

ORDER NO. _____

An Order of the Board of Harbor Commissioners ("Board") of the City of Los Angeles ("City") resetting the compensation to be paid by the 22nd Street Landing Partners, L.L.C. ("Tenant") pursuant to Permit No. 624 ("Permit") for the period of November 27, 2017 through November 26, 2022.

WHEREAS, Section 4(k) of the Permit provides for the readjustment of rent to be paid by Tenant to City for each five year period following the first five years of the term of the PERMIT;

WHEREAS, Board and Tenant have agreed on a rate of compensation to be paid by Tenant for the five-year period of November 27, 2017 through November 26, 2022.

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

Section 1. For the five-year period beginning on November 27, 2017 and ending on November 26, 2022, Tenant shall pay to City fixed minimum monthly rent in the amount of Sixteen Thousand Seven Hundred Three Dollars and Seventy-nine Cents (\$16,703.79).

Section 2. Beginning November 27, 2017 and annually thereafter on November 27 (which dates shall be referred to individually as the "Adjustment Date"), the fixed minimum monthly rent shall be adjusted to reflect the percentage increase (but not any decrease), if any, in the Consumer Price Index, all Urban Consumers of the Los Angeles-Riverside-Orange County, California area, 1982-84=100, as published by the U.S. Department of Labor, Bureau of Labor Statistics ("CPI") or successor index selected by the Executive Director in his or her sole reasonable discretion. Such adjusted amount of rent shall be equal to the product obtained by multiplying the rental amount in effect on the Adjustment Date by a fraction, the numerator of which is the September CPI index on the Adjustment Date and the denominator of which for the first adjustment is the September CPI Index for the prior calendar year and for all subsequent adjustments through the tenancy is the September CPI index of the prior Adjustment Date.

The formula illustrating the adjustment computation is as follows:

$$\text{Adjusted Rent} = \text{Rent as of Adjustment Date} \times \frac{\text{Sept. CPI Index of Adjustment Date}}{\text{CPI Index of Sept. 2017 or Prior Adjustment Date}}$$

Section 3. Beginning November 27, 2017 and monthly thereafter, Tenant shall pay to City for each and every month of the rental period, the following percentage rents equivalent to the amount, if any, by which the cumulative total of percentages of the gross receipts exceeds the fixed minimum monthly rent payable.

Percentage	Description
5%	Food & Beverages at Snack Bar
3%	Food in Restaurant
5%	Beverages in Restaurant
1%	Boat Sales
10%	Insurance Brokerage Commission
5%	Boat Rentals
5%	Boat Chartering & Rentals 24hr+
5%	Ship Chandlery & Bait Sales
5%	General Retail Sales
25%	Compensation for 3 rd Party Vending Machines
5%	Tenant Owned Vending Machines
5%	All Other Activities

Section 4. The increased amount of fixed minimum monthly rent as a result of this Order for the period prior to this Order shall be due and payable within thirty (30) days of the effective date of this Order. Except as provided herein, all other terms and conditions of Permit No. 624 shall remain in full force and effect.

Section 5. The party(ies) signing below on behalf of Tenant have authority to do so. Tenant's signature may be executed in counterparts.

Section 6. The Board Secretary shall certify to the adoption of this Order by the Board of Harbor Commissioners of the City of Los Angeles.

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(Signature page follows)

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

AMBER M. KLESGES
Board Secretary

APPROVED AS TO FORM AND LEGALITY

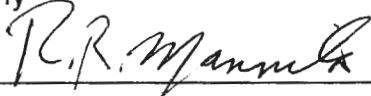
April 17, 2018

MICHAEL N. FEUER, City Attorney
JANNA B. SIDLEY, General Counsel

By: 
ESTELLE M. BRAAF, Deputy City Attorney

22nd Street Landing Partners, L.L.C. hereby consents to the foregoing readjustment of compensation as described above and agrees to pay to the Board of Harbor Commissioners of the City of Los Angeles the annual compensation as set forth herein for the following five-year period of November 27, 2017 through November 26, 2022.

22nd STREET LANDING PARTNERS,
L.L.C., a California limited liability
company

By: 

President
(Print/Type Name and Title of
Officer/Member)

Attest: 

MARK Pisano "Partner"
(Print/Type Name and Title of
Member/Officer)