

FOURTH AMENDMENT TO PERMIT NO. 32943

**32943**

THIS FOURTH AMENDMENT TO PERMIT NO. 32943 is made and entered, in duplicate, as of August 31, 2021 for reference purposes only, pursuant to a minute order adopted by the City Council of the City of Long Beach at its meeting held on January 21, 2020, by and between FRIENDS OF COLORADO LAGOON, a nonprofit for public benefit corporation ("Permittee") whose address is 6475 Pacific Coast Highway, #252, Long Beach, California 90803, and the CITY OF LONG BEACH, a municipal corporation ("City").

WHEREAS, City and Permittee (the "Parties") entered into Permit No. 32943 (the "Permit") wherein City granted Permittee, its contractors, agents and employees the exclusive right to enter the perimeter area surrounding Colorado Lagoon ("Permitted Area") for the purpose of providing vegetation restoration and maintenance; and

WHEREAS, the Parties entered into a First Amendment to the Permit to extend the term to September 30, 2016; and

WHEREAS, the Parties entered into a Second Amendment to the Permit to extend the term to September 30, 2018; and

WHEREAS, the Parties entered into a Third Amendment to extend the term to September 30, 2021 and amend various provisions of the Permit; and

WHEREAS, the Parties desire to again extend the term of the Permit;

NOW, THEREFORE, in consideration of the mutual terms and conditions herein contained, the Parties agree as follows:

1. Section 3.A of the Permit is hereby amended to read as follows:

"A. Permission to enter shall begin at midnight on October 1, 2012, and shall terminate on September 30, 2023, unless sooner terminated as provided in this Permit, or unless the services to be performed hereunder or the project are completed sooner. The term may be renewed for one (1) additional two-year period, at the discretion of the City Manager.

It is also expressly understood and agreed that termination of this

1 Permit will result in the immediate termination of Lease No. 32944."

2 2. Except as expressly amended herein, all of the terms, covenants and  
3 conditions in Permit No. 32943, including any prior amendments thereto, are ratified and  
4 confirmed and shall remain in full force and effect.

5  
6 IN WITNESS WHEREOF, the Parties have caused this document to be duly  
7 executed with all formalities required by law as of the date first stated herein.

8 FRIENDS OF COLORADO LAGOON, a  
9 nonprofit for public benefit corporation

10 November 1, 2021

By C. Whitcraft  
11 Name CHRISTINE WHITCRAFT  
12 Title CO-PRESIDENT

13 11/2, 2021

By D. Pirazz  
14 Name DAVID PIRAZZ  
15 Title CO-PRESIDENT

16 "Permittee"

17 CITY OF LONG BEACH, a municipal  
18 corporation

19 \_\_\_\_\_, 2021

By \_\_\_\_\_  
20 City Manager

21 "City"

22 This Fourth Amendment to Permit No. 32943 is approved as to form on

23 \_\_\_\_\_, 2021.

24 CHARLES PARKIN, City Attorney

25 By \_\_\_\_\_  
26 Deputy

27  
28  
OFFICE OF THE CITY ATTORNEY  
CHARLES PARKIN, City Attorney  
411 West Ocean Boulevard, 9th Floor  
Long Beach, CA 90802-4511

OFFICE OF THE CITY ATTORNEY  
CHARLES PARKIN, City Attorney  
411 West Ocean Boulevard, 9th Floor  
Long Beach, CA 90802-4511

1 Permit will result in the immediate termination of Lease No. 32944."

2 2. Except as expressly amended herein, all of the terms, covenants and  
3 conditions in Permit No. 32943, including any prior amendments thereto, are ratified and  
4 confirmed and shall remain in full force and effect.

5  
6 IN WITNESS WHEREOF, the Parties have caused this document to be duly  
7 executed with all formalities required by law as of the date first stated herein.

8 FRIENDS OF COLORADO LAGOON, a  
9 nonprofit for public benefit corporation

10 November 1, 2021

By CW Whitcraft  
Name Christine Whitcraft  
Title co-president

11  
12 11/2, 2021

By D. W. Pirelli  
Name DAVID PIRELLI  
Title CO-PRESIDENT

13 "Permittee"

14 CITY OF LONG BEACH, a municipal  
15 corporation

16  
17 2/8, <sup>2022</sup>~~2021~~

By Linda J. Jakum  
City Manager

18 "City"

EXECUTED PURSUANT  
TO SECTION 301 OF  
THE CITY CHARTER.

19  
20 This Fourth Amendment to Permit No. 32943 is approved as to form on  
21 November 09, 2021.

22  
23 CHARLES PARKIN, City Attorney

24 By Anita Lakhani  
25 Anita Lakhani, Deputy City Attorney