

THE CITY OF LOS ANGELES
DEPARTMENT OF RECREATION AND PARKS
AND
ONEGENERATION, A CALIFORNIA NON-PROFIT CORPORATION
FOR THE USE OF
MARK TAPER INTERGENERATIONAL CENTER

AMENDMENT NO. 3 TO LEASE AGREEMENT NO. C-109009

THIS Amendment No. 3 to Lease Agreement No. C-109009, is made and entered into this _____ day of _____, 2018, between the CITY OF LOS ANGELES, acting by and through its Board of Recreation and Park Commissioners (CITY), and ONEgeneration, a California non-profit corporation (ONE).

WHEREAS, The United States Army Corps of Engineers (USACE) owns certain real property located within the Sepulveda Flood Control Basin at 17400 Victory Boulevard, Van Nuys, California 91406, commonly known as the Mark Taper Intergenerational Center (PREMISES); and,

WHEREAS, CITY has operational jurisdiction over PREMISES through Master Lease No. DACW09-1-67-11 (MASTER LEASE), executed January 5, 1967 between CITY and USACE; and,

WHEREAS, CITY and ONE entered into Lease Agreement No. C-109009 (LEASE) executed October 25, 2005, approved by the Board of Recreation and Park Commissioners (BOARD) on August 11, 2004 (Report No. 04-231) and City Council on July 12, 2005 (Council File (CF) No. 05-0916), authorizing the occupancy and use of PREMISES by ONE for an initial term of ten (10) years, with an option to renew for a subsequent period of ten (10) years; and,

WHEREAS, CITY and ONE entered into Amendment No. 1 to Lease Agreement No. C-109009 executed on September 7, 2011, and Amendment No. 2 to Lease Agreement No. C-109009 executed on January 14, 2015, extending the term of the LEASE to 2035; and,

WHEREAS, ONE desires to participate in the Los Angeles Department of Water and Power (LADWP) Feed-in Tariff Solar Energy Reoffer Program (FIT PROGRAM) by partnering with PCS Energy through a sub-lease agreement with PCS Energy to install, operate and maintain solar carport structures within the parking lot of the PREMISES; and,

WHEREAS, the FIT PROGRAM requires a twenty (20) year commitment on the part of the participant, and ONE, with the remaining term of the LEASE, would not be able to show that it has the necessary site control to participate in the FIT PROGRAM; and,

WHEREAS, CITY and ONE desire to further amend the term of the LEASE to October 24, 2040.

NOW THEREFORE, in consideration of the forgoing and the terms and conditions contained herein, and the performance thereof, CITY and ONE hereby agree that Article 4.1 (Term) of the LEASE shall be amended in its entirety and restated as follows in the quotation marks below:

“Article 4.1. Term.

The Term of this LEASE shall commence on the Lease Commencement Date provided in Section 4.2 and terminate on October 24, 2040 (“Term”), unless terminated earlier in accordance with the provisions of this Lease.”

With the exception of previous amendments to the Lease, the balance of the terms and conditions of the LEASE shall remain unchanged and unaffected by this Amendment No. 3 to Lease Agreement No. C-109009. Should any provision of the LEASE or Amendment No. 1 or Amendment No. 2 conflict with this Amendment No. 3, the terms and conditions of this Amendment No. 3 shall prevail.

The CITY and ONE each acknowledge that the LEASE is subject to the terms and conditions of Lease No. DACW09-67-11 between the CITY and USACE.

[Signature page to follow]

IN WITNESS WHEREOF, the parties hereto have caused this Amendment No. 3 to Lease Agreement No. C-109009 to be executed by their duly authorized representatives.

Executed this _____ day
of _____, 2018

THE CITY OF LOS ANGELES, a municipal
corporation, acting by and through its
BOARD OF RECREATION AND PARK
COMMISSIONERS

By _____
PRESIDENT

By _____
SECRETARY

Executed this _____ day
of _____, 2018

ONEgeneration, a California Non-profit
Corporation

By _____
PRESIDENT

By _____
SECRETARY

Approved as to Form:

MICHAEL N. FEUER, City Attorney

By _____
DEPUTY CITY ATTORNEY

Date: _____

Attest:

HOLLY L. WOLCOTT, City Clerk

By _____
DEPUTY CITY CLERK

Date: _____

Council File Number: _____ Date of Approval: _____

Said Agreement is Number _____ of City Contracts