

FIRST AMENDMENT TO PERMIT NO. 353  
BETWEEN THE CITY OF LOS ANGELES HARBOR DEPARTMENT  
AND  
DEPARTMENT OF GENERAL SERVICES

PERMIT No. 353 ("PERMIT No. 353" or "PERMIT") entered into by and between the CITY OF LOS ANGELES ("CITY") acting by and through its Board of Harbor Commissioners ("BOARD") and the DEPARTMENT OF GENERAL SERVICES ("TENANT") is amended a first time, with respect to the following:

WHEREAS, CITY and TENANT entered into PERMIT No. 353 for certain premises ("PERMIT NO. 353 PREMISES") as more particularly described in the PERMIT (Section 2(a) and Exhibits "A" and "B" attached thereto.);

WHEREAS, CITY and TENANT desire to add to the PERMIT No. 353 PREMISES certain additional premises which are currently the premises, respectively, under ORDER No. 2130 ("Order No. 2130"), ORDER No. 3469 ("Order No. 3469"), and ORDER No. 2680 ("Order No. 2680");

WHEREAS, Permit No. 353 provides in Section 4(b), among other things, that the rent to be paid by Tenant thereunder shall be subject to readjustment in accordance with the procedures prescribed therein;

WHEREFORE, CITY and TENANT agree that PERMIT NO. 353 is hereby amended a first time, as follows:

ADDITION OF PREMISES

1. CITY and TENANT agree that the premises that are the subject of Order No. 2130 ("Order No. 2130 Premises") are added to PERMIT NO. 353 and shall become part of the PERMIT No. 353 PREMISES. A copy of Order No. 2130 including the maps/drawings attached thereto depicting the Order No. 2130 Premises is attached hereto as Exhibit 1.
2. CITY and TENANT agree that the premises that are the subject of Order No. 3469 ("Order No. 3469 Premises") are added to PERMIT NO. 353 and shall become part of the PERMIT No. 353 PREMISES. A copy of Order No. 3469 including the maps/drawings attached thereto depicting the Order No. 3469 Premises is attached hereto as Exhibit 2.
3. CITY and TENANT agree that the premises that are the subject of Order No. 2680 ("Order No. 2680 Premises") are added to PERMIT NO. 353 and shall become part of the PERMIT No. 353 PREMISES. A copy of Order No. 2680 including the maps/drawings attached thereto depicting the Order No. 2680 Premises is attached hereto as Exhibit 3.

4. Exhibit "A" and "B" to PERMIT No. 353 are hereby replaced as follows: (i) Exhibit "A" is replaced with Exhibit "A-1" and Exhibit "A-2." (ii) Exhibit "B" is replaced with Exhibit "B-1", Exhibit "B-2" and Exhibit "B-3". A copy of the aforementioned Exhibits ("A-1", "A-2", "B-1", "B-2" and "B-3" are collectively attached hereto as Exhibit 4.)

#### READJUSTMENT OF ANNUAL RENTAL RATE

5. Pursuant to Section 4(b), Tenant shall pay annual Rent for the five-year period starting on January 1, 2015 for the Permit No. 353 PREMISES (as amended by the addition of the Order No. 2130 Premises, the Order No. 3469 Premises, and the Order No. 2680 Premises), in the amount of \$237,840 (as described in subsections 5.1—5.4), below.) A spreadsheet depicting the rental calculation for the adjusted annual Rent is attached hereto as Exhibit 5.

5.1 Rent for the current PERMIT NO. 353 premises (i.e., not including the Order No. 2130 Premises, the Order 3469 Premises and the Order No. 2680 Premises) shall be \$169,826 per year for the five year period starting January 1, 2015.

5.2. Rent for Order No. 2130 Premises shall be \$11,712 per year for the period starting July 1, 2013. To reconcile the different billing periods of Order No 2130 and PERMIT NO. 353, TENANT shall not pay any additional amount of rent for the period from July 1, 2013 through December 31, 2014. Rent for Order No. 2130 Premises shall be \$11,712 per year for the five year period starting January 1, 2015.

5.3. Rent for Order No. 3469 Premises shall be \$21,273 per year for the period starting July 1, 2013. To reconcile the different billing periods of Order No 3469 and PERMIT No. 353, TENANT shall not pay any additional amount of rent for the period from July 1, 2013 through December 31, 2014. Rent for Order No. 3469 Premises shall be \$21,273 per year for the five year period starting January 1, 2015.

5.4. Rent for Order No. 2680 Premises shall be \$35,030 per year for the five year period starting January 1, 2015.

#### ANNUAL ADJUSTMENT—CPI

6. Section 4, Rent, of Permit 353 shall be amended by adding the following subsection:

"(c) Rental Adjustments. It is agreed that rent shall be adjusted each year in accordance with the procedures provided hereinafter.

(1) Annual Adjustment. Beginning on January 1, 2016 and annually on January 1st, thereafter (which date and subsequent annual anniversaries shall be

referred to individually as "Annual Adjustment Date"), the monthly rent shall be subject to automatic, annual rental adjustments without further notice to reflect the percentage increase (but in no event decrease), if any, in the Consumer Price Index for All Items, All Urban Consumers for the Los Angeles-Riverside-Orange County, California area, 1982-84=100 as published by the U.S. Department of Labor, Bureau of Labor Statistics, or a successor index selected by the Executive Director in the Executive Director's sole reasonable discretion. ("CPI-U Index"). Such adjusted rent shall be equal to the product obtained by multiplying the monthly rent amount in effect on the Annual Adjustment Date by a fraction, the numerator of which is the CPI-U Index for the second month immediately preceding the Annual Adjustment Date (the "Adjustment Index") and the denominator of which is the CPI-U index as it stood on the same month of the prior year. (For accounting purposes, the annual adjusted rent shall be rounded to the nearest thousandth.)

The formula illustrating the adjustment computation is as follows:

$$\text{Annual Adjusted Rent} = \text{Base Rent as of the Annual Adjustment Date} \times \frac{\text{Adjustment Index}}{\text{Base Index}}$$

7. Upon the Effective Date of this First Amendment, Order No. 2130, Order No. 3469 and Order No. 2680 shall terminate. Notwithstanding the termination, any and all duties of TENANT with respect to the Order No. 2130 Premises, the Order No. 3469 Premises, and the Order No. 2680 Premises which continue by their terms or which continue by operation of law shall continue past the termination including but not limited to any duty with respect to any environmental clean-up, and all rental amounts, including the adjusted rent amounts for any period before the Effective Date of this First Amendment.
8. Section 5(a) of the Permit 353 shall be amended by deleting the language in Section 5(a) and replacing the language in subsection (a) with the following:  
  
“(a) Permitted Uses. The premises hereby granted shall be used for the following purposes: construction, maintenance and operation of subsurface sanitary sewer pipelines and appliances for a sewage pumping plant. Tenant shall not use or permit the premises or any part thereof to be used for any other purpose without the prior written approval of Board, and subject to such restrictions, limitations and conditions as may be imposed by Board.”
9. Except as provided herein, all terms and conditions of PERMIT NO. 353 shall remain in full force and effect.
10. Per TENANT's request, the Department of Public Works, Bureau of Sanitation of the City of Los Angeles is added as a signatory and party to this First Amendment and the Permit.

IN WITNESS WHEREOF, the parties have executed this First Amendment to PERMIT NO. 353 on the date to the left of their signatures.

THE CITY OF LOS ANGELES, acting by and through its Board of Harbor Commissioners

Dated: \_\_\_\_\_

By \_\_\_\_\_  
EUGENE D. SEROKA  
Executive Director

Attest \_\_\_\_\_  
Board Secretary

APPROVED AS TO FORM AND LEGALITY

\_\_\_\_\_, 2015

MICHAEL N. FEUER, City Attorney  
Janna B. Sidley, General Counsel

By \_\_\_\_\_  
Estelle M. Braaf, Deputy

THE CITY OF LOS ANGELES  
Department of General Services

Dated: \_\_\_\_\_

By \_\_\_\_\_  
Tony M. Royster  
General Manager

THE CITY OF LOS ANGELES  
Department of Public Works,  
Bureau of Sanitation

Dated: \_\_\_\_\_

By \_\_\_\_\_  
Enrique C. Zaldivar  
Director, Bureau of Sanitation

APPROVED AS TO FORM AND LEGALITY

\_\_\_\_\_, 2015

MICHAEL N. FEUER, City Attorney

By \_\_\_\_\_  
Laura Cadogan Hurd, Deputy

# EXHIBIT 1

ORDER NO. 2130

AN Order of the Board of Harbor Commissioners of the City of Los Angeles setting apart and assigning certain lands at Los Angeles Harbor to the Board of Public Works of the City of Los Angeles for sewer purposes.

IT IS HEREBY ORDERED by the Board of Harbor Commissioners of the City of Los Angeles as follows:

Section 1. That the following described lands at Los Angeles Harbor, belonging to the City of Los Angeles and under the control, management and jurisdiction of said Board of Harbor Commissioners, are hereby set apart and assigned to the Board of Public Works of said City of Los Angeles, hereinafter called the grantee, and a permit to use said lands, for the use and purposes and under the terms and conditions hereinafter set forth, is hereby granted to said Board of Public Works; which said lands are situate in the City of Los Angeles, County of Los Angeles, State of California, and are more particularly described as follows, to-wit:

The true point of beginning is located as follows: Commencing at Station 429 of the United States Harbor Line as established by the Secretary of War April 23, 1936; thence south  $86^{\circ} 15'$  west a distance of 120 feet to a point; thence south  $3^{\circ} 45'$  east a distance of 321.26 feet to the true point of beginning;

Thence continuing south  $3^{\circ} 45'$  east a distance of 100 feet to a point; thence south  $86^{\circ} 15'$  west a distance of 60 feet

*Permitted to be used 3-28-41*

to a point; thence north  $3^{\circ} 45'$  west a distance of 100 feet to a point; thence north  $86^{\circ} 15'$  east a distance of 60 feet to the true point of beginning; containing 6,000 square feet, or 0.1377 acres.

