

FIRST AMENDMENT TO LEASE AGREEMENT

THIS AGREEMENT is executed by and between the CITY of SAN DIEGO, a municipal corporation (CITY), and JOHN AND AMELIA BALDAN d.b.a. CASA MACHADO RESTAURANT NO. 3 (LESSEE).

WITNESSETH

WHEREAS, the Lease Agreement executed between CITY and LESSEE, filed in the office of the City Clerk on April 23, 1990 as Document RR-275556, CITY leased to LESSEE certain real property on Montgomery Field Airport, in the City of San Diego, County of San Diego, State of California, more particularly described in said Lease Agreement and

WHEREAS, the parties hereto now desire to amend said Lease Agreement in the manner herein set forth:

NOW, THEREFORE, CITY AND LESSEE HEREBY AGREE:

I. Paragraph 3.02 a. Minimum Rent., subparagraph 3 is deleted in its entirety and the following substituted therefor:

The annual minimum rent commencing with the 3rd year until commencement of the 5th year is fifty-one thousand, six hundred fifty dollars (\$51,650), which is four thousand, three hundred, four dollars and seventeen cents (\$4,304.17) on a monthly basis; and commencing on June 1, 1995 the annual minimum rent shall be reduced to Forty-five thousand dollars (\$45,000), which is approximately three thousand, seven hundred, fifty dollars (\$3,750) on a monthly installment basis.

11. Paragraph 3.02 b. Minimum Rent Adjustment, first sentence is deleted in its entirety and the following substituted therefor:

b. Minimum Rent Adjustment. Effective on November 1, 1997 and at the beginning of each two and one-half year period thereafter during the lease term, the annual minimum rent shall be adjusted upward to eighty percent (80%) of the annual average of actual rents paid or accrued during the two (2) years preceding the adjustment date or, in the alternative, the minimum rent shall be increased based on increases in the consumer price index as specified in 3.02d below, whichever is greater.

III. Nothing herein is intended to amend any other covenant or condition of said lease agreement.

IV. This First Amendment shall become effective on the date it is executed by the City.

DOCUMENT NO. 285889
 FILED JUN 05 1995
 OFFICE OF THE CITY CLERK
 SAN DIEGO, CALIFORNIA

IN WITNESS WHEREOF, this First Amendment to said Lease Agreement is executed by CITY, acting through its City Manager or his designee, and LESSEE, on this day and year set forth below:

THE CITY OF SAN DIEGO

Date: JUN 05 1995

By: [Signature]
~~Deputy City Manager~~
Real Estate Assets Director

Date: 4/19/95

LESSEE:
By: [Signature]
John A. Baldan

Date: 4/19/95

By: [Signature]
Amelia Baldan

APPROVED as to form and legality this 15 day of June, 1995

JOHN W. WITT, City Attorney

~~Date:~~ _____

By: [Signature]
Chief Deputy Attorney

file: baldan.ame

R-285889

(R-95-1729)

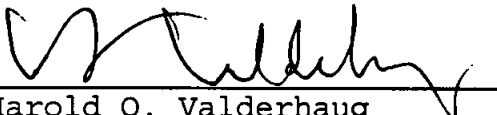
RESOLUTION NUMBER R- 285889

ADOPTED ON JUN 05 1995

BE IT RESOLVED, by the Council of The City of San Diego,
that the City Manager is hereby authorized to execute, for and on
behalf of The City of San Diego, a First Amendment to Lease
Agreement with JOHN and AMELIA BALDAN, dba CASA MACHADO
RESTAURANT NO. 3, which amendment reduces the minimum annual rent
from \$51,650 to \$45,000 for the period June 1, 1995, through
November 1, 1997, on the leased premises at Montgomery Field,
under the terms and conditions set forth in that First Amendment
to Lease Agreement on file in the office of the City Clerk as
Document No. RR- 285889 .

APPROVED: JOHN W. WITT, City Attorney

By


Harold O. Valderhaug
Chief Deputy City Attorney

HOV:ps
05/16/95
Or.Dept:REA
R-95-1729
Form=r-t

Passed and adopted by the Council of the City of San Diego on JUN 05 1995 by the following vote:

YEAS: MATHIS, HARVEY, KEHOE, STEVENS, WARDEN, STALLINGS,

VARGAS, MAYOR GOLDING

NAYS: NONE.

NOT PRESENT: MCCARTY

AUTHENTICATED BY:

SUSAN GOLDING
Mayor of The City of San Diego, California

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California

(SEAL)

By: Elise Harmon, Deputy

I HEREBY CERTIFY that the above and foregoing is a full, true and correct copy of RESOLUTION
No. R- 285889, passed and adopted by the Council of The City of San Diego, California
on JUN 05 1995.

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California

(SEAL)

By: Elise Harmon, Deputy