

AMENDMENT NO. 1 TO LEASE AND AGREEMENT NO. 5691

THIS AMENDMENT TO LEASE made and entered into this

3rd day of December, 1964,

BY AND BETWEEN

COUNTY OF LOS ANGELES, a body
corporate and politic, herein-
after referred to as "County",

AND

PLAYA DEL REY MARINE SUPPLY CO.,
hereinafter referred to as
"Lessee",

WITNESSETH:

WHEREAS, the parties hereto entered into a Lease and Agreement on or about June 19, 1962 under the terms of which Lessee leased from County certain property in the Marina del Rey Small Craft Harbor commonly known as Parcel 53; and

WHEREAS, Lessee instituted a legal action against County on or about March 14, 1964, under the terms of which Lessee sought damages in the amount of \$404,000.00 allegedly resulting from the concealing by County of information in respect to abnormal water and soil conditions; and

WHEREAS, the Board of Supervisors of County approved a settlement of said litigation on or about November 4, 1964; and

WHEREAS, said settlement as approved provided that County would waive any and all claims it might have for rent due from the Lessee during the period from May 1, 1963 until September 30, 1964 in consideration for the dismissal with prejudice by Lessee of the above referenced litigation; and

WHEREAS, it is the desire of the parties hereto to implement said settlement by an appropriate amendment to said lease;

NOW, THEREFORE, in consideration of the mutual covenants, conditions and terms set forth below, it is mutually agreed as follows:

1. The following paragraphs shall be added to the lease and shall bear the numbers 13.1 and 13.2 respectively:

APPROVED BY BOARD OF SUPERVISORS

JAN 5 1965

as T. Gesvig
Clerk of the Board

Don T. Gesvig

"13.1. In consideration for the dismissal with prejudice by Lessee of that certain litigation entitled Playa del Rey Marine Supply Company vs. County of Los Angeles, Superior Court No. 816075, the County of Los Angeles hereby waives, releases and relinquishes any and all claims it may have against Lessee for rent of any type or nature due from Lessee for the period commencing May 1, 1963 and terminating September 30, 1964. This waiver shall be of no force and effect until County has received a certified copy of said dismissal.

"13.2. Commencing October 1, 1964 the full square foot and gross receipts rentals provided for in paragraphs 12 and 13 of the lease shall be reinstated and said rentals shall continue in full force and effect during the remainder of the term of this lease according to the provisions thereof and any amendments thereto."

2. All terms and conditions of said original lease not explicitly inconsistent with the forgoing shall remain in full force and effect.

3. It is understood and agreed that the execution of this amendment and the negotiations and settlements leading thereto shall not be construed to be a waiver by County of any right that it may have under the lease and amendments thereto or as a matter of law except to the extent explicitly provided for by this amendment.

IN WITNESS WHEREOF, COUNTY OF LOS ANGELES, by order of its Board of Supervisors, has caused this amendment to lease and agreement to be executed on its behalf by the Chairman of said Board and attested by the Clerk thereof, and Lessee has

executed this amendment to lease and agreement, or caused it to
be duly executed, the day and year first above written.

COUNTY OF LOS ANGELES

By BURTON W. CHACE
Chairman, Board of Supervisors

(SEAL)

ATTEST:

GORDON T. NESVIG, Clerk of
the Board of Supervisors

By MADELEINE JOHANN
Deputy

PLAYA DEL REY MARINE SUPPLY CO.

By D. L. Reynolds Pres.

By M. R. Van Tine

APPROVED AS TO FORM:

HAROLD W. KENNEDY
County Counsel

By Jerome A. Johnson
Deputy

LEGAL DESCRIPTION

BK M1083 PG 222

Marina Del Rey
Lease Parcel No. 53

Parcels 832 to 845 inclusive, in the County of Los Angeles, State of California, as shown on Los Angeles County Assessor's Map No. 88, recorded in Book 1, pages 53 to 70 inclusive, of Assessor's Maps, in the office of the Recorder of said county.

Reserving and excepting therefrom unto the County of Los Angeles easements for sanitary sewer, fire access and harbor utility purposes over those portions thereof designated on said map to be reserved by said county for such purposes.

DESCRIPTION APPROVED

AUG 18 1961

JOHN A. LAMBIE

County Engineer

BY Donald L. ... DEPUTY

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