Said lands are shown on Map No. 5-1839-1 (Revised) on file in the office of the Harbor Engineer of the City of Los Angeles.

Sec. 2. That the aforesaid premises shall be used for the purpose of constructing, maintaining and operating thereon the necessary pipe lines, structures, machinery and appliances for the disposal and pumping of sewage, and for purposes incidental thereto, and said premises shall not be used for any other purpose without the consent of said Board of Harbor Commissioners first had and obtained.

Sec. 3. That the permit hereby granted shall continue in effect during such time as said premises may be required by the grantee for the purposes aforesaid; subject, however, at all times to the paramount right of the City of Los Angeles, and the Board of Harbor Commissioners thereof, to use said lands in the execution of the trusts upon which said City holds title to the tidelands and submerged lands within its limits for purposes in connection with, or for the promotion and accommodation of, commerce, navigation and fishery.

Sec. 4. That the grantee shall not sell, transfer or assign this permit, or any of the rights or privileges granted thereby, nor shall any interest therein or any right or privilege thereunder be in whole or in part granted, transferred,

sold, leased, or assigned, or otherwise disposed of, without the consent of the Board of Harbor Commissioners expressed by order.

Sec. 5. That the grantee shall file with the Board of Harbor Commissioners a written acceptance of this permit and agree to abide by and observe each and every of the terms and conditions thereof, and this permit shall not become effective without such written acceptance and agreement.

Sec. 6. That Order No. 1793, adopted August 19, 1941, and Order No. 2080, adopted August 21, 1946, be and the same are hereby repealed, and the permit granted hereby substituted in lieu of the permits granted by said Orders No. 1793 and No. 2080.

Sec. 7. The Secretary shall certify to the adoption of this Order by the Board of Harbor Commissioners of the City of Los Angeles, and cause the same to be published once in The Los Angeles Daily Journal and The Los Angeles News.

Approved as to Form and Legality  
FEB-10 1947

RAY L. HENNING  
City Attorney

By C. N. BERKINS  
Deputy

I hereby certify that the foregoing order ~~resolution~~ was adopted by the Board of Harbor Commissioners of the City of Los Angeles at a meeting held March 19 1947, by the following vote:

Ayes: Messrs. Sampson, Supbertsen (4)

Noes: None.

W. B. Rouse  
Secretary.

The undersigned grantee hereby accepts the foregoing permit, and agrees to abide by and observe each and every of

the terms and conditions thereof.

Dated: March 10, 1947.

BOARD OF PUBLIC WORKS OF THE  
CITY OF LOS ANGELES,

signed by Frank Gillette  
President.

ATTEST:

Milton Offner  
Secretary.

ORDER NO. 2130

An Order of the Board of Harbor Commissioners of the City of Los Angeles setting apart and assigning certain lands at Los Angeles Harbor to the Board of Public Works of the City of Los Angeles for sewer purposes.

IT IS HEREBY ORDERED by the Board of Harbor Commissioners of the City of Los Angeles as follows:

Section 1. The following described lands at Los Angeles Harbor, belonging to the City of Los Angeles and under the control, management and jurisdiction of said Board of Harbor Commissioners, are hereby set apart and assigned to the Board of Public Works of said City of Los Angeles, hereinafter called the grantee, and a permit to use said lands, for the uses and purposes and under the terms and conditions hereinafter set forth, is hereby granted to said Board of Public Works; which said lands are situate in the City of Los Angeles, County of Los Angeles, State of California, and are more particularly described as follows, to-wit:

The true point of beginning is located as follows: Commencing at Station 425 of the United States Harbor Lines as established by the Secretary of War April 23, 1935; thence south 86° 15' west a distance of 100 feet to a point; thence south 3° 45' east a distance of 321.56 feet to the true point of beginning;

Thence continuing south 3° 45' east a distance of 100 feet to a point; thence south 86° 15' west a distance of 60 feet to a point; thence north 3° 45' west a distance of 100 feet to a point; thence north 86° 15' east a distance of 60 feet to the true point of beginning; containing 6,000 square feet, or 0.1377 acres.

Said lands are shown on Map No. 5-1839-1 (Revised) on file in the office of the Harbor Engineer of the City of Los Angeles.

Sec. 2. That the aforesaid premises shall be used for the purpose of constructing, maintaining and operating thereon the necessary pipe lines, structures, machinery and appliances for the disposal and pumping of sewage, and for purposes incidental thereto, and said premises shall not be used for any other purpose without the consent of said Board of Harbor Commissioners first had and obtained.

Sec. 3. That the permit hereby granted shall continue in effect during such time as said premises may be required by the grantee for the purposes aforesaid; subject, however, at all times to the paramount right of the City of Los Angeles, and the Board of Harbor Commissioners thereof, to use said lands in the execution of the trusts upon which said City holds title to the tidelands and submerged lands within its limits for purposes in connection with, or for the promotion and accommodation of, commerce, navigation and fishery.

Sec. 4. That the grantee shall not sell, lease, or assign this permit, or any of the rights or privileges therein, or shall in any way or privilege thereunder be in whole or in part granted, transferred, sold, leased, assigned or otherwise disposed of, without the consent of the Board of Harbor Commissioners expressed by order.

Sec. 5. That the grantee shall file with the Board of Harbor Commissioners a written acceptance of this permit and agree to abide by and observe each and every of the terms

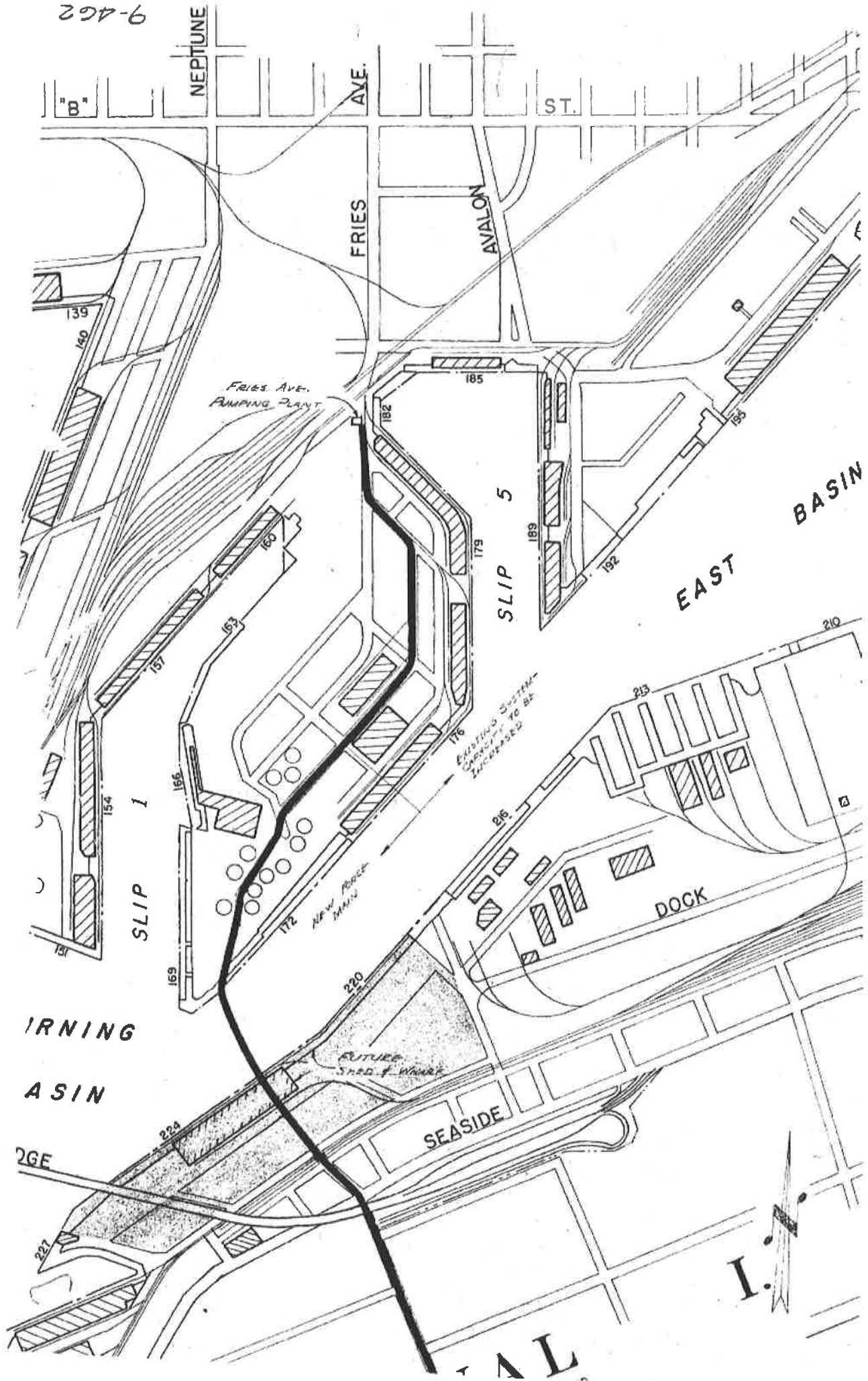
and conditions thereof, and shall not become defective without such written acceptance and assent.

