

FIRST AMENDMENT TO LEASE AGREEMENT

THIS FIRST AMENDMENT TO AGREEMENT (First Amendment) is made by the CITY OF SAN DIEGO, a municipal corporation (CITY) and THE MINGEI INTERNATIONAL MUSEUM OF FOLK ART, a California non-profit, public benefit corporation (LESSEE).

RECITALS

- A. On July 9, 1996, CITY and LESSEE entered into a lease agreement (Lease) for the operation and maintenance of the MINGEI INTERNATIONAL MUSEUM OF FOLK ART in Balboa Park, the original of which is on file in the office of the City Clerk as Document No. OO-18306.
- B. On September 22, 2015, CITY approved LESSEE's exercise of the twenty-five year Lease option to extend LESSEE's Lease for an additional twenty-five (25) years pursuant to Section 2.1 Commencement of the Lease. The Lease termination date has been extended from May 27, 2012 to May 27, 2046.
- C. The Lease defines the premises as limited to the footprint of City building number 631, the House of Charm (Building). The footprint of the Building will be modified with LESSEE's planned and approved construction and improvements.
- D. CITY and LESSEE mutually agree to amend the lease agreement to clarify "premises" based on the planned construction and improvements to the Building.
- E. All initially capitalized terms herein shall have the same meaning as in the Lease, unless otherwise specifically defined herein.

AGREEMENT

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereto agree to the following:

1. AMENDMENTS TO: SECTION 10: EXHIBITS

Section 10. A. 1-4 LOCATION MAP of the lease is hereby DELETED in their entirety and REPLACED with the following:

"10. Exhibit A: LOCATION MAP

- A – 1: Legal Description
- A – 2: Plat of the Premises
- A – 3: Upper Level (After Proposed Construction)
- A – 4: Plaza Level (After Proposed Construction)
- A – 5: Lower Level (After Proposed Construction)

A – 6: Basement Level (After Proposed Construction)”

Exhibit A is attached hereto and incorporated into this Lease by this reference.

IN WITNESS WHEREOF, this First Amendment is executed by CITY, acting by and through its Mayor, or his designee, and by LESSEE, acting by and through its lawfully authorized officer.

Date: 8/19/19

THE CITY OF SAN DIEGO, a California
municipal corporation

BY: [Signature]
Cybele Thompson
Director, Real Estate Assets Department

Date: _____

MINGEI INTERNATIONAL MUSEUM OF FOLK
ART, a California non-profit, public benefit
corporation

BY: NOB SIDNER
Name: NOB SIDNER
Title: EXEC. DIR + CEO

ENVIRONMENTAL ANALYSIS SECTION ENVIRONMENTAL CLEARANCE:

This activity is not a project pursuant to CEQA Guidelines Section 15378(b)(5), and thus, is not subject to CEQA pursuant to CEQA Guidelines Section 15060(c)(3).

Date: 8/13/19

BY: [Signature]
Name: Alyssa M. Muto
Title: Deputy Director, Environmental and
Policy Analysis

Approved as to form

This 20th day of August, 2019
MARA W. ELLIOTT, CITY ATTORNEY

By: [Signature]
Kathy J. Steinman

Deputy City Attorney

J-18587

EXHIBIT "A" - 1

Lease Description

Parcel 'A'

Being that portion Pueblo Lands of San Diego, in the City of San Diego, County of San Diego, State of California, according to Miscellaneous Map thereof No. 36, filed in the Office of the County Recorder of San Diego County November 14, 1921, said portion being more particularly described as follows:

