

DUPLICATE

DOCUMENT NO. RR-268698

FILED

OFFICE OF THE CITY CLERK
SAN DIEGO, CALIFORNIA

SECOND AMENDMENT TO LEASE AGREEMENT

WITH

SAN DIEGO CIVIC LIGHT OPERA ASSOCIATION, INC.

THE SECOND AMENDMENT TO LEASE AGREEMENT is made by THE CITY OF SAN DIEGO, a municipal corporation, hereinafter called "City", and SAN DIEGO CIVIC LIGHT OPERA ASSOCIATION, INC., a nonprofit California corporation, hereinafter called "Lessee."

RECITALS

- A. WHEREAS, on October 27, 1980 City and Lessee entered into a lease agreement for the improvement, maintenance, management and operation of certain buildings and improvements situated in Balboa Park, generally known as Starlight Bowl. The original Lease Agreement is on file in the Office of the City Clerk as Document No. RR252959.
- B. WHEREAS, on May 28, 1985 a First Amendment was adopted and is on file in the Office of the City Clerk as Resolution No. RR263271.
- C. WHEREAS, City and Lessee mutually desire to amend said agreement.

NOW THEREFORE, in consideration of the Recitals and the mutual obligations of the parties as herein expressed, City and Lessee agree as follows:

- 1. Amend Paragraph IA, to read as follows:

- A. Permitted Use. Said premises are leased to Lessee for the sole purpose of preparation and presentation of dramatic and musical performances, and similar performances and other presentations of entertainment or civic nature, and matters incidental thereto, inc

not expressly limited to: (1) the right to charge admission therefore, (2) the right to operate a box office and administrative office facilities, and (3) for the term of the original lease agreement ending on November 1, 2005, the right to sell nonalcoholic beverages, tobacco, food, and confections; and clothing, novelties, souvenir and/or publications related to Lessee's activities, during any time at which the demised premises are used by Lessee or its designees, or such other time as may be specifically approved in writing by the City Manager.

IN WITNESS WHEREOF, the Second Amendment to Agreement is executed by the City, acting by and through its City Manager, pursuant to Resolution No. R-268698 authorizing such execution and by Lessee.

Dated this 29th day of June, 1987.

THE CITY OF SAN DIEGO,
a municipal corporation

By Dayle Gandy
ASSISTANT TO THE City Manager

SAN DIEGO CIVIC LIGHT OPERA ASSOCIATION, INC.
A non-profit California corporation

By Leon Green, Gen. Mgr.

Approved as to form and legality
this 27 day of July, 1987
JOHN W. WITT, City Attorney

By [Signature]
Deputy City Attorney,

R- 268698

Passed and adopted by the Council of The City of San Diego on

JUN 29 1987

by the following vote:

YEAS: Wolfsheimer, Cleator, McColl, Jones, Struiksma, Gotch,
McCarty, Ballesteros, O'Connor.

NAYS: None.

NOT PRESENT: None.

AUTHENTICATED BY:

MAUREEN O'CONNOR

Mayor of The City of San Diego, California

CHARLES G. ABDELNOUR

City Clerk of The City of San Deigo, California

By JUNE A. BLACKNELL
Deputy

I HEREBY CERTIFY that the above and foregoing is a full, true
and correct copy of RESOLUTION NO. R- 268698 passed and
adopted by the Council of The City of San Deigo, California, on

JUN 29 1987

CHARLES G. ABDELNOUR

City Clerk of The City of San Deigo, California

(SEAL)

By

June A. Blacknell
Deputy

(R-87-2532)

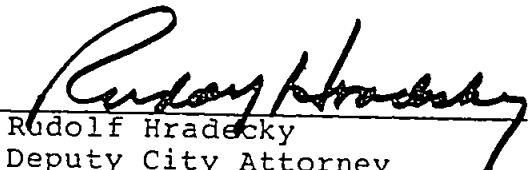
RESOLUTION NUMBER R- 268698

ADOPTED ON JUN 29 1987

BE IT RESOLVED, by the Council of The City of San Diego, that the City Manager be and he is hereby authorized and empowered to execute, for and on behalf of said City, a second amendment to the lease agreement with San Diego Civic Light Opera Association, Inc., for the improvement, maintenance and operation of Starlight Bowl in Balboa Park, under the terms and conditions set forth in the Second Amendment to Lease Agreement on file in the office of the City Clerk as Document No. RR- 268698.

APPROVED: John W. Witt, City Attorney

By


Rudolf Hradecky
Deputy City Attorney

RH:mrh
06/02/87
Or.Dept:Pk.&Rec.
R-87-2532
Form=r.auagr

COPY

RECEIVED

JUN 17 1980

PARK AND RECREATION
CENTRAL DIVISION

FIRST AMENDMENT TO LEASE AGREEMENT

WITH

SAN DIEGO CIVIC LIGHT OPERA ASSOCIATION, INC.

THIS FIRST AMENDMENT TO LEASE AGREEMENT is made by THE CITY OF SAN DIEGO, a municipal corporation, hereinafter called "City", and SAN DIEGO CIVIC LIGHT OPERA ASSOCIATION, INC., a nonprofit California corporation, hereinafter called "Lessee."

RECITALS

- A. WHEREAS, on October 27, 1980 City and Lessee entered into a lease agreement for the improvement, maintenance, management and operation of certain buildings and improvements situated in Balboa Park, generally known as Starlight Bowl. The original Lease Agreement is on file in the Office of the City Clerk as Document No. RR252959.
- B. WHEREAS, City and Lessee mutually desire to amend said agreement.
- NOW THEREFORE, in consideration of the Recitals and the mutual obligations of the parties as herein expressed, City and Lessee agree as follows:
1. Amend Paragraph IA, to read as follows:

A. Permitted Use. Said premises are leased to Lessee for the sole purpose of preparation and presentation of dramatic and musical performances, and similar performances and other presentations of an entertainment or civic nature, and matters incidental thereto, including, but not expressly limited to: (1) the right to charge admission therefor (2) the right to operate a box office and administrative office facilities, and (3) for the period ending December 31, 1985 the right to sell nonalcoholic beverages, tobacco, food, confections; and clothing, novelties, souvenirs and/or

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publications related to Lessee's activities, during any time at which the demised premises are used by Lessee or its designees, or such other time as may be specifically approved in writing by the City Manager.

IN WITNESS WHEREOF, the First Amendment to Agreement is executed by the City, acting by and through its City Manager, pursuant to Resolution No. R- 26327 authorizing such execution and by Lessee.

Dated this 28th day of May, 1985.

THE CITY OF SAN DIEGO,
a municipal corporation

By Helen L. Bird
ASSISTANT TO THE City Manager

SAN DIEGO CIVIC LIGHT OPERA ASSOCIATION, INC.
a non-profit California corporation

By Benny C. Koudal
President

Approved as to form and legality	
this <u>28th</u> day of <u>MAY</u>	19 <u>85</u>
JOHN W. WITT City Attorney	
By <u>[Signature]</u>	
Assistant City Attorney	

R- 263271