Sec. 6. That Order No. 1783, passed August 15, 1941, and Order No. 2180, adopted August 21, 1942, be and the same are hereby repealed, and the permit granted hereby substituted in lieu of the permits granted by said Orders No. 1783 and No. 2180.

Sec. 7. The Secretary shall file to the adoption of this Order with the Board of Harbor Commissioners of the City of Los Angeles, and on the date to be published in the Los Angeles Daily Journal, the Los Angeles News, and the Los Angeles Herald-Examiner.

I hereby certify that the foregoing was adopted by the Board of Harbor Commissioners of the City of Los Angeles at a meeting held on August 21, 1942, at the following place: Los Angeles, California.

Secretary (Signature)



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ASIN

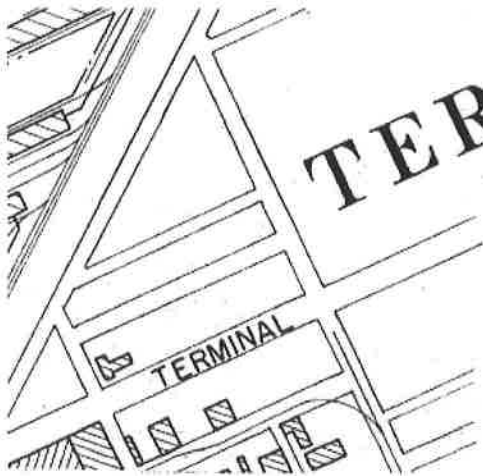
EAST  
BASIN

SEASIDE

DOCK

AL

I.



# TERMINAL

TERMINAL ISLAND  
PUMPING PLANT  
WAY

INDICATES FUTURE  
DEVELOPMENT AREA

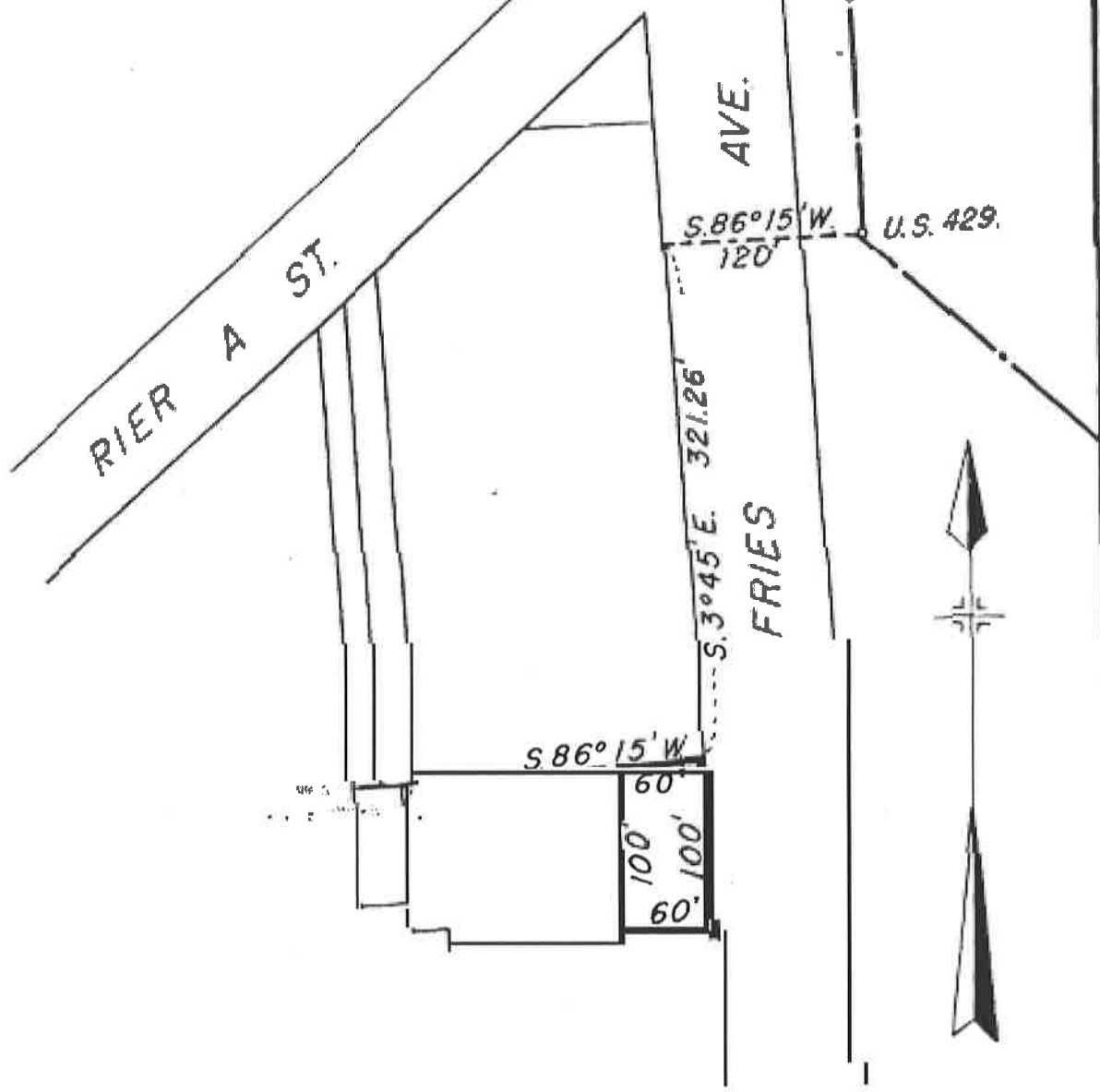
PORT OF LOS ANGELES  
OFFICE OF THE HARBOR ENGINEER  
FUTURE PORT DEVELOPMENT ALONG ROUTE  
OF PROPOSED CITY SEWER FORCE MAIN  
BETWEEN FRIES AVE. & TERMINAL ISLAND  
PUMPING PLANTS

DRAWN BY: R.B.B.  
SCALE: 1"=600'

DATE 11-19-62

9-462

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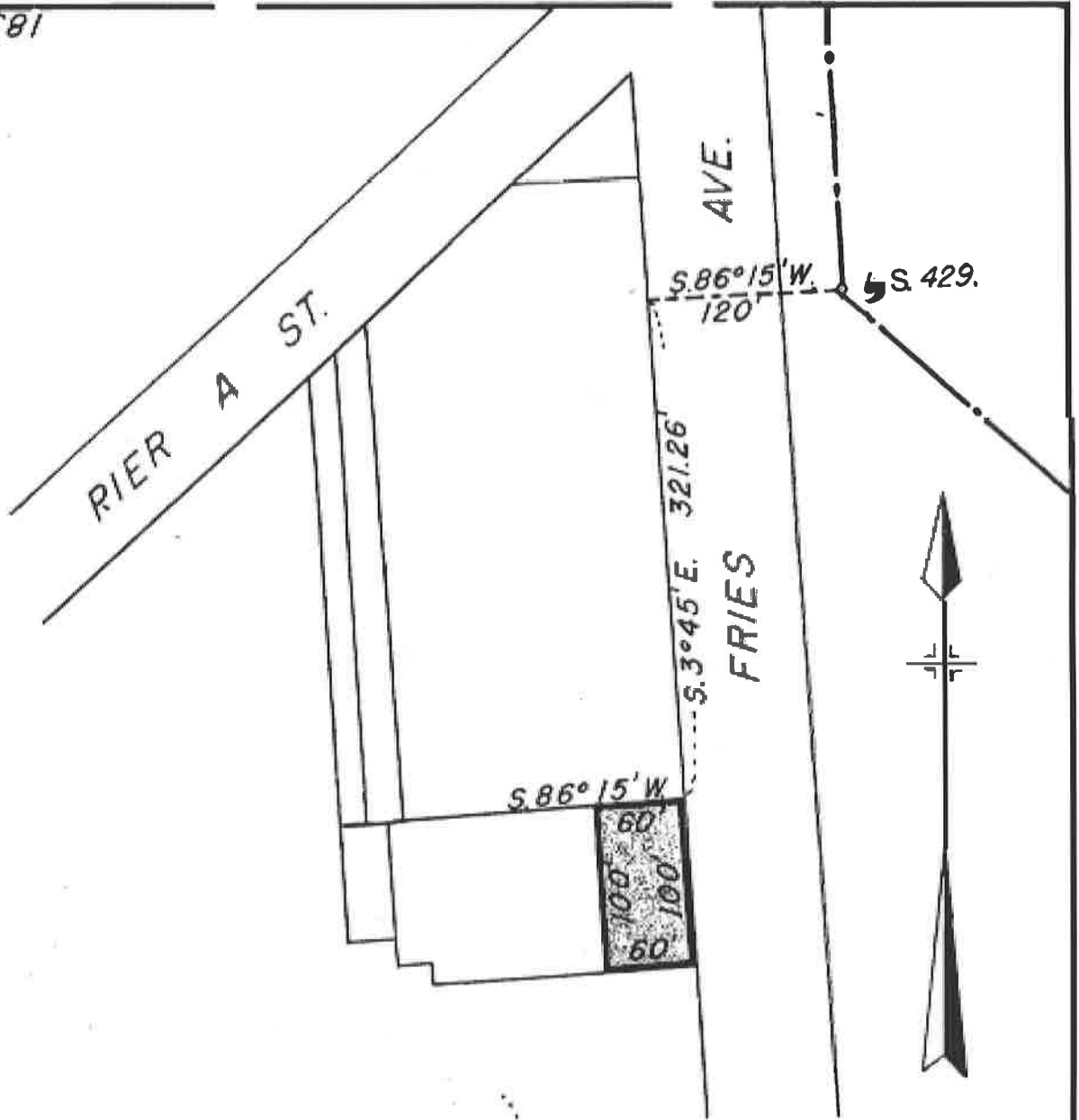


City of Los Angeles  
 Harbor Department  
 Office of the Harbor Engineer  
 PERMIT MAP FOR  
 LOS ANGELES CITY BOARD OF PUBLIC WORKS  
 Scale 1"=100' 7-8-46.  
 Drawn: J.M.  
 Checked: J.M.