BEGINNING at a point which bears South 16°04'35" West 3626.14 feet from a Lead and Disk in concrete sidewalk stamped "CITY SD ENG", being Point 167 per Record of Survey No. 14492 filed in the Office of the County Recorder of said County March 31, 1994; thence South 00°14'45" West 75.18 feet; thence South 89°45'15" East 0.75 feet; thence South 00°05'30" East 2.84 feet; thence South 89°45'15" East 1.51 feet; thence South 44°11'13" East 5.75 feet to the beginning of a tangent 3.00 foot radius curve concave Westerly; thence Southerly along the arc of said curve through a central angle of 89°36'15" a distance of 4.69 feet; thence South 45°25'02" West 5.79 feet; thence North 89°45'15" West 0.88 feet; thence South 00°14'45" West 13.21 feet; thence South 89°45'15" East 0.77 feet; thence South 45°59'28" East 5.67 feet to the beginning of a tangent 3.00 foot radius curve concave Westerly; thence Southerly along the arc of said curve through a central angle of 90°45'51" a distance of 4.75 feet; thence South 44°46'23" West 5.79 feet; thence North 89°45'15" West 1.24 feet; thence South 00°14'45" West 2.57 feet; thence North 89°45'15" West 0.91 feet; thence South 00°14'45" West 54.78 feet; thence South 89°52'59" West 18.45 feet; thence South 00°14'45" West 22.56 feet; thence South 89°45'15" East 4.34 feet to the beginning of a non-tangent 36.66 foot radius curve concave Easterly to which a radial line bears South 84°34'52" West; thence Southerly along the arc of said curve through a central angle of 07°55'55" a distance of 5.08 feet; thence non-tangent to said curve North 89°45'15" West 5.19 feet; thence South 00°14'45" West 48.01 feet to the beginning of a non-tangent 271.00 foot radius curve concave Northerly to which a radial line bears South 03°24'18" West; thence Westerly along the arc of said curve through a central angle of 08°43'02" a distance of 41.23 feet; thence North 77°52'39" West 6.27 feet; thence North 00°14'45" East 31.39 feet; thence North 89°45'15" West 32.66 feet; thence North 00°14'45" East 5.83 feet; thence North 89°45'15" West 10.07 feet; thence South 00°14'45" West 7.69 feet; thence South 89°45'15" East 3.63 feet; thence South 00°14'45" West 8.93 feet; thence North 89°45'15" West 7.50 feet; thence South 00°14'45" West 5.25 feet; thence North 89°45'15" West 9.50 feet; thence North 00°14'45" East 17.25 feet to the beginning of a non-tangent 6.50 foot radius curve concave Southeasterly to which a radial line bears North 03°10'46" East; thence Southwesterly along the arc of said curve through a central angle of 88°29'54" a distance of 10.04 feet; thence South 04°40'52" West 8.26 feet; thence South 11°43'25" West 4.91 feet; thence North 77°52'39" West 9.43 feet; thence North 16°38'29" East 4.98 feet; thence North 00°31'58" West 5.60 feet to the beginning of a tangent 16.00 foot radius curve concave Southeasterly; thence Northeasterly along the arc of said curve through a central angle of 89°33'36" a distance of 25.01 feet; thence

non-tangent to said curve North 00°14'45" East 1.97 feet; thence North 89°45'15" West 38.56 feet; thence North 00°14'45" East 7.95 feet; thence North 89°45'15" West 1.00 foot; thence North 00°14'45" East 8.44 feet; thence North 89°45'15" West 2.43 feet; thence North 00°14'45" East 2.14 feet; thence North 89°45'15" West 0.90 feet to the beginning of a tangent 8.00 foot radius curve concave Southeasterly; thence Southwesterly along the arc of said curve through a central angle of 37°35'50" a distance of 5.25 feet; thence South 52°38'55" West 9.92 feet; thence North 37°37'20" West 4.00 feet; thence North 52°38'55" East 9.94 feet to the beginning of a tangent 12.00 foot radius curve concave Southeasterly; thence Northeasterly along the arc of said curve through a central angle of 37°35'50" a distance of 7.87 feet; thence South 89°45'15" East 0.90 feet; thence North 00°14'45" East 2.04 feet; thence South 89°45'15" East 2.43 feet; thence North 00°14'45" East 8.30 feet; thence South 89°45'15" East 1.00 foot; thence North 00°14'45" East 7.93 feet; thence South 89°45'15" East 12.57 feet; thence North 00°14'45" East 23.11 feet; thence South 89°22'12" East 7.08 feet; thence North 00°14'45" East 11.21 feet; thence South 89°45'15" East 13.56 feet; thence North 01°34'23" West 4.45 feet; thence North 89°45'15" West 1.28 feet; thence North 00°14'45" East 18.28 feet; thence South 89°45'15" East 15.35 feet; thence North 00°14'45" East 39.23 feet; thence North 89°45'15" West 37.39 feet; thence North 00°14'45" East 3.00 feet; thence South 89°45'15" East 32.72 feet; thence North 00°14'45" East 23.11 feet; thence South 89°45'15" East 4.27 feet; thence North 00°14'45" East 3.04 feet; thence South 89°45'15" East 1.51 feet; thence North 00°14'45" East 17.02 feet; thence South 89°45'15" East 45.78 feet; thence South 00°04'00" West 0.93 feet; thence South 89°45'15" East 48.36 feet; thence North 00°14'26" East 15.97 feet; thence South 89°48'12" East 18.35 feet to the POINT OF BEGINNING.

