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

## FOURTH AMENDMENT TO LEASE NO. 20968

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THIS FOURTH AMENDMENT TO LEASE NO. 20968 (this "Amendment") is made and entered into in duplicate as of May 25, 2022, pursuant to minute order adopted by the City Council of the City of Long Beach at its meeting of May 24, 2022, by and between the CITY OF LONG BEACH, a municipal corporation ("Landlord"), and the C. AND D. HANSEN REVOCABLE TRUST u/t/d 6/30/05 ("Tenant").

- A. Landlord and Berton J. Simon, an individual, and James A. Brennan, an individual (collectively, "Original Tenant"), as Tenant's predecessors-in-interest, entered into (i) that certain Lease (Contract No. 20968) dated as of August 18, 1989 (as amended, the "Lease"), and (ii) that certain First Amendment to Lease No. 20968 dated as of January 16, 1990. Original Tenant's interests in the Lease have subsequently been assigned to Tenant. Landlord and Tenant subsequently entered into that certain Second Amendment to Lease No. 20968 dated as of February 5, 2013 and that certain Third Amendment to Lease No. 20968 dated as of October 23, 2019.
- B. Landlord and Tenant desire to amend certain provisions of the Lease to reconcile rents deferred as a result of the directed temporary closure of the Premises due to the Covid-19 pandemic and subsequent Health Order for the control of Covid-19 distancing directive.

NOW, THEREFORE, Landlord and Tenant agree as follows:

- 1. <u>Prorated Minimum Annual Rent ("MAR")</u>: To account for the directed temporary closure of the patio, MAR will be retroactively prorated to Thirty-Four Thousand Ninety-Nine Dollars (\$34,099) for the MAR period ending on May 31, 2020, and Thirty-Five Thousand Five Hundred Forty-One Dollars (\$35,541) for the MAR period ending on May 31, 2021.
- 2. <u>Gross Receipts Exclusions</u>: Any gross receipts generated during the directed temporary closure of Tenant's patio shall be excluded from true-up calculations for the MAR periods ending on May 31, 2020, and May 31, 2021.

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