Submitted: *[Signature]* Approved: *[Signature]*  
 Office Engineer Harbor Engineer  
 5-1839-1

Revised 1-28-47.

1-6E81



City of Los Angeles  
 Harbor Department  
 Office of the Harbor Engineer  
**PERMIT MA ■ FOR**  
**LOS ANGELES CITY BOARD OF PUBLIC WORKS**  
 Scale 1"=100' 7-8-46.

Drawn: J. ■

Checked: J. M.

Submitted: ■

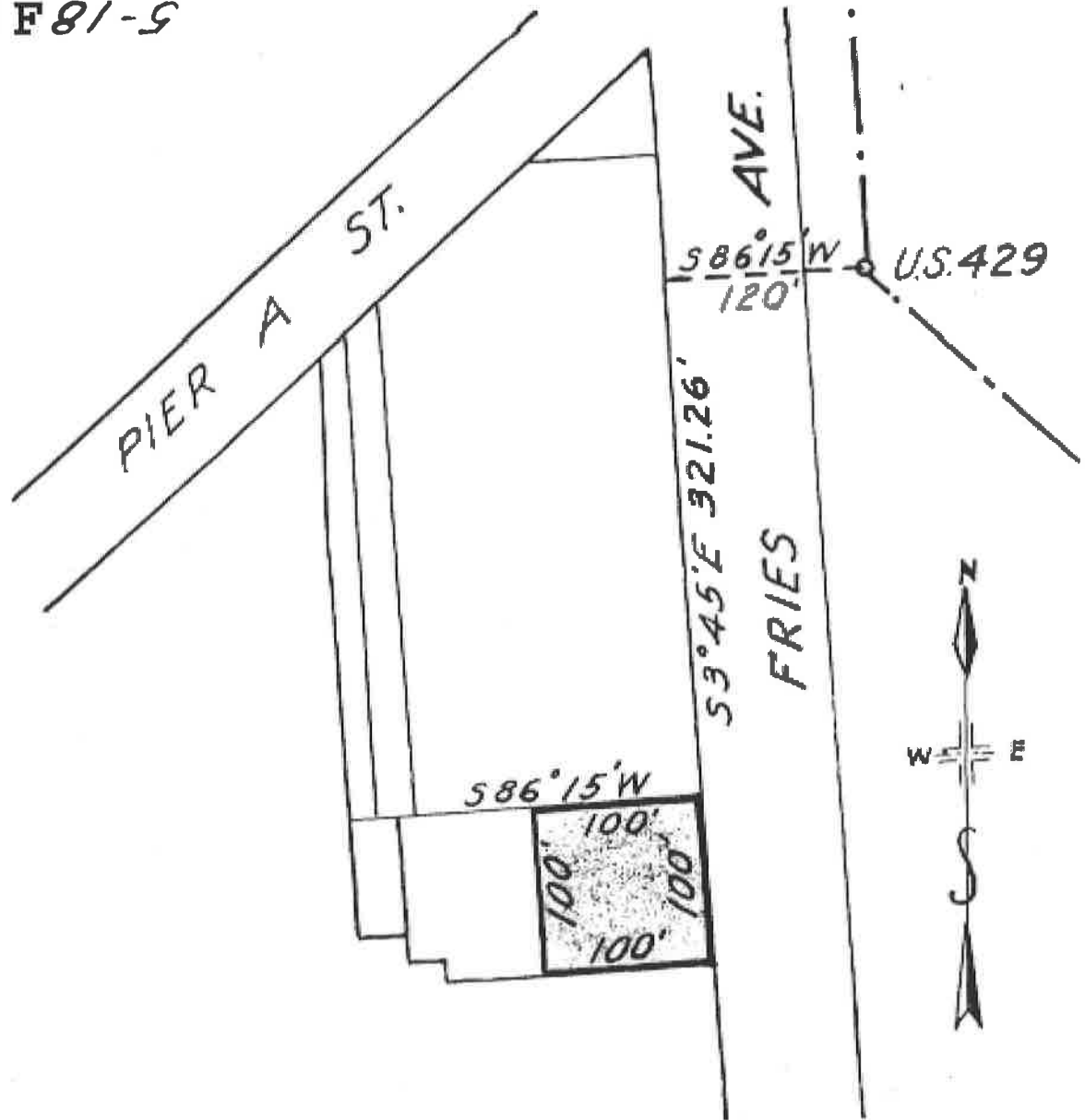
Approved:

*J. J. Rodaske*  
 Office Engineer

*W. W. Barber*  
 Harbor Engineer  
 5-1839-1

Revised 1-28-47.

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City of Los Angeles  
 Harbor Department  
 Office of the Harbor Engineer  
**PERMIT MAP FOR**  
**BOARD OF PUBLIC WORKS**  
 Scale: 1" = 100' 8-6-41.  
 Drawn F.C.E.  
 Checked G.Q.N.

Submitted: *[Signature]* Approved: *[Signature]*  
 Office Engineer Harbor Engineer  
 5-1839

# EXHIBIT 2

ORDER NO. 3469

An Order of the Board of Harbor Commissioners of the City of Los Angeles setting apart and assigning certain tidelands at Los Angeles Harbor to the Board of Public Works of the City of Los Angeles for a sewage pumping plant and for sewer purposes, and repealing Order No. 1208, adopted October 2, 1929, as amended by Order No. 2250, adopted November 3, 1948.

IT IS HEREBY ORDERED by the Board of Harbor Commissioners of the City of Los Angeles as follows:

Section 1. That the following described tidelands at Los Angeles Harbor, belonging to the City of Los Angeles, are hereby set apart and assigned to the Board of Public Works of the City of Los Angeles, hereinafter called the grantee, and a permit to use said tidelands, for the uses and purposes and under the terms and conditions hereinafter set forth, is hereby granted to said Board of Public Works; which said tidelands are situate in the City of Los Angeles, County of Los Angeles, State of California, and are more particularly described as follows, to wit:

PARCEL NO. 1. Commencing at the intersection of the center line of Mar Vista Avenue, 66 feet wide, with the center line of B Street, 66 feet wide (said streets are shown as West St. and West First St., respectively, on map of Tract No. 730, recorded in Book 15, Page 185 of Maps, records of Los Angeles County); thence N 86°15'44" E along said last mentioned center

line 232.00 feet; thence S 3°44'16" E 102.25 feet to the true point of beginning; thence continuing S 3°44'16" E 60.00 feet; thence N 86°15'44" E 150.00 feet; thence N 3°44'16" W 60.00 feet; thence S 86°15'44" W 150 feet to the true point of beginning; containing 9,000 square feet, or 0.2066 acres.

PARCEL NO. 2. A right of way, 10 feet wide, lying 5 feet on each side of the following described center line:

Commencing at the intersection of the center line of Mar Vista Avenue, 66 feet wide, with the center line of B Street, 66 feet wide (said streets are shown as West St. and West First St., respectively, on map of Tract No. 730, recorded in Book 15, Page 185 of Maps, records of Los Angeles County); thence N 86°15'44" E along said last mentioned center line 300.37 feet; thence S 3°44'16" E 33 feet to the true point of beginning; thence continuing S 3°44'16" E 69.25 feet to the northerly line of Parcel No. 1 hereinabove described; having a total length of 69.25 lineal feet.

PARCEL NO. 3. A right of way, 10 feet wide, lying 5 feet on each side of the following described center line:

Commencing at the intersection of the center line of Mar Vista Avenue, 66 feet wide, with the center line of B Street, 66 feet wide (said streets are shown as West St. and West First St., respectively, on map of Tract No. 730, recorded in Book 15, Page 185 of Maps, records of Los Angeles County); thence S 86°15'44" W along said last mentioned center line 8.00 feet; thence S 3°42'46" E 167.00 feet; thence N 81°41'58" E 240.79 feet

to a point in that certain course in Parcel No. 1 hereinabove described as having a bearing and length of S 3°44'16" E 60.00 feet, said point being distant 45.59 feet southerly measured along said certain course from its northerly terminus; having a total length of 374.79 lineal feet;

Excepting therefrom any portion in any public street area.

Said lands are shown on Map No. 5-3416 on file in the office of the Harbor Engineer of the City of Los Angeles.

Sec. 2. That the aforesaid premises shall be used for the purpose of constructing, maintaining and operating thereon, at the sole expense of the grantee, the necessary pipe lines, structures, machinery and appliances for a sewage pumping plant and for sewer purposes, and for purposes incidental thereto.

Sec. 3. That the permit hereby granted shall continue in effect during such time as said premises may be required by the grantee for the purposes aforesaid; subject, however, at all times to the paramount right of the City of Los Angeles to use said lands in the execution of the trusts upon which said City holds title to the tidelands and submerged lands within its limits for purposes in connection with, or for the promotion and accommodation of, commerce, navigation and fishery.

Sec. 4. That the grantee shall not sell, transfer or assign this permit, or any of the rights or privileges granted by this permit, nor shall any interest therein, or any right or privilege thereunder, be in whole or in part granted, transferred,

sold, leased or assigned, or otherwise disposed of, without the consent of the Board of Harbor Commissioners, expressed by Order entered upon its minutes.

Sec. 5. That the grantee shall file with the Board of Harbor Commissioners a written acceptance of this permit, and agree to abide by and observe each and every of the terms and conditions thereof.

