

FIRST AMENDMENT TO AGREEMENT NO. 36178

36178

THIS FIRST AMENDMENT TO AGREEMENT NO. 36178 is made and entered, in duplicate, as of April 1, 2023, for reference purposes only, pursuant to a minute order adopted by the City Council of the City of Long Beach at its meeting on June 8, 2021, by and between TWO DUDES, ONE TRUCK, LLC, a California limited liability company ("Concessionaire") and the CITY OF LONG BEACH, a municipal corporation ("City").

WHEREAS, City and Concessionaire (the "Parties") entered into (i) Beach Concession Agreement No. 36178 dated as of January 13, 2022 (as and if amended, the "Agreement") whereby Concessionaire occupies certain City-owned property and provides concessions and related services to the public; and

WHEREAS, the Parties desire to amend the Agreement;

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

1. Section 5.A. of the Agreement is hereby amended so that "February 1, 2022" is deleted and replaced with "October 1, 2022". The Parties acknowledge and agree that Concessionaire has previously paid to City twelve (12) months of Base Rent, and that such payments shall be applied by City as a credit against the first twelve (12) months of Base Rent due under the Agreement, so that the first monthly Base Rent payment to be made by Concessionaire to City shall be on October 1, 2023.

2. Except as expressly amended herein, all terms and conditions in Agreement No. 36178 are ratified and confirmed and shall remain in full force and effect.

OFFICE OF THE CITY ATTORNEY  
CHARLES PARKIN, City Attorney  
411 West Ocean Boulevard, 9th Floor  
Long Beach, CA 90802-4664

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

3 TWO DUDES, ONE TRUCK, LLC, a  
4 California limited liability company

5 April 18<sup>th</sup>, 2023

6 By \_\_\_\_\_  
7 Name Michael Lawrence  
8 Title Member

9 EXECUTED PURSUANT  
10 TO SECTION 301 OF  
11 THE CITY CHARTER.

"Concessionaire"

CITY OF LONG BEACH, a municipal  
corporation

12 September 20, 2023

13 By Linda F. Jakim  
14 City Manager

"City"

15 This First Amendment to Agreement No. 36178 is approved as to form on

16 September 14, 2023.

17 DAWN MCINTOSH, City Attorney

18 By [Signature]  
19 Deputy