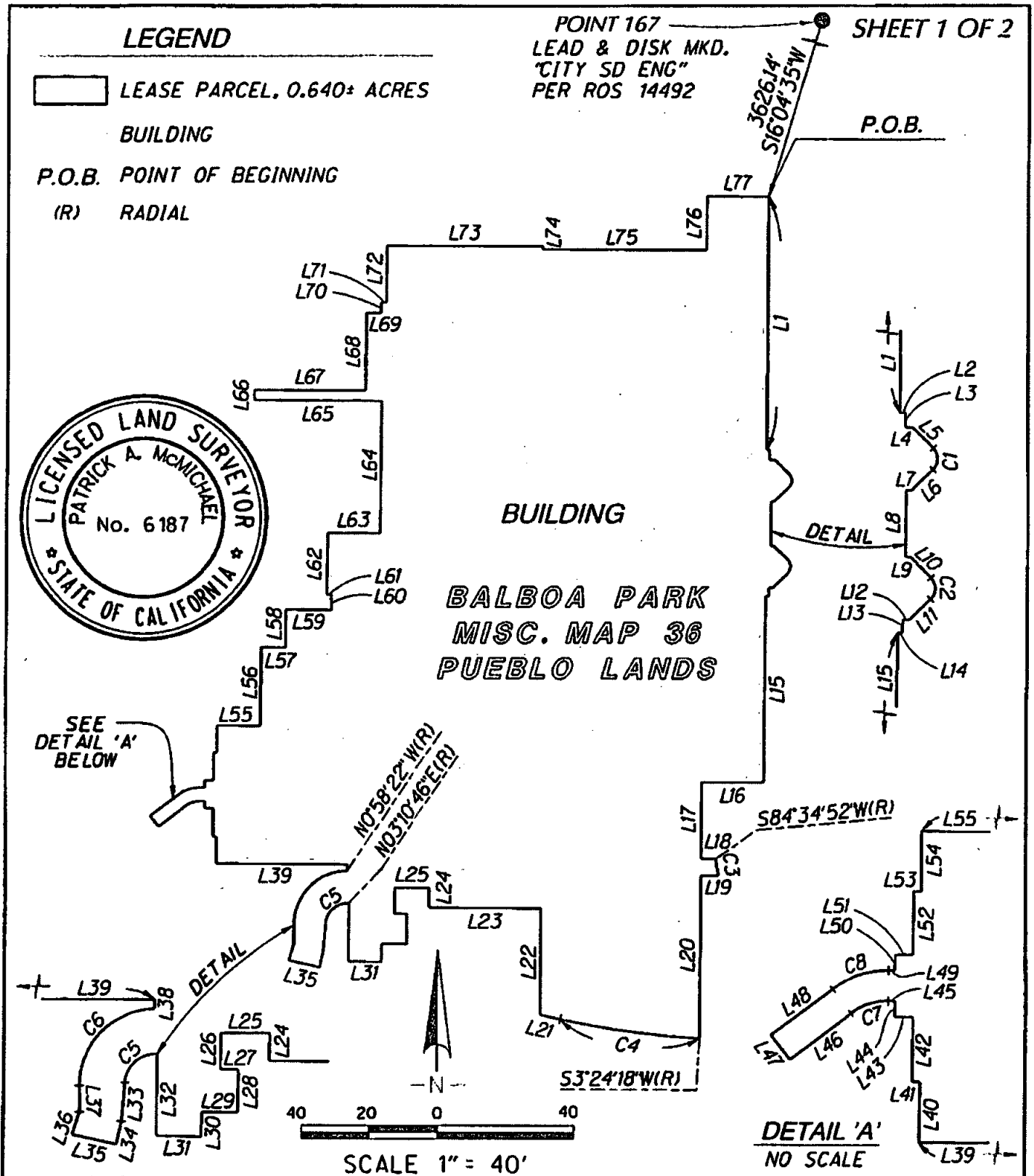
The hereinabove described Parcel of Land contains 0.640 acres, more or less.

