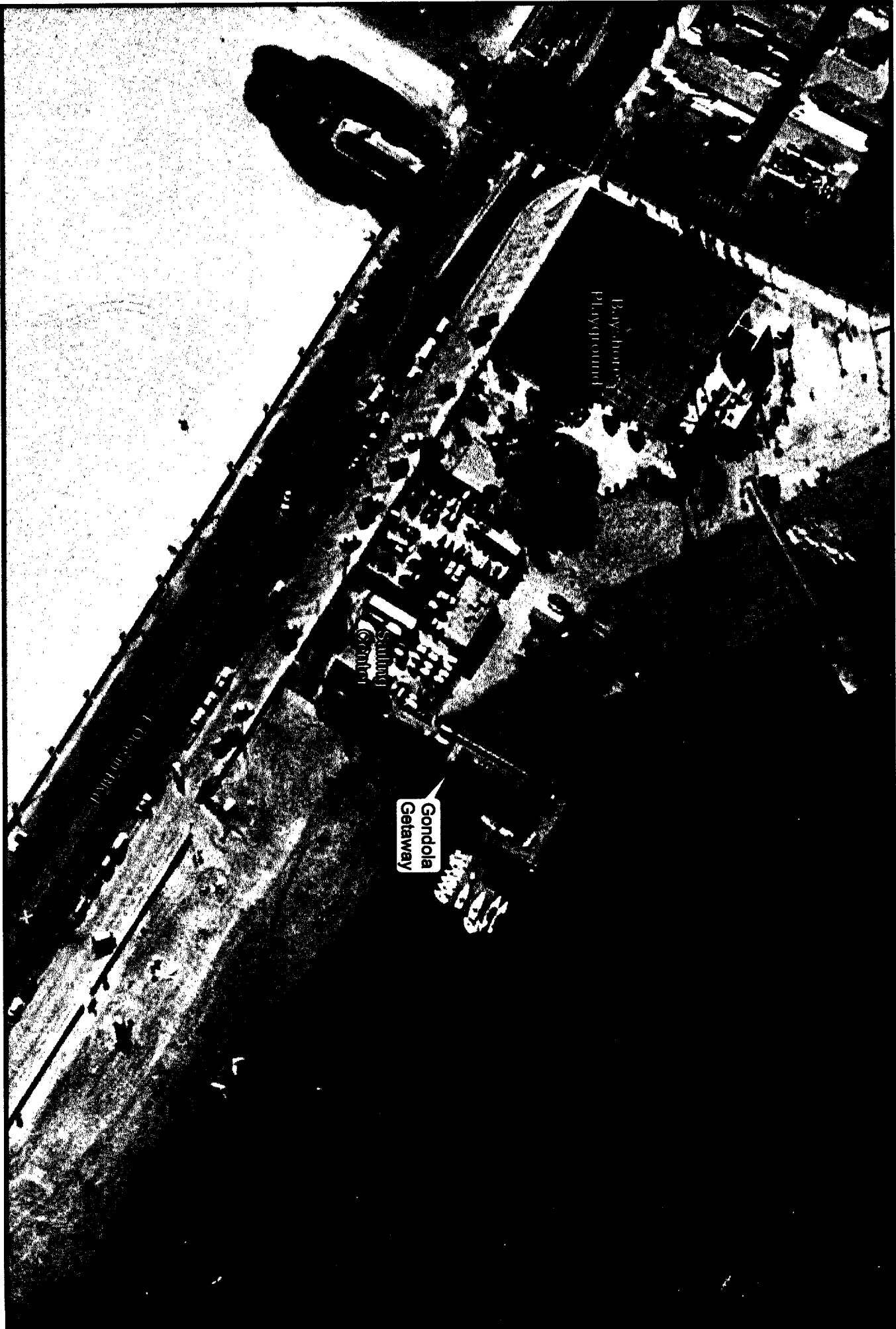
19 By Christine J. Shippig
20 City Manager

21 "LESSOR"

22 This First Amendment is approved as to form on July 11, 2006.

23 ROBERT E. SHANNON, City Attorney
24 By Charles Palin
25 Deputy

26 JCP:06-00548:(02-01-06)
27 27959 1st-amd
28



Alamos Bay
Gondola Getaway
Exhibit "A-1"





Rainbow Lagoon
Gondola Getaway Site

Exhibit "A-2"