Sec. 6. That this Order is adopted for the purpose of providing the Board of Public Works a new location for such sewage pumping plant, with the understanding that at such time as the Board of Public Works relocates said pumping plant it shall transfer and set apart to the Board of Harbor Commissioners that certain property located in the Harbor District known as Mar Vista Sewer Easement, shown on Drawing No. 5-3417 on file in the office of the Harbor Engineer of the City of Los Angeles, and more particularly described as follows:

Those certain permanent sewer easements in Mar Vista Avenue (vacated) reserved and excepted from the vacation of those certain streets and alleys under Ordinance No. 91552 of the City of Los Angeles, published April 1, 1947, shown on map filed in Volume 2, Page 4, Sheets 1 and 2 of "Street Vacation Maps" on file in the office of the City Clerk of the City of Los Angeles;

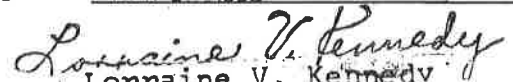
and in accepting this Order the Board of Public Works agrees to effect such transfer as soon as practicable, not exceeding two

(2) years, after the new sewage pumping plant has been constructed and placed into operation.

Sec. 7. That Order No. 1208, adopted October 2, 1929, as amended by Order No. 2250, adopted November 3, 1948, be and the same is hereby repealed effective upon the date that the new sewage pumping plant, which is to be constructed upon the premises herein granted, is placed into operation, or upon the expiration of three years from and after the effective date of this Order, whichever occurs first; provided, however, that the effective date of this repeal may be extended by resolution adopted by the Board of Harbor Commissioners.

Sec. 8. The Secretary shall certify to the adoption of this Order by the Board of Harbor Commissioners of the City of Los Angeles, and shall cause the same to be published once in the San Pedro News-Pilot.

I HEREBY CERTIFY that the foregoing Order was adopted by the Board of Harbor Commissioners of the City of Los Angeles at its meeting of APR 14 1965.

  
Lorraine V. Kennedy  
Acting Secretary

The undersigned grantee hereby accepts the foregoing permit, and agrees to abide by and observe each and every of

the terms and conditions thereof.

Dated: March 12, 1965.

BOARD OF PUBLIC WORKS OF  
THE CITY OF LOS ANGELES,

By /s/ Louis D. Gill  
President.

ATTEST

*Michael J. [Signature]*  
Secretary.

Approved as to Form  
and Legality

February 11, 1965

ROGER ARNEBERGH, City Attorney,

By *Harry D. Miller*  
Deputy.

# EXHIBIT 3

ORDER NO. 2680

An Order of the Board of Harbor Commissioners of the City of Los Angeles setting apart and assigning certain lands at Los Angeles Harbor to the Board of Public Works of the City of Los Angeles for sewer purposes.

IT IS HEREBY ORDERED by the Board of Harbor Commissioners of the City of Los Angeles as follows:

Section 1. That the following described lands at Los Angeles Harbor, belonging to the City of Los Angeles and under the control, management and jurisdiction of said Board of Harbor Commissioners, are hereby set apart and assigned to the Board of Public Works of said City of Los Angeles, hereinafter called the grantee, and a permit to use said lands, for the uses and purposes and under the terms and conditions hereinafter set forth, is hereby granted to said Board of Public Works; which said lands are situate in the City of Los Angeles, County of Los Angeles, State of California, and are more particularly described as follows, to wit:

A strip of land five (5) feet wide, being two and one-half (2-1/2) feet on each side of the following described center line:

The true point of beginning is located as follows: Beginning at the intersection of the northwesterly line of Terminal Way and the northeasterly line of Tuna Street, as shown on Map No. 5116-6 on file in the office of the Harbor Engineer, City of Los Angeles; thence along the northwesterly line of said Terminal

Way north  $64^{\circ} 14' 15''$  east a distance of 2,947.00 feet to a point; thence north  $25^{\circ} 45' 45''$  west a distance of 17.96 feet to the true point of beginning;

Thence south  $25^{\circ} 45' 45''$  east a distance of 13.00 feet to a point; thence south  $70^{\circ} 45' 45''$  east a distance of 21.16 feet to a point; thence north  $54^{\circ} 14' 15''$  east a distance of 184.80 feet to a point; thence north  $19^{\circ} 14' 15''$  east a distance of 70.71 feet to a point; thence north  $25^{\circ} 45' 45''$  west a distance of 1,979.61 feet to a point; thence north  $19^{\circ} 14' 15''$  east a distance of 17.09 feet to a point on a curve concave to the southeast, having a radius of 3,381.83 feet from which the center bears south  $39^{\circ} 12' 03''$  east; thence along said curve in a northeasterly direction a distance of 624.08 feet to a point on said curve from which the center bears south  $28^{\circ} 37' 26''$  east; thence north  $53^{\circ} 58' 56''$  east a distance of 161.11 feet to a point; thence north  $54^{\circ} 06' 11''$  east a distance of 563.90 feet to a point; thence north  $61^{\circ} 46' 56''$  east a distance of 209.88 feet to a point; thence north  $64^{\circ} 06' 11''$  east a distance of 2,022.68 feet to a point on a curve concave to the southeast having a radius of 5,296.66 feet from which the center bears south  $25^{\circ} 53' 49''$  east; thence along said curve in a northeasterly direction a distance of 612.21 feet to a point on said curve from which the center bears south  $19^{\circ} 16' 28''$  east; thence north  $70^{\circ} 43' 32''$  east a distance of 230.48 feet to a point; thence north  $67^{\circ} 47' 32''$  east a distance of 434.20 feet to a point; thence south  $64^{\circ} 15' 13''$  east a distance of 32.68 feet to a point on the boundary line of the City of Los Angeles; having a total length of 7,178 feet, more or less.

Said lands are shown on Map No. 9-311 on file in the office of the Harbor Engineer of the City of Los Angeles.

Sec. 2. That the aforesaid premises shall be used for the purpose of constructing, maintaining and operating thereon the necessary pipe lines, structures, machinery and appliances for the disposal and pumping of sewage, and for purposes incidental thereto; and said premises shall not be used for any other purpose without the consent of said Board of Harbor Commissioners first had and obtained. That the grantee or its sublessee or assignee shall provide or cause to be provided adequate measures to protect life and property during the construction or repair period, and shall be responsible for any damage to property or injury to persons resulting from the construction, maintenance or repair of the pipe line constructed hereunder.

Sec. 3. That the permit hereby granted shall continue in effect during such time as said premises may be required by the grantee, its sublessee or assignee, for the purposes aforesaid; subject, however, at all times to the paramount right of the City of Los Angeles, and the Board of Harbor Commissioners thereof, to use said lands in the execution of the trusts upon which said City holds title to the tidelands and submerged lands within its limits for purposes in connection therewith, or for the promotion and accommodation of commerce, navigation and fishery.

Sec. 4. That the permit covered hereby shall at all times be subject to such rights of way for such railroads, sewers, pipe lines, conduits, or for such telephone, telegraph, light, heat or power lines as shall have been duly established or as may from

time to time be determined by the Board of Harbor Commissioners; and the Board of Harbor Commissioners reserves the right to use or to grant the use of said premises for the construction of buildings, wharves, tracks, fences, pavement, or other structures, for any other purpose which shall not interfere with the use thereof by the grantee for sewer system purposes.

Sec. 5. That the grantee may sublease or assign to the United States of America, for the use of the Department of the Navy, for the term of this permit, the premises granted herein, for the purpose of constructing, operating and maintaining thereon a sewer line or lines and for such structures, machinery and appliances as may be necessary for the disposition of sewage from the U.S. Naval Base Los Angeles, Naval Station, Long Beach, California. Said sublease or assignment shall not be subject to cancellation without approval of the General Manager of the Harbor Department first had and obtained. The consent of the Board of Harbor Commissioners of the City of Los Angeles is hereby given to such sublease or assignment, subject to the conditions above set forth.

Sec. 6. That the grantee shall not sell, transfer or assign this permit, except as hereinabove provided, or any of the rights or privileges granted thereby, nor shall any interest therein or any right or privilege thereunder, be in whole or in part granted, transferred, sold, leased or assigned, or otherwise disposed of, without the consent of the Board of Harbor Commissioners expressed by order. Any transfer, sublease, gift, hypothecation or grant of control of this permit, or any part

thereof, shall be evidenced by a duly executed instrument in writing, a copy of which shall be filed in the office of the Board of Harbor Commissioners.

Sec. 7. That the grantee shall file with the Board of Harbor Commissioners a written acceptance of this permit and agree to abide by and observe each and every of the terms and conditions thereof, and in the event this permit is subleased or assigned the grantee shall require such sublessee or assignee to file such written acceptance and agreement, and this permit or any sublease or assignment thereof shall not become effective without such written acceptance and agreement.

Sec. 8. The Secretary shall certify to the adoption of this Order by the Board of Harbor Commissioners of the City of Los Angeles, and shall cause the same to be published once in the San Pedro News-Pilot.

I HEREBY CERTIFY that the foregoing Order Resolution was adopted by the Board of Harbor Commissioners of the City of Los Angeles at a meeting held August 1, 1956 by the following vote:

Ayes: Messrs. Murray, Kingman, Spicer, Tanner (4)

Noes: None

M. S. Rouse  
Secretary.

The undersigned grantee hereby accepts the foregoing permit and agrees to abide by and observe each and every of the

terms and conditions thereof.

Dated: July 20, 1956.

BOARD OF PUBLIC WORKS OF THE  
CITY OF LOS ANGELES.

By Edward A. Hawkins  
President.

ATTEST:

Arch L. Field  
Member

Milton Offner  
Secretary.

*Approved as to Form and Legality*

JUL 11 1956 19.....

