

10200
SUPPLEMENT 5

AMENDMENT NO. 5 TO LEASE NO. 10200

PARCEL NO. 132R, MARINA DEL REY

THIS AMENDMENT TO LEASE made and entered into this 29th
day of June, 1973

BY AND BETWEEN COUNTY OF LOS ANGELES, hereinafter referred to as "County"

AND CALIFORNIA YACHT CLUB, a California corporation hereinafter referred to as "Lessee,"

WITNESSETH:

WHEREAS, Lessee (the predecessors in interest of Lessee) and County entered into a lease and agreement on November 2, 1965, under the terms of which County leased to Lessee that certain real property located in the Marina del Rey Small Craft Harbor commonly known as Parcel No. 132R; and

WHEREAS, it is in the best public interest that the Marina del Rey be used for the maximum enjoyment of recreational facilities by the greatest number of people; and

WHEREAS, yacht clubs have historically been essential to harbors in that they plan and conduct regattas, races, educational activities and junior programs and other competitive events; and

WHEREAS, yacht clubs in the Marina del Rey have initiated and conducted programs in boating safety, boat handling, junior programs and similar activities without cost to the County; and

WHEREAS, yacht clubs provide guest slips and landside facilities for visiting yachtsmen on a reciprocal basis without cost to the County; and

WHEREAS, said yacht clubs by conducting the aforementioned activities have contributed greatly to the development and prosperity of the Marina del Rey Small Craft Harbor; and

WHEREAS, the steady growth in the number of pleasure craft berthed in Marina del Rey has not been accompanied with a companion growth in the number of persons belonging to organized yachting clubs, resulting in an increased economic burden on said clubs in maintaining the desired aforementioned programs; and

WHEREAS, it is to the best interest of County and Lessee to insure a continuation of the aforementioned programs which are in the public interest and to afford economic relief to those yacht clubs located at Marina del Rey that provide a publicly-oriented series of regattas and races, proper boat handling instructions, boating safety programs, and junior programs;

NOW, THEREFORE, in consideration of the mutual covenants, conditions and promises contained hereinbelow, the parties and each of them do agree as follows:

1. Where a Lessee and/or sublessee operates and/or maintains a yacht club on the leasehold premises and accepts the terms and conditions of Section 2 of this amendment, Subsection (m) of Section 13 shall be deemed nonapplicable and Subsection (a) is amended and Subsection (u) is added to Section 13 (Percentage Rentals) of said lease as follows:

"(a) TWENTY PERCENT (20%) of gross receipts from the rental or other fees charged for the use of boat slips, anchorages, moorings, dockside gear lockers or storage space, and such other facilities and services ancillary thereto as are provided in common to all tenants, provided however that where Lessee operates an anchorage, mooring, or boat slips and ancillary facilities, in conjunction with a yacht club, all gross receipts from said operation shall cover all costs for above facilities included but not limited to investment, operating and administration costs and overhead."

"(u) TEN PERCENT (10%) of gross receipts from yacht club dues, initiation fees and assessments, except that special assessments are exempt provided that to qualify for such an exemption Lessee must comply with the 'Criteria for Eligibility for Exemption of Special Assessments from Gross Receipts' issued by the Director on June 13, 1973."

2. Section 50 (Miscellaneous) is hereby added to said lease:

"It is agreed that one primary purpose of yacht clubs is to provide for a continuing and on-going program in boating instruction and safety and to contribute to the pleasure of private boat ownership by participation in yachting regattas and similar competitive events. To that end Lessee agrees and covenants as follows:

"a. It will conduct races and regattas that promote Marina del Rey.

"b. It will participate annually in one regatta that will be open to the entire Marina del Rey boating public.

"c. It will conduct annually two educational classes that are open to the boating public.

"d. It will actively conduct boating and safety programs that assist the Harbor Patrol and Coast Guard in their functions.

"e. It will make facilities available to the Coast Guard Auxiliary and U. S. Power Squadron for educational purposes for at least one class per year upon request.

"f. It will conduct an active marine ecology program for the benefit of the Marina del Rey Harbor.

"g. It will continue to act as unofficial host to visiting yachtsmen on a reciprocal basis, including providing guest slips and club facilities as available.

"h. It will promote youth interest in individually or jointly hosting a regatta once a year."

3. An annual report shall be submitted describing the manner in which the requirements of Section 2 have been satisfied. The manner and time for filing this report will be described in a policy statement to be issued by the Director.

4. The effective date of this amendment to lease shall be the first day of the month following execution by the Chairman of the Board of Supervisors.

5. Any and all other terms and conditions contained in the lease shall remain in full force and effect and are hereby reaffirmed.

IN WITNESS WHEREOF, THE COUNTY OF LOS ANGELES, by order of its Board of Supervisors, has caused this amendment to lease to be executed on its behalf by the Chairman of said Board and attested by the Executive Officer-Clerk thereof, and the Lessee has executed this amendment to lease, or caused it to be duly executed, the day, month and year first above written.

CALIFORNIA YACHT CLUB

(SEAL)

By Charles F. Hathaway

By Robert W. [Signature]

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ATTEST:

JAMES S. MIZE, Executive Officer-Clerk of the Board of Supervisors

By Catherine [Signature]

APPROVED AS TO FORM:

JOHN H. LARSON
County Counsel



COUNTY OF LOS ANGELES

Robert E. Schabauer
Chairman, Board of Supervisors

By Fred W. Glough
Deputy

ADOPTED
BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

129

JUN 5 1973

JAMES S. MIZE
EXECUTIVE OFFICER