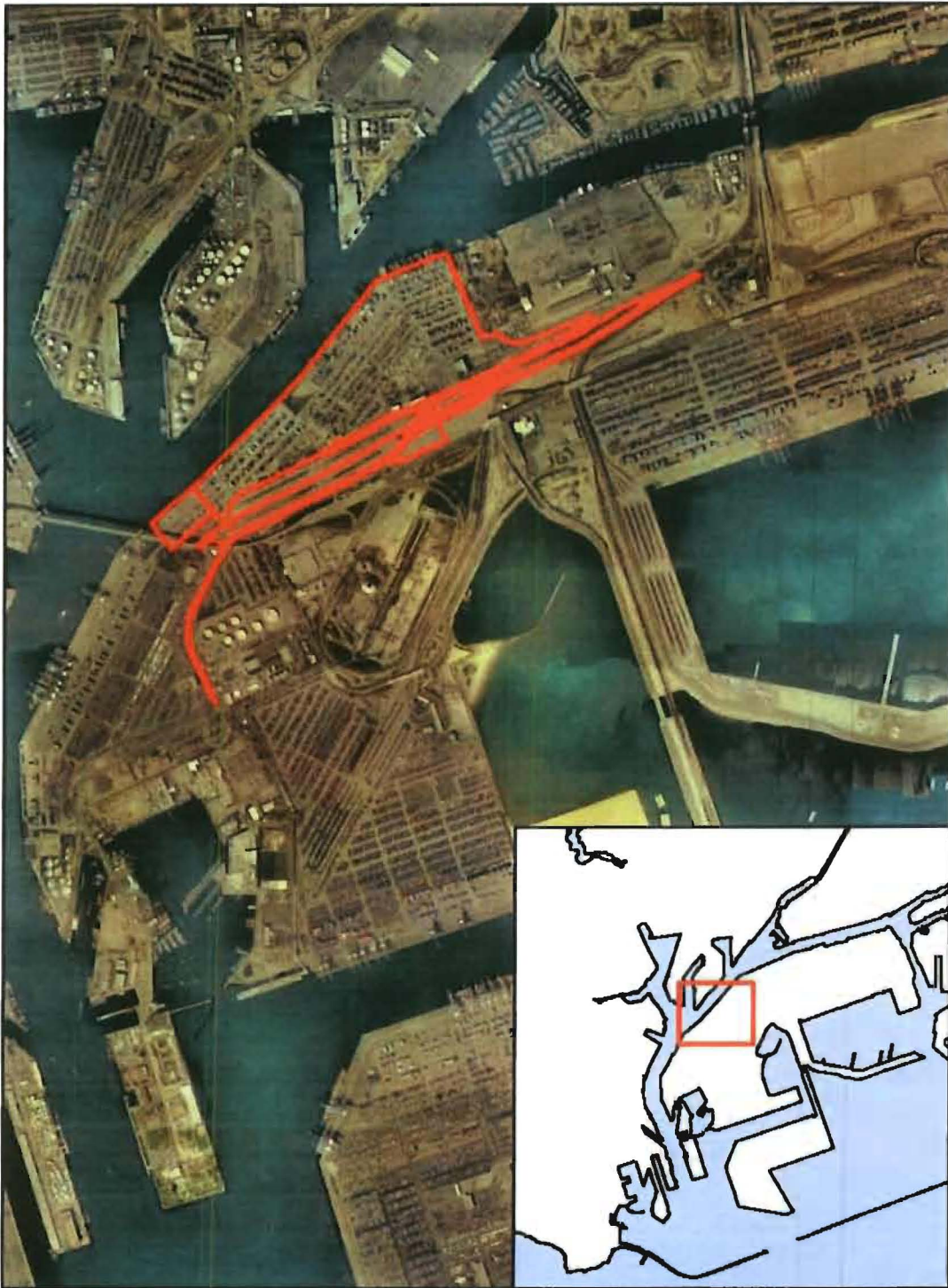


# BERTHS 211-224



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Transmittal No. \_\_\_

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Harbor Department,  
Planning & Economic Development  
Map Produced 01/2011

**LA**  
THE PORT  
OF LOS ANGELES

TENTH AMENDMENT TO PERMIT NO. 692  
BETWEEN THE CITY OF LOS ANGELES  
AND  
YUSEN TERMINALS INC.  
AS ASSIGNEE OF NIPPON YUSEN KAISHA ("NYK")

THIS TENTH AMENDMENT to PERMIT NO. 692 (the "Agreement") is made this \_\_\_\_\_ day of \_\_\_\_\_, 201\_ by and between the CITY OF LOS ANGELES, a municipal corporation, acting by and through its Board of Harbor Commissioners ("City"), and YUSEN TERMINALS INC. AS ASSIGNEE OF NIPPON YUSEN KAISHA ("YTI" or "Tenant").