ROGER ARNEBERGH

City Attorney

By C. N. PERKINS  
Deputy

San Pedro News—Pilot 33979  
ORDER NO. 2680

An Order of the Board of Harbor Commissioners of the City of Los Angeles setting apart and assigning certain lands at Los Angeles Harbor to the Board of Public Works of the City of Los Angeles for sewer purposes.

IT IS HEREBY ORDERED by the Board of Harbor Commissioners of the City of Los Angeles as follows:

Section 1. That the following described lands at Los Angeles Harbor, belonging to the City of Los Angeles and under the control, management and jurisdiction of said Board of Harbor Commissioners, are hereby set apart and assigned to the Board of Public Works of said City of Los Angeles, hereinafter called the grantee, and a permit to use said lands, for the uses and purposes and under the terms and conditions hereinafter set forth, is hereby granted to said Board of Public Works; which said lands are situate in the City of Los Angeles, County of Los Angeles, State of California, and are more particularly described as follows, to wit:

A strip of land five (5) feet wide, being two and one-half (2½) feet on each side of the following described center line:

The true point of beginning is located as follows: Beginning at the intersection of the northwesterly line of Terminal Way and the northeasterly line of Tuna Street, as shown on Map No. 5116-6 on file in the office of the Harbor Engineer, City of Los Angeles; thence along the northwesterly line of said Terminal Way north 64° 14' 15" east a distance of 2,347.00 feet to a point; thence north 25° 45' 45" west a distance of 17.96 feet to the true point of beginning;

Thence south 25° 45' 45" east a distance of 13.00 feet to a point; thence south 70° 45' 45" east a distance of 21.16 feet to a point; thence north 64° 14' 15" east a distance of 184.80 feet to a point; thence north 19° 14' 15" east a distance of 70.71 feet to a point; thence north 25° 45' 45" west a distance of 1,979.51 feet to a point; thence north 10° 14' 15" east a distance of 17.09 feet to a point on a curve concave to the southeast, having a radius of 3,381.53 feet from which the center bears south 39° 12' 03" east; thence along said curve in a northeasterly direction a distance of 624.08 feet to a point on said curve from which the center bears south 28° 37' 26" east; thence north 63° 58' 56" east a distance of 161.11 feet to a point; thence north 64° 06' 11" east a distance of 563.90 feet to a point; thence north 61° 46' 56" east a distance of 202.88 feet to a point; thence north 64° 06' 11" east a distance of 2,022.68 feet to a point on a curve concave to the southeast having a radius of 5,296.66 feet from which the center bears south 25° 53' 49" east; thence along said curve in a northeasterly direction a distance of 612.21 feet to a point on said curve from which the center bears south 19° 16' 25" east; thence north 70° 43' 32" east a distance of 230.48 feet to a point; thence north 67° 47' 32" east a distance of 434.20 feet to a point; thence south 64° 15' 13" east a distance of 32.68 feet to a point on the boundary line of the City of Los Angeles, having a total length of 7,178 feet, more or less.

Said lands are shown on Map No. 3-311 on file in the office of the Harbor Engineer of the City of Los Angeles.

Sec. 2. That the aforesaid premises shall be used for the purpose of constructing, maintaining and operating thereon the necessary pipe lines, structures, machinery and appliances for the disposal and pumping of sewage, and for purposes incidental thereto; and said premises shall not be used for any other purpose without the consent of said Board of Harbor Commissioners first had and obtained. That the grantee or its sublessee or assignee shall provide or cause to be provided adequate measures to protect life and property during the construction or repair period, and shall be responsible for any damage

to property or injury to persons resulting from the construction, maintenance or repair of the pipe line constructed hereunder.

Sec. 3. That the permit hereby granted shall continue in effect during such time as said premises may be required by the grantee, its sublessee or assignee, for the purpose aforesaid; subject, however, at all times to the paramount right of the City of Los Angeles, and the Board of Harbor Commissioners thereof, to use said lands in the execution of the trusts upon which said City holds title to the tidelands and submerged lands within its limits for purposes in connection therewith, or for the promotion and accommodation of commerce, navigation and fishery.

Sec. 4. That the permit covered hereby shall at all times be subject to such rights of way for such railroads, sewers, pipe lines, conduits, or for such telephone, telegraph, light, heat or power lines as shall have been duly established or as may from time to time be determined by the Board of Harbor Commissioners; and the Board of Harbor Commissioners reserves the right to use or to grant the use of said premises for the construction of buildings, wharves, tracks, fences, pavement, or other structures, for any other purpose which shall not interfere with the use thereof by the grantee for sewer system purposes.

Sec. 5. That the grantee may sublease or assign to the United States of America, for the use of the Department of the Navy, for the term of this permit, the premises granted herein, for the purpose of constructing, operating and maintaining thereon a sewer line or lines and for such structures, machinery and appliances as may be necessary for the disposition of sewage from the U.S. Naval Base Los Angeles, Naval Station, Long Beach, California. Said sublease or assignment shall not be subject to cancellation without approval of the General Manager of the Harbor Department first had and obtained. The consent of the Board of Harbor Commissioners of the City of Los Angeles is hereby given to such sublease or assignment, subject to the conditions above set forth.

Sec. 6. That the grantee shall not sell, transfer or assign this permit, except as hereinabove provided, or any of the rights or privileges granted thereby, nor shall any interest therein or any right or privilege thereunder, be in whole or in part granted, transferred, sold, leased or assigned, or otherwise disposed of, without the consent of the Board of Harbor Commissioners expressed by order. Any transfer, sublease, gift, hypothecation or grant of control of this permit, or any part thereof, shall be evidenced by a duly executed instrument in writing, a copy of which shall be filed in the office of the Board of Harbor Commissioners.

Sec. 7. That the grantee shall file with the Board of Harbor Commissioners a written acceptance of this permit and agree to abide by and observe each and every of the terms and conditions thereof, and in the event this permit is subleased or assigned the grantee shall require such sublessee or assignee to file such written acceptance and agreement, and this permit or any sublease or assignment thereof shall not become effective without such written acceptance and agreement.

Sec. 8. The Secretary shall certify to the adoption of this Order by the Board of Harbor Commissioners of the City of Los Angeles, and shall cause the same to be published once in the San Pedro News-Pilot.

I HEREBY CERTIFY that the foregoing Order was adopted by the Board of Harbor Commissioners of the City of Los Angeles at a meeting held August 1, 1956 by the following vote:

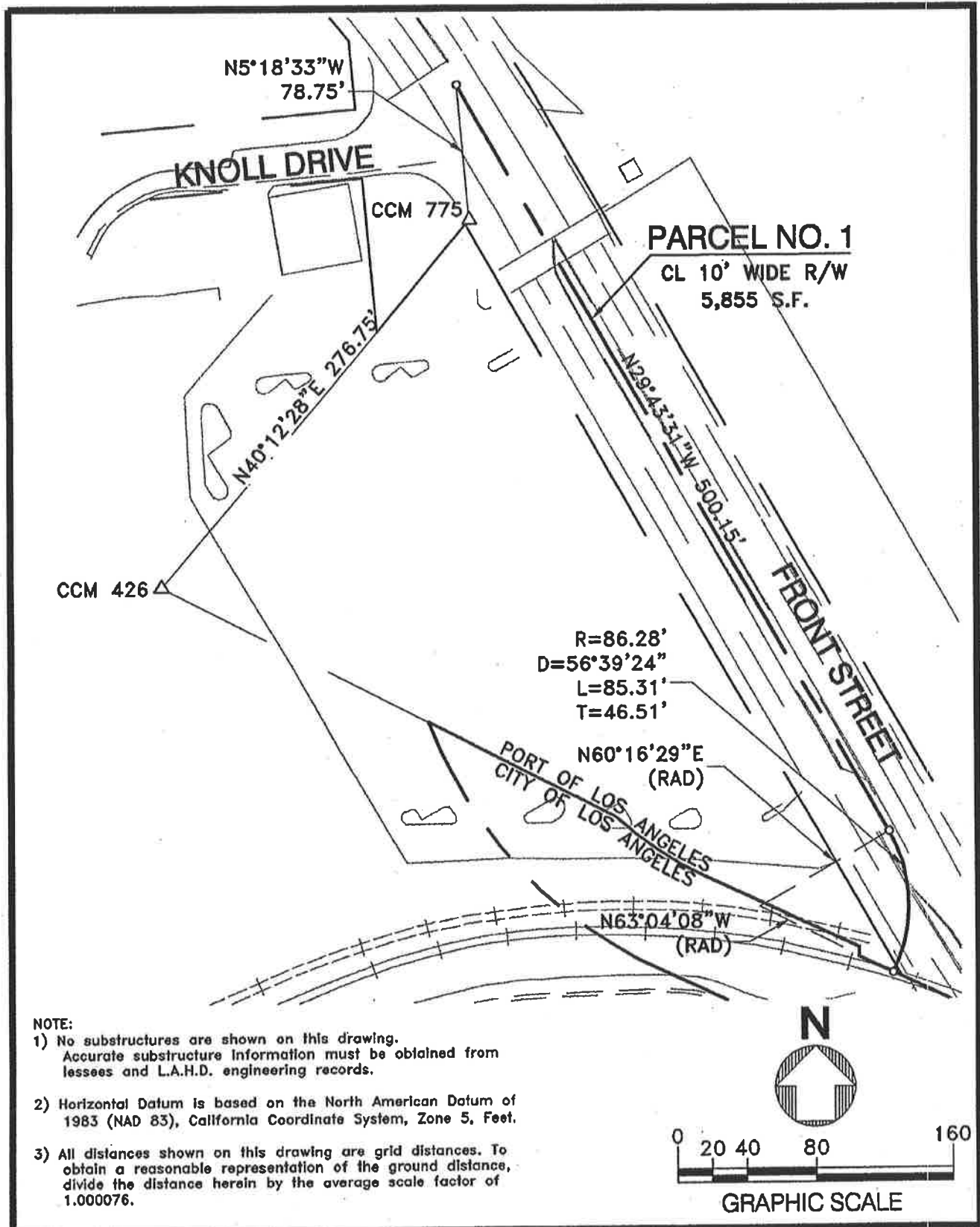
Ayes: Messrs. Menveg, Kingman, Spires, Tamer (4)  
Noes: None

M. G. ROUSE  
Secretary.

Published August 9, 1956.

