

ORDER NO. _____

An Order of the Board of Harbor Commissioners ("Board") of the City of Los Angeles ("City") fixing the compensation to be paid by DEPARTMENT OF RECREATION AND PARKS, City of Los Angeles ("Tenant"), pursuant to Permit No. 384 ("Permit").

WHEREAS, the DEPARTMENT OF RECREATION AND PARKS, City of Los Angeles, was granted a thirty (30) year permit to occupy certain lands within the Los Angeles Harbor District commencing February 2, 1979, pursuant to Permit No. 384, Order No. 4800 of the Board of Harbor Commissioners; and

WHEREAS, Permit No. 384 was amended to expand the premises and extend the term until February 14, 2024, pursuant to the Second Amendment to Permit No. 384, effective March 2, 2002; and

WHEREAS, Permit No. 384 provides that the compensation to be paid by Tenant under Permit No. 384 as rental for the use of the subject premises shall be subject to readjustment every five (5) years following the first five-year period of the permit term in accordance with the terms and procedures described therein; and

WHEREAS, the compensation payable by Tenant as rental under Permit No. 384 was last addressed in a Memorandum of Understanding, Harbor Department Agreement 1956, effective June 1, 1997; and

WHEREAS, the parties entered into Harbor Department Agreement 2138 on January 19, 2001, whereby City departments may obtain reimbursement from money generated from Trust Property and money deposited into the Harbor Revenue Fund for items of cost or expense that were identified in Harbor Department Agreement 1956; and

WHEREAS, the parties wish to clarify amounts payable as rental under the compensation provisions of Harbor Department Agreement 1956 and the reimbursement provisions of Harbor Department Agreement 2138, from February 2, 1999 until now, and to align them with the compensation provisions of Permit No. 384; and

WHEREAS, the Board of Harbor Commissioners of the City of Los Angeles and Tenant have agreed on compensation to be paid as rental by Tenant during the prior period commencing February 2, 1999, as well as the five (5) year period commencing February 2, 2019 and ending February 14, 2024;

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

Section 1. The compensation to be paid as rental by Tenant for the use of the Premises granted by Permit No. 384, Board Order No. 4800, during the period commencing February 2, 1999 and ending February 14, 2024 is as follows:

1. For the period commencing February 2, 1999, through June 30, 2018, the compensation shall be the amount previously charged and credited in the amount of One Hundred Seventy-Seven Thousand Eight Hundred Seventy-Five Dollars (\$177,875) per year but not to exceed any amounts actually charged and credited for Harbor Department property rent during such period; and
2. For the period commencing July 1, 2018, through February 1, 2019, the compensation shall be readjusted to the pro-rated amount of Three Hundred Ten Thousand Three Hundred and Ninety-Three Dollars (\$310,393) per year; and
3. For the five (5) year period commencing February 2, 2019, through February 14, 2024, the compensation shall be readjusted to Three Hundred Ten Thousand Three Hundred and Ninety-Three Dollars (\$310,393) per year.

Section 2. Except as provided herein, all other terms and conditions of Permit No. 384 shall remain in full force and effect.

Section 3. The 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

The undersigned Tenant has read and agrees to the terms of the Order.

DEPARTMENT OF RECREATION AND
PARKS, City of Los Angeles

Dated: December 19, 2018

By: *Michael A. Shull for*
MICHAEL A. SHULL, General Manager
(Type/Print Name and Title)

Attest: _____

(Type/Print Name and Title)

APPROVED AS TO FORM AND LEGALITY

_____, 20____
MICHAEL N. FEUER, City Attorney
JANNA B. SIDLEY, General Counsel

By: _____
JOHN T. DRISCOLL, Deputy City Attorney