Patrick A. McMichael 7-3-2019
Patrick A. McMichael, LS 6187

PAM:SJS\M:18587_Balboa Park\Survey\Legals\18587_Legal Lease Pcl



EXHIBIT A - 2



RICK
ENGINEERING COMPANY

5620 FRIARS ROAD
SAN DIEGO, CA 92110
619-291-0707
(FAX) 619-291-4165

J. 18587

**MINGEI MUSEUM
LEASE PARCEL**

Patrick A. McMichael

7-3-2019

PATRICK A. McMICAL, LS 6187

DATE

LINE TABLE

NO.	DIRECTION	LENGTH
L1	S 00° 14' 45" W	75.18'
L2	S 89° 45' 15" E	0.75'
L3	S 00° 05' 30" E	2.84'
L4	S 89° 45' 15" E	1.51'
L5	S 44° 11' 13" E	5.75'
L6	S 45° 25' 02" W	5.79'
L7	N 89° 45' 15" W	0.88'
L8	S 00° 14' 45" W	13.21'
L9	S 89° 45' 15" E	0.77'
L10	S 45° 59' 28" E	5.67'
L11	S 44° 46' 23" W	5.79'
L12	N 89° 45' 15" W	1.24'
L13	S 00° 14' 45" W	2.57'
L14	N 89° 45' 15" W	0.91'
L15	S 00° 14' 45" W	54.78'
L16	S 89° 52' 59" W	18.45'
L17	S 00° 14' 45" W	22.56'
L18	S 89° 45' 15" E	4.34'
L19	N 89° 45' 15" W	5.19'
L20	S 00° 14' 45" W	48.01'
L21	N 77° 52' 39" W	6.27'
L22	N 00° 14' 45" E	31.39'
L23	N 89° 45' 15" W	32.66'
L24	N 00° 14' 45" E	5.83'
L25	N 89° 45' 15" W	10.07'
L26	S 00° 14' 45" W	7.69'
L27	S 89° 45' 15" E	3.63'
L28	S 00° 14' 45" W	8.93'
L29	N 89° 45' 15" W	7.50'
L30	S 00° 14' 45" W	5.25'
L31	N 89° 45' 15" W	9.50'
L32	N 00° 14' 45" E	17.25'
L33	S 04° 40' 52" W	8.26'
L34	S 11° 43' 25" W	4.91'
L35	N 77° 52' 39" W	9.43'
L36	N 16° 38' 29" E	4.98'
L37	N 00° 31' 58" W	5.60'
L38	N 00° 14' 45" E	1.97'
L39	N 89° 45' 15" W	38.56'
L40	N 00° 14' 45" E	7.95'
L41	N 89° 45' 15" W	1.00'
L42	N 00° 14' 45" E	8.44'
L43	N 89° 45' 15" W	2.43'
L44	N 00° 14' 45" E	2.14'
L45	N 89° 45' 15" W	0.90'
L46	S 52° 38' 55" W	9.92'
L47	N 37° 37' 20" W	4.00'
L48	N 52° 38' 55" E	9.94'
L49	S 89° 45' 15" E	0.90'
L50	N 00° 14' 45" E	2.04'
L51	S 89° 45' 15" E	2.43'
L52	N 00° 14' 45" E	8.30'

LINE TABLE (CONT'D)

NO.	DIRECTION	LENGTH
L53	S 89° 45' 15" E	1.00'
L54	N 00° 14' 45" E	7.93'
L55	S 89° 45' 15" E	12.57'
L56	N 00° 14' 45" E	23.11'
L57	S 89° 22' 12" E	7.08'
L58	N 00° 14' 45" E	11.21'
L59	S 89° 45' 15" E	13.56'
L60	N 01° 34' 23" W	4.45'
L61	N 89° 45' 15" W	1.28'
L62	N 00° 14' 45" E	18.28'
L63	S 89° 45' 15" E	15.35'
L64	N 00° 14' 45" E	39.23'
L65	N 89° 45' 15" W	37.39'
L66	N 00° 14' 45" E	3.00'
L67	S 89° 45' 15" E	32.72'
L68	N 00° 14' 45" E	23.11'
L69	S 89° 45' 15" E	4.27'
L70	N 00° 14' 45" E	3.04'
L71	S 89° 45' 15" E	1.51'
L72	N 00° 14' 45" E	17.02'
L73	S 89° 45' 15" E	45.78'
L74	S 00° 04' 00" W	0.93'
L75	S 89° 45' 15" E	48.36'
L76	N 00° 14' 26" E	15.97'
L77	S 89° 48' 12" E	18.35'

