

FIRST AMENDMENT TO USE AND OCCUPANCY PERMIT

Copley Drive

THIS FIRST AMENDMENT TO USE AND OCCUPANCY PERMIT ("Amendment") is entered into by and between THE CITY OF SAN DIEGO, a California municipal corporation ("CITY") and SUSAN S. WAGNER, an individual doing business as "Scripps Mesa Storage" ("PERMITTEE"), to be effective as of **May 1, 2014** (the "Effective Date") when signed by the parties and approved by the San Diego City Attorney, as follows:

Recitals

- A. CITY and PERMITTEE are parties to that certain CITY OF SAN DIEGO USE AND OCCUPANCY PERMIT (the "Permit") dated May 1, 2013.
- B. Under the Permit, PERMITTEE currently occupies a Permit Area of approximately 7.6 acres (331,056 SF), as more particularly described in the Permit.
- C. PERMITTEE has requested a 2.4682 acre (107,514 SF) reduction of the Permit Area from 7.6 acres to approximately 5.1318 acres (approximately 223,541 square feet).
- D. CITY is under no obligation to reduce the size of the Premises.

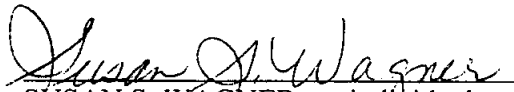
FOR VALUABLE CONSIDERATION, the sufficiency of which is acknowledged, the parties agree as follows:

- 1. Permit Area. As of the Effective Date, the definition of "Permit Area" in Section 1.1 of the Permit shall be a portion of that certain CITY-owned real property located at Copley Drive, APN 356-400-36, consisting of approximately 5.1318 acres, and more particularly described in **Amendment Exhibit A: Permit Area**.
 - a. Notwithstanding the foregoing, all those rights and responsibilities, provided in the Permit regarding or relating to the Permit Area that accrued or arose prior to the Effective Date shall remain in effect for that 2.4682 acre portion of the Permit Area subject to this Amendment.
- 2. Monthly Rent. The definition of "Monthly Rent" in the PERMIT shall be as follows:
 - a. **May 1, 2014 to April 30, 2015: \$26,825 per month;**
 - b. **May 1, 2015 to April 30, 2016: \$27,630 per month;**

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3. Demising Fence. By May 1, 2014, PERMITTEE, at PERMITTEE's sole cost and expense, shall install a 6' high galvanized chain link demising fence to separate itself from the 2.37 area PERMITTEE is vacating. Said demising fence shall be directly on the line dividing the amended Permit Area and the 2.4682 acre area PERMITTEE is vacating. Fence posts to accommodate top tension wire: 2-3/8" terminal posts set in concrete, 1- 7/8" line posts driven into dirt, 1-5/8" bracing at terminal posts, 9 gauge top and bottom tension wires. PERMITTEE shall maintain said demising fence throughout the Term of the Permit. Upon the expiration or termination of the Permit, at City's option, said demising fence shall remain in place and become the sole property of CITY.
4. Gate. By May 1, 2014, PERMITTEE, at PERMITTEE's sole cost and expense, shall install a 6' high gate at the frontage road entrance to the 2.4682 acre area PERMITTEE is vacating. Gate posts to be set in concrete. Gate must match existing perimeter PrivacyLink fence, 3-1/2" x 5" mesh with 2-13/16" green polyethylene slats (privacy), Bracing: 1-5/8" O.D. 16 gauge, 9 gauge galvanized top and bottom tension wire. Upon installation by PERMITTEE and written acceptance by CITY, said entrance gate shall become the sole property of CITY.
5. No Other Changes. Except as may render the terms of this Amendment inoperable, all other terms and conditions of the Permit shall remain in full force and effect. Unless expressly defined herein, all terms and conditions shall have the same definition and meaning as stated in the Permit. Any conflict between the terms and conditions of the Permit and those of this Amendment shall be resolved in favor of this Amendment.

IN WITNESS WHEREOF this Amendment is executed to be effective as of the Effective Date:

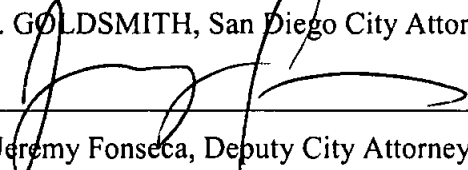

SUSAN S. WAGNER, an individual
doing business as "Scripps Mesa Storage"

THE CITY OF SAN DIEGO, a California
municipal corporation

BY: 
Name: Kristin Gelitz
Title: Interim Director Real Estate Assets

APPROVED AS TO FORM AND LEGALITY:

JAN I. GOLDSMITH, San Diego City Attorney

BY: 
Jeremy Fonseca, Deputy City Attorney

Date: 5/5/14

Amendment Exhibit A: Permit Area