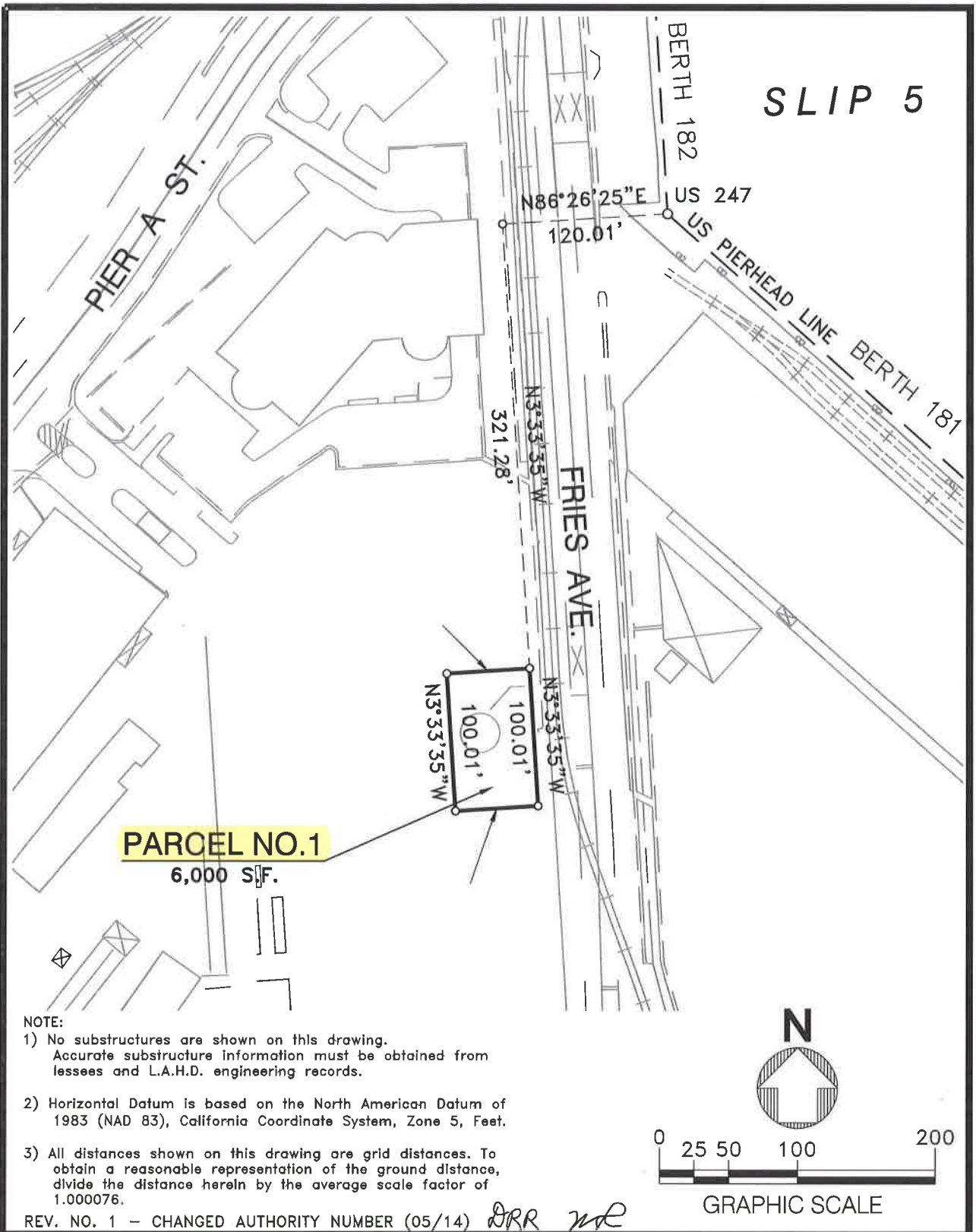
# EXHIBIT 4





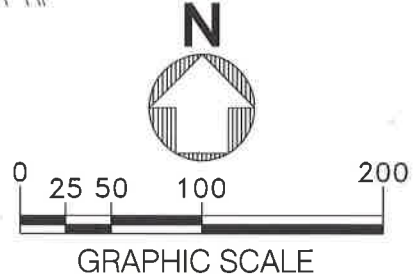
SCALE: 1"=80'	DATE:	RECOMMENDED FOR APPROVAL	<b>PERMIT MAP - AUTHORITY NO. P353</b>
DRAWN: PSOMAS		CHIEF OF DESIGN	
CHECKED: PSOMAS		APPROVED	<b>LOS ANGELES CITY, GENERAL SERVICES DEPARTMENT</b>
DESIGNED: PSOMAS		CHIEF HARBOR ENGINEER	
ENGR/ARCH		ASSISTANT CHIEF HARBOR ENGINEER	 <b>THE PORT OF LOS ANGELES</b> <small>ENGINEERING DIVISION, P.O. BOX 91, SAN PEDRO, CA 90729-0091</small>

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 5-4225-1




**NOTE:**

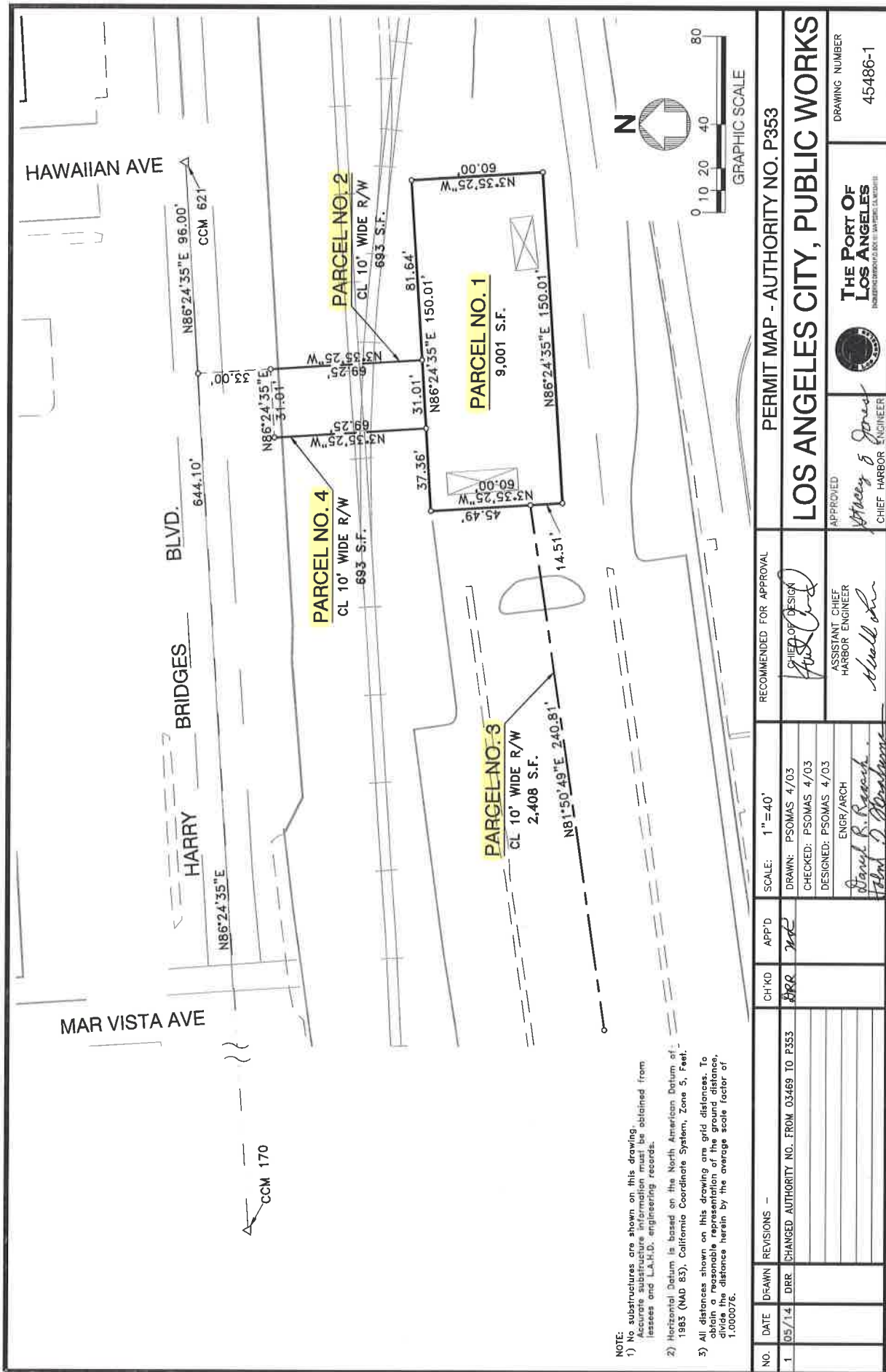
- 1) No substructures are shown on this drawing. Accurate substructure information must be obtained from lessees and L.A.H.D. engineering records.
- 2) Horizontal Datum is based on the North American Datum of 1983 (NAD 83), California Coordinate System, Zone 5, Feet.
- 3) All distances shown on this drawing are grid distances. To obtain a reasonable representation of the ground distance, divide the distance herein by the average scale factor of 1.000076.