CURVE TABLE

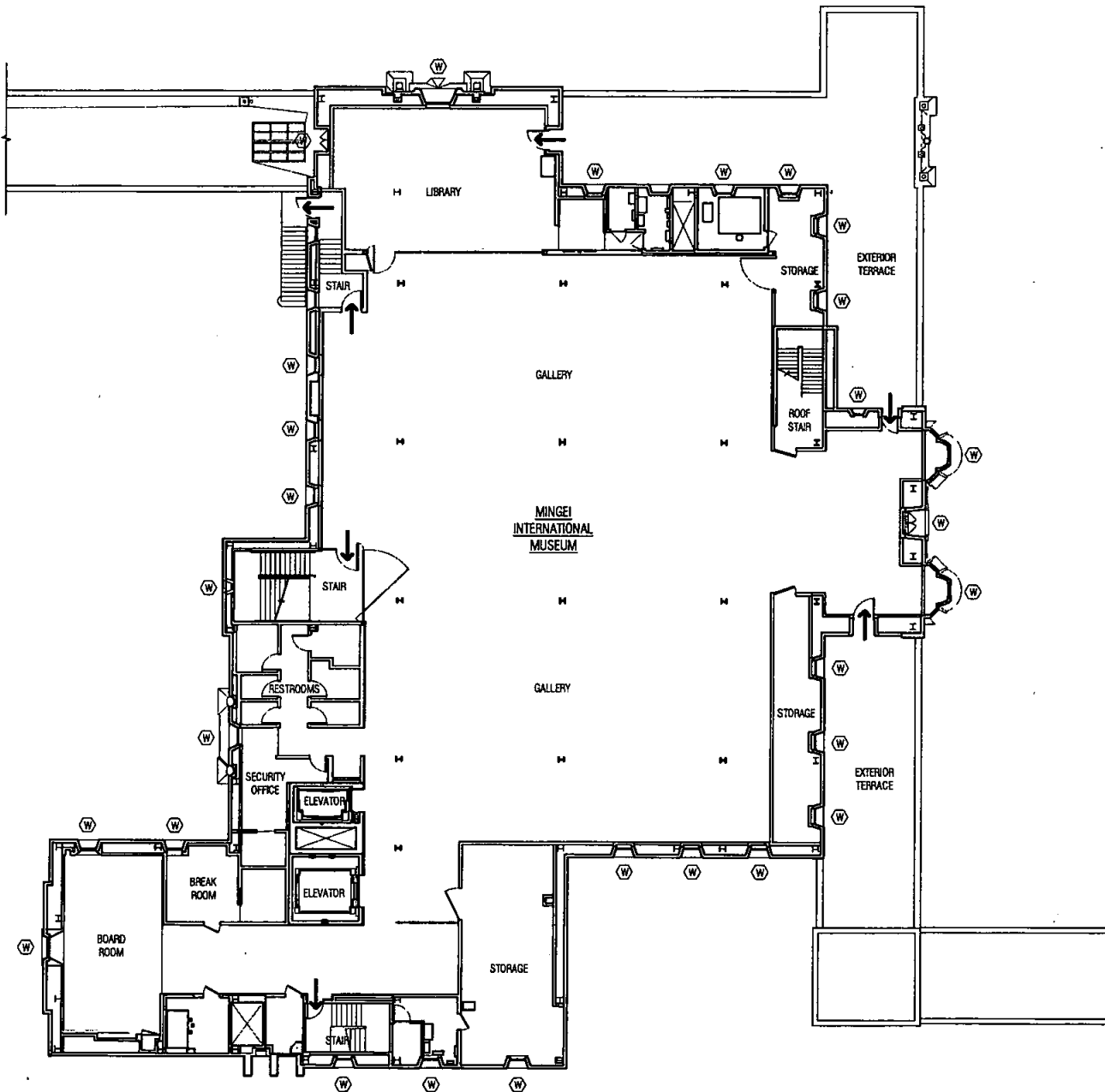
NO.	DELTA	RADIUS	ARC
C1	89° 36' 15"	3.00'	4.69'
C2	90° 45' 51"	3.00'	4.75'
C3	7° 55' 55"	36.66'	5.08'
C4	8° 43' 02"	271.00'	41.23'
C5	88° 29' 54"	6.50'	10.04'
C6	89° 33' 36"	16.00'	25.01'
C7	37° 35' 50"	8.00'	5.25'
C8	37° 35' 50"	12.00'	7.87'