WHEREAS, CITY and YTI entered into Permit No. 692 in which it was agreed, among other things, that YTI would have an Option to Extend the Term of Permit 692 for an additional ten (10) years;

WHEREAS, Permit No. 692 Section 3 (c) "Option to Extend Term" states that YTI must exercise by written notice its intention to extend the term not later than twenty-four (24) months prior to the end of the initial term of the Agreement;

WHEREAS, City and YTI both desire to change the period of time that YTI has to exercise the Option to Extend Term;

WHEREFORE, CITY and YTI agree that Permit No. 692 between the CITY OF LOS ANGELES and YUSEN TERMINALS INC. AS ASSIGNEE OF NIPPON YUSEN KAISHA is hereby amended a tenth time, as follows:

Section 3(c) of Permit No. 692 between the CITY OF LOS ANGELES and YUSEN TERMINALS INC. AS ASSIGNEE OF NIPPON YUSEN KAISHA shall be replaced in its entirety by:

(c) Option to Extend Term. City hereby grants to Tenant an option (the "Option") to extend the initial twenty five (25) year term of this Agreement for a period of 10 years. The Option must be exercised, if at all, by written notice delivered to City by Tenant not later than twelve (12) months prior to the end of the initial term of this Agreement. Provided Tenant has properly and timely exercised the Option, the term of this Agreement shall be extended by ten (10) years and all terms, covenants and conditions of this Agreement shall remain unmodified and in full force and effect, except that compensation for each five (5) year period of the extended term shall be renegotiated in accordance with Section 4(i). Tenant's exercise of the Option shall be irrevocable unless Tenant and Board mutually agree otherwise. If Tenant elects not to exercise the Option, Tenant shall so advise City by written notice delivered to City by Tenant not later than twelve (12) months prior to the end of the initial term of this Agreement.

**TRANSMITTAL 2**

Except as amended herein, all remaining terms and conditions of Permit No. 692 shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Tenth Amendment to Permit No. 692 on the date to the left of their signatures.

THE CITY OF LOS ANGELES  
HARBOR DEPARTMENT

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

By: \_\_\_\_\_  
Executive Director

YUSEN TERMINALS INCORPORATED

Dated: 9/30/13

By: [Signature]  
W. PATRICK BURGONE  
(Print/type name and title)

Attest: [Signature]  
BETTY CHRISTIE CFO  
(Print/type name and title)

APPROVED AS TO FORM

October 18, 2013  
MICHAEL N. FEUER, City Attorney

By [Signature]  
JUSTIN HOUTERMAN, Deputy

No Additional Funds

Account#	W.O. #
Ctr/Div#	Job Fac.#
Proj/Prog#	
Budget FY: Amount:	
TOTAL	
For Acct/Budget Div. Use Only	
Verified by:	_____
Verified Funds Available:	_____
Date Approved:	_____

JH/js  
10/01/13

ORDER NO.

IT IS HEREBY ORDERED by the Board of Harbor Commissioners that the TENTH AMENDMENT TO PERMIT NO. 692 granted by the City of Los Angeles, acting by and through its Board of Harbor Commissioners, to YUSEN TERMINALS, INC., is hereby approved and the Executive Director and the Secretary of the Board are hereby authorized and directed to execute and attest to the same on behalf of the City of Los Angeles upon this Order being approved by the City Council as described below.

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 a copy of the same to be presented to the City Council as provided in Section 606 of the Charter of the City of Los Angeles. If the Council shall approve this Order within 30 days after such Order shall have been presented to it, or if the Council shall fail to disapprove this Order within said 30 days, the Order shall be deemed approved and shall become effective upon such approval without publication. The Amendment approved by this Order shall become effective immediately upon execution by the City Executive Director and Board Secretary after such Council approval of the Order.

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 \_\_\_\_\_.

JULIE WICHMANN HUERTA  
Commissioner Secretary

APPROVED AS TO FORM

October 17, 2013  
MICHAEL N. FEUER, City Attorney  
Janna B. Sidley, General Counsel

By   
JUSTIN HOUTERMAN, Deputy

BL462raw Order 606

TRANSMITTAL 3