REV. NO. 1 - CHANGED AUTHORITY NUMBER (05/14) *DRR wd*

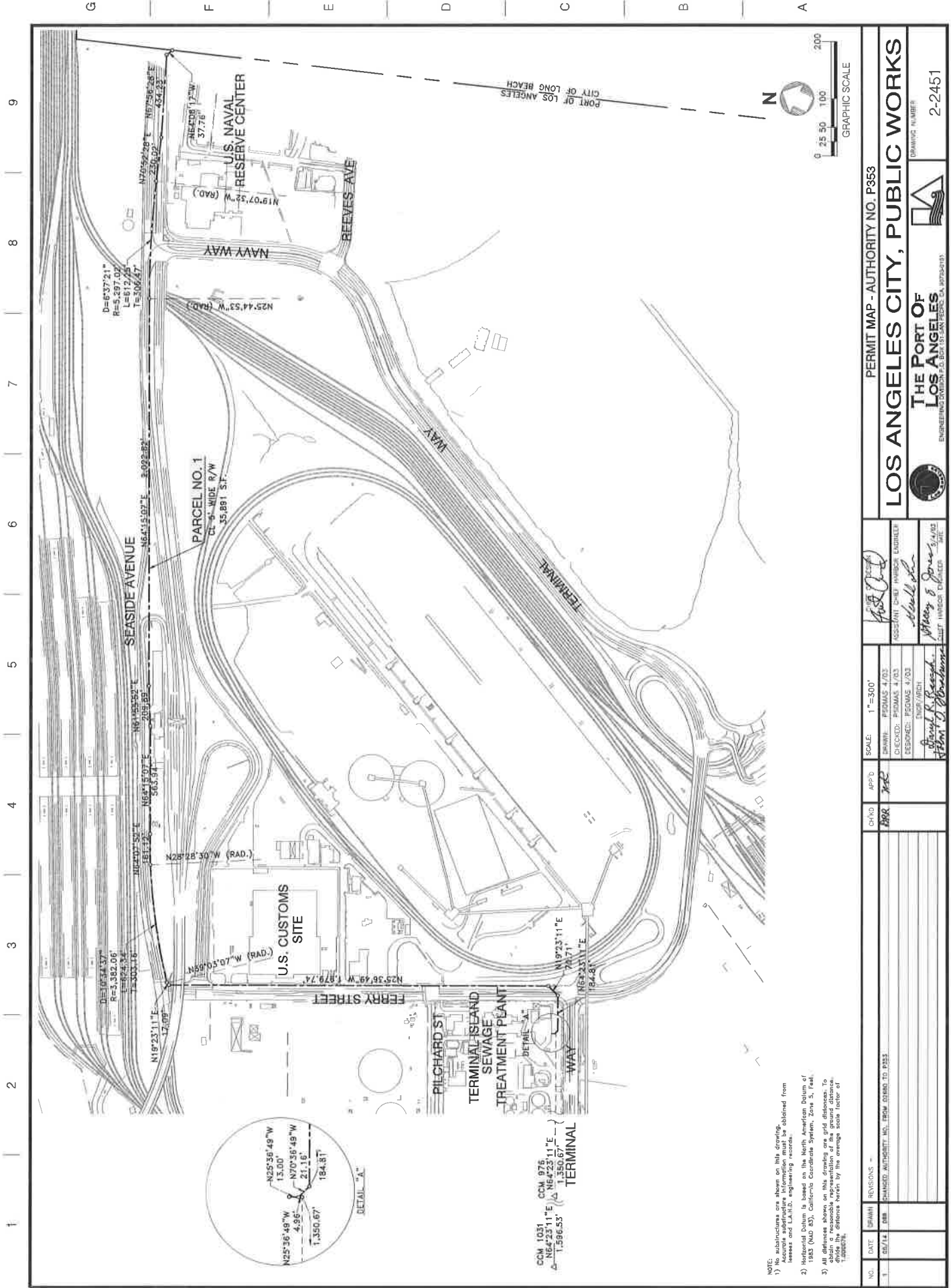
SCALE: 1"=100'		DATE: 4/03		RECOMMENDED FOR APPROVAL		<b>PERMIT MAP - AUTHORITY NO. P353</b> <b>LOS ANGELES CITY, PUBLIC WORKS</b>	
DRAWN: PSOMAS		CHECKED: PSOMAS		DESIGNED: PSOMAS			
ENGR/ARCH		ASSISTANT CHIEF HARBOR ENGINEER		APPROVED		 <b>THE PORT OF LOS ANGELES</b> <small>ENGINEERING DIVISION P.O. BOX 151 SAN PEDRO, CA 90723-0151</small>	
<i>Henry R. Rapp</i>		<i>Wallace</i>		<i>Stacey S. Jones</i>			
DRAWING NUMBER		5-1839-2					

POLAPROS\_VER.1\_12/96  
5-1839-2 REV 1



NOTE:  
 1) No substructures are shown on this drawing. Accurate substructure information must be obtained from lessees and L.A.H.D. engineering records.  
 2) Horizontal Datum is based on the North American Datum of 1983 (NAD 83), California Coordinate System, Zone 5, Feet.  
 3) All distances shown on this drawing are grid distances. To obtain a reasonable representation of the ground distance, divide the distance herein by the average scale factor of 1.000076.

NO.	DATE	DRAWN	REVISIONS	CH'KD	APP'D	SCALE:	RECOMMENDED FOR APPROVAL	PERMIT MAP - AUTHORITY NO. P353
1	05/14	DRR	CHANGED AUTHORITY NO. FROM 03469 TO P353	ARR	RR	1" = 40'	CHIEF OF DESIGN <i>[Signature]</i> ASSISTANT CHIEF HARBOR ENGINEER <i>[Signature]</i>	<b>LOS ANGELES CITY, PUBLIC WORKS</b>  <b>THE PORT OF LOS ANGELES</b> <small>INCORPORATED BY ACT OF THE CALIFORNIA LEGISLATURE</small> APPROVED <i>[Signature]</i> CHIEF HARBOR ENGINEER
							DRAWN: PSOMAS 4/03 CHECKED: PSOMAS 4/03 DESIGNED: PSOMAS 4/03 ENGR/ARCH <i>[Signature]</i> <i>[Signature]</i>	DRAWING NUMBER 45486-1



NOTE: 1) Subcontractors are shown on this drawing. Accurate subcontract information must be obtained from Lessee and L.A.H.D. engineering records.  
 2) Horizontal Datum is based on the North American Datum of 1983 (NAD 83), California Coordinate System, Zone 5, Feet.  
 3) All distances shown on this drawing are grid distances. To obtain true distances, divide the distance herein by the average scale factor of 1.00070.

NO.	DATE	BY/IT	REVISIONS
1	08/14	MM	CHANGED AUTHORITY NO. FROM 0980 TO P353

CHNO <b>PRR</b>	APP'D <i>[Signature]</i>	SCALE: 1"=300' DRAWN: PDMAS 4/03 CHECKED: PDMAS 4/03 DESIGNED: PDMAS 4/03 ENGR/ARCH <i>[Signature]</i>	PROJECT CHIEF / INSPECTOR / ENGINEER <i>[Signature]</i>
PERMIT MAP - AUTHORITY NO. P353		LOS ANGELES CITY, PUBLIC WORKS	
THE PORT OF LOS ANGELES <small>ENGINEERING DIVISION, P.O. BOX 07 - SAN PEDRO, CA 90740-0007</small>		DRAWING NUMBER <b>2-2451</b>	

# EXHIBIT 5

Parcel	Land Type	Area (Sq. Ft.)	Land Value (Sq. Ft.)	BOHC Rate of Return	Agreement 1106 Port's %	Subsurface Discount Rate	Annual Rent
<b>P353 - Drawing No. 2-2123-1 Exhibit "A-1" to the Permit, as amended</b>							
Parcel 1	Submerged	20,800 s.f.	\$10.67	10%	100%	0%	\$22,194
Parcel 2	Subsurface	1,200 s.f.	\$32.00	10%	100%	50%	\$1,920
Parcel 3	Subsurface	38,815 s.f.	\$32.00	10%	100%	50%	\$62,104
Parcel 4	Subsurface	14,162 s.f.	\$32.00	10%	100%	50%	\$22,659
Parcel 5	Subsurface	32,238 s.f.	\$32.00	10%	100%	50%	\$51,581
Subtotal							\$160,458
<b>P353 - Drawing No. 5-4225-1 Exhibit "A-2" to the Permit, as amended</b>							
Parcel 1	Subsurface	5,855 s.f.	\$32.00	10%	100%	50%	\$9,368
<b>O2130 - Drawing No. 5-1839-2 Exhibit "B-1" to the Permit, as amended</b>							
Parcel 1	Land	6,000 s.f.	\$32.00	10%	61%	0%	\$11,712
<b>O3469 - Drawing No. 45486-1 Exhibit "B-2" to the Permit, as amended</b>							
Parcel 1	land	9,001 s.f.	\$32.00	10%	61%	0%	\$17,570
Parcel 2-4	Subsurface	3,794 s.f.	\$32.00	10%	61%	50%	\$3,703
<b>O2680 - Drawing No. 2-2451 Exhibit "B-3" to the Permit, as amended</b>							
Parcel 1	Subsurface	35,891 s.f.	\$32.00	10%	61%	50%	\$35,030
Total Annual Rent \$							<b>237,840</b>