5620 FRIARS ROAD J. 18587
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**MINGEI MUSEUM
 LEASE PARCEL**

EXHIBIT A - 3



UPPER LEVEL

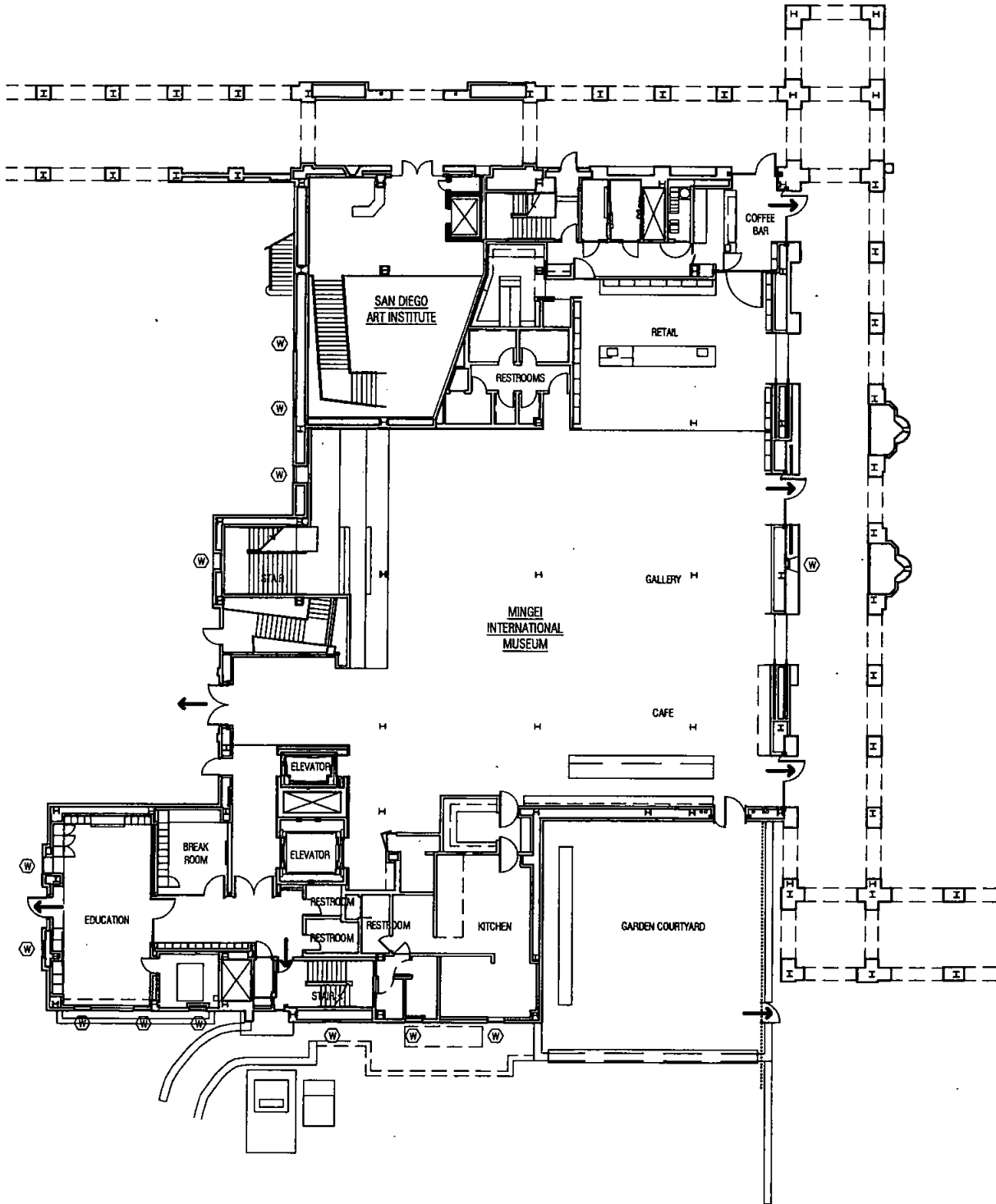
1" = 30'-0" north (N)

THE HOUSE OF CHARM
BALBOA PARK, SAN DIEGO, CA

LEGEND

→ EXIT
 (W) WINDOW

EXHIBIT A - 4



PLAZA LEVEL

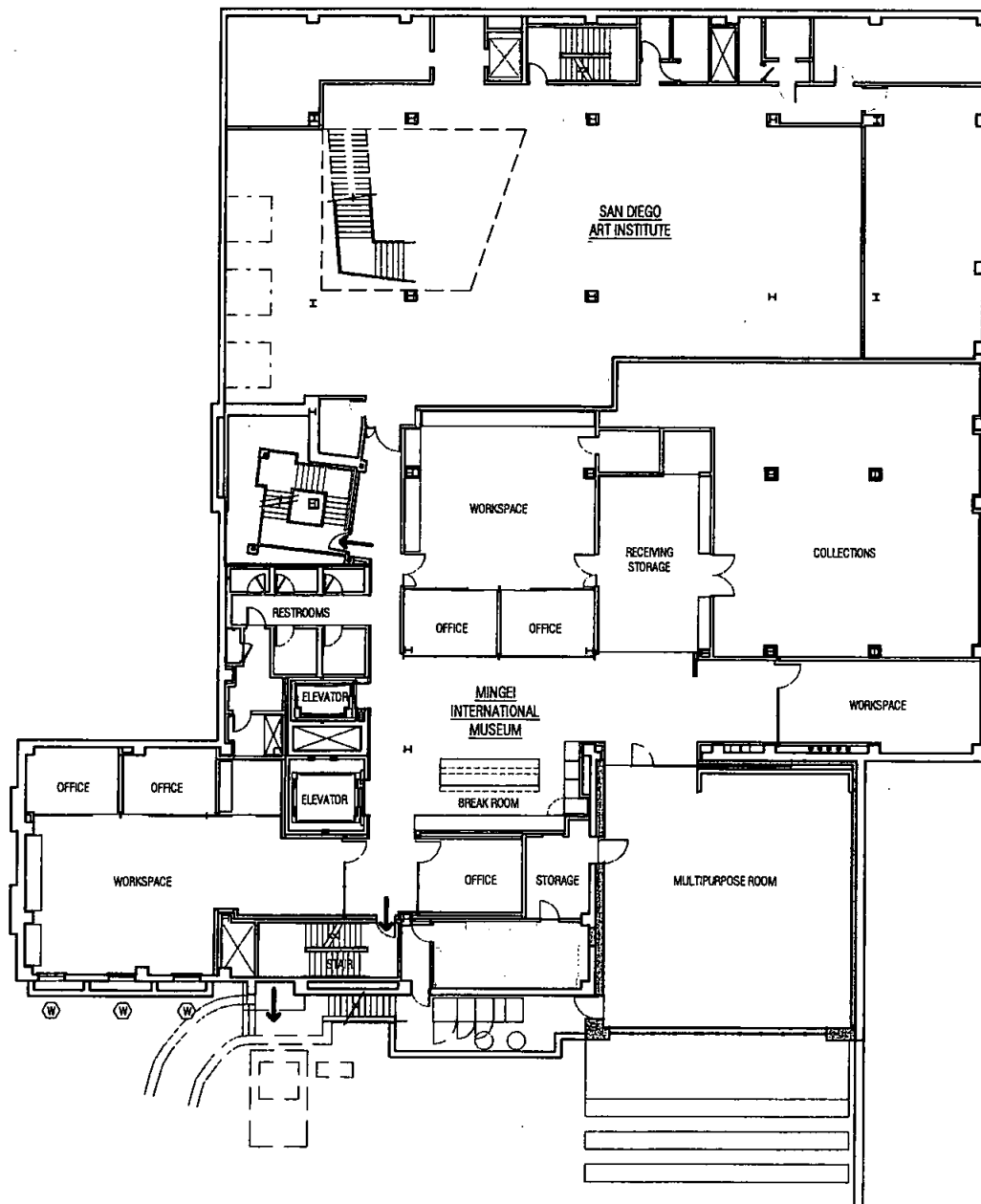
1" = 32'-0" north (N)

THE HOUSE OF CHARM
BALBOA PARK, SAN DIEGO, CA

LEGEND

→ EXIT
⊙ W WINDOW

EXHIBIT A - 5

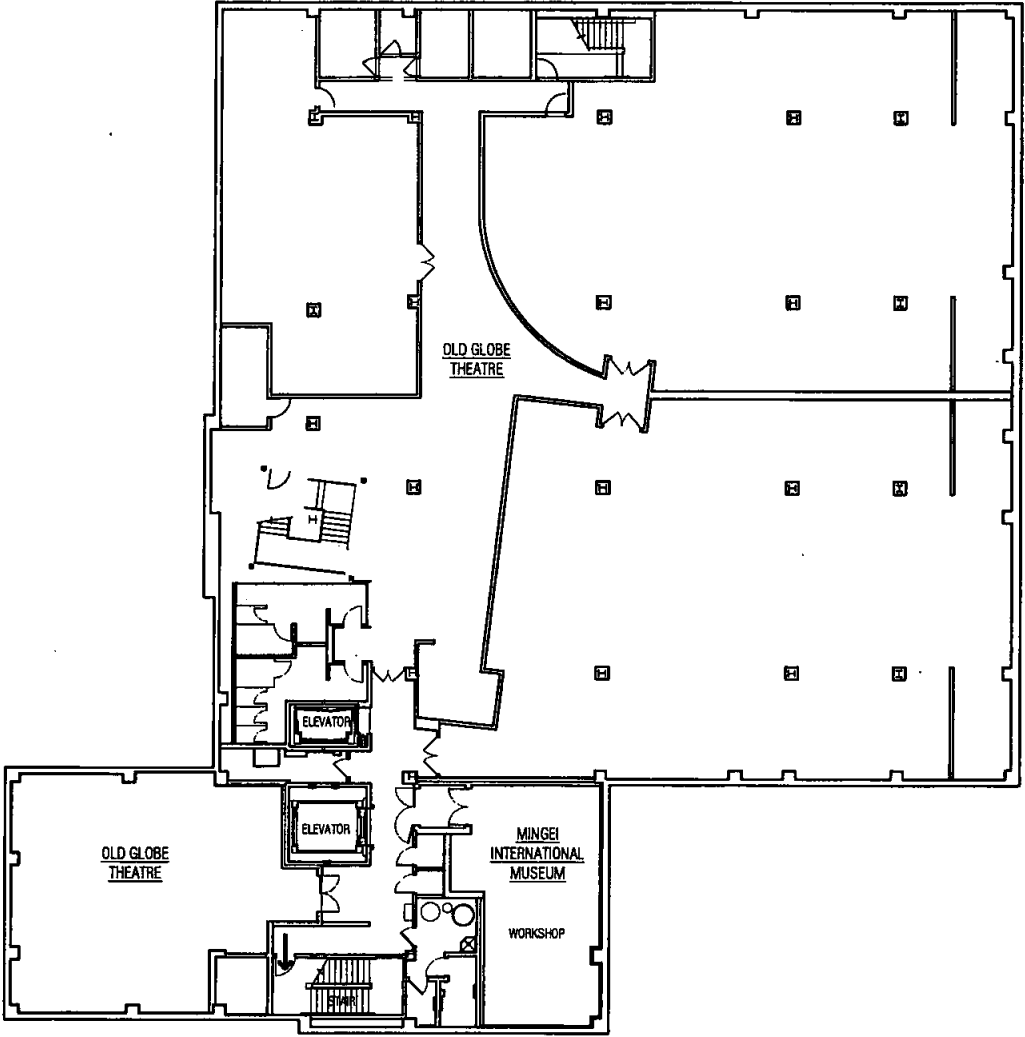


LOWER LEVEL

1" = 30'-0" north (N)

THE HOUSE OF CHARM
BALBOA PARK, SAN DIEGO, CA

EXHIBIT A - 6



BASEMENT LEVEL

1" = 30'-0" north

THE HOUSE OF CHARM
BALBOA PARK, SAN DIEGO, CA

LEGEND

- EXIT
- ⊙ WINDOW