

SECOND AMENDMENT TO LEASE AGREEMENT

THIS SECOND AMENDMENT TO LEASE AGREEMENT (Amendment) is made by the CITY OF SAN DIEGO, a municipal corporation (CITY), and the JAPANESE FRIENDSHIP GARDEN SOCIETY OF SAN DIEGO, California nonprofit corporation (LESSEE).

RECITALS

- A. On April 2, 1984, CITY and LESSEE entered into a lease agreement for development, operation and maintenance of a Japanese Garden in Balboa Park ("Lease Agreement"), the original of which is on file in the office of the City Clerk as Document No. RR-260395.
- B. On October 23, 1989, CITY and LESSEE entered into a First Amendment to the Lease Agreement to modify the construction bonding requirement.
- C. Pursuant to the terms of the Lease Agreement, LESSEE made improvements on the leased premises to develop, operate and maintain a Japanese Garden. The term "Garden" is used in but not defined in the Lease Agreement. At the time that the parties entered into the Lease Agreement, the improvements had not been completed, which made it difficult to define the term "Garden" and the boundaries of the "Garden."
- D. The improvements contemplated by the Lease Agreement have been completed and CITY and LESSEE mutually agree to further amend the Lease Agreement to define "Garden".
- E. All initially capitalized terms herein shall have the same meaning as in the Lease Agreement, 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. AMENDMENT OF THE LEASE. The Lease Agreement is amended as follows:
 - 1.1 Section II. A of the Lease Agreement, entitled "Description" is hereby deemed deleted in its entirety and replaced as follows:
 - A. Description. City hereby leases to Society, and Society leases from City, those certain premises together with all appurtenances thereto, (hereinafter called the "leased premises"), situated in the City of San Diego, County of San Diego, State of California, more particularly described and illustrated in Exhibit "A", attached hereto and incorporated herein by this reference. Wherever the terms "leased premises" or "premises" appear in this Lease Agreement, they shall mean that portion of the premises described and illustrated in Exhibit "A" which have been

enclosed by perimeter fencing erected by Society pursuant to the Schedule of Phased Development attached hereto as Exhibit "B," as well as the parking lot immediately south of the main entrance to the Garden, and as described and illustrated on a precise plot plan approved by City. Said parking lot shall be available to the general public on the same basis as visitors to the Garden. As used in this Lease Agreement, the term "Garden" is defined as that area more particularly described and illustrated in Exhibit "A." Until said leased premises are progressively enclosed by perimeter fencing, City may continue to irrigate and maintain said areas in a manner consistent with its maintenance of similarly undeveloped property within Balboa Park. Upon erection of perimeter fencing, Society shall assume full responsibility for irrigation and maintenance of the area so enclosed.

- 1.2 Exhibit "A" of the Lease Agreement is hereby deemed deleted in its entirety and replaced with Exhibit "A" consisting of the following:

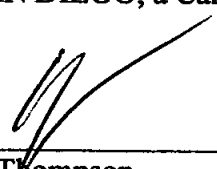
Exhibit "A - 1" Legal Description
Exhibit "A - 2" Vicinity Map

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

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

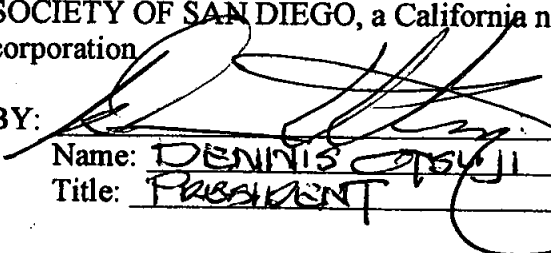
Date: 9/17/19

CITY OF SAN DIEGO, a California municipal corporation

BY: 
Cybele Thompson
Director, Real Estate Assets Department

Date: AUGUST 19, 2019

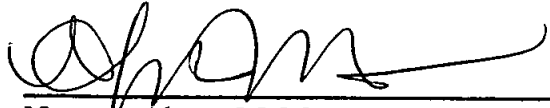
JAPANESE FRIENDSHIP GARDEN
SOCIETY OF SAN DIEGO, a California nonprofit corporation

BY: 
Name: DENNIS OTSUJI
Title: PRESIDENT

ENVIRONMENTAL ANALYSIS SECTION ENVIRONMENTAL CLEARANCE:

This activity is: 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: 8/27/19

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

Approved as to form

This 23rd day of September, 2019
MARA W. ELLIOTT, CITY ATTORNEY

By: 
Kathy J. Steinman
Deputy City Attorney

EXHIBIT "A - 1"

LEGAL DESCRIPTION

THAT PORTION OF THE 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 SAID COUNTY NOVEMBER 14, 1921 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

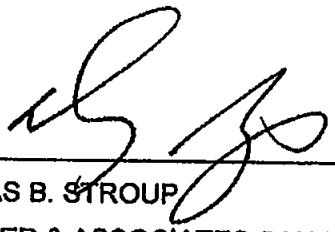
BEGINNING AT A POINT WHICH BEARS SOUTH 05°08'43" WEST, 3956.39 FEET FROM A LEAD AND TAG IN CONCRETE SIDEWALK STAMPED "CITY SD ENG", BEING POINT 167 PER RECORD OF SURVEY NO. 14492 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY MARCH 31, 1994; THENCE FROM SAID POINT TO THE BEGINNING OF A 58.00 FOOT RADIUS CURVE CONCAVE NORTHEASTERLY, A RADIAL LINE TO SAID POINT BEARS SOUTH 89°18'13" WEST; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 90°43'34" A DISTANCE OF 88.67 FEET; THENCE NORTH 88°34'39" EAST, 72.34 FEET; THENCE SOUTH 26°22'55" EAST, 113.76 FEET TO THE BEGINNING OF A NON-TANGENT 379.00 FOOT RADIUS CURVE CONCAVE NORTHWESTERLY, A RADIAL LINE TO SAID POINT BEARS SOUTH 34°07'51" EAST; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 06°00'18" A DISTANCE OF 39.72 FEET; THENCE SOUTH 16°32'43" EAST, 111.62 FEET; THENCE SOUTH 73°27'17" WEST, 185.59 FEET; THENCE SOUTH 08°17'31" WEST, 296.66 FEET; THENCE SOUTH 54°34'10" WEST, 176.88 FEET; THENCE SOUTH 62°20'28" WEST, 54.39 FEET; THENCE SOUTH 50°24'55" WEST, 97.24 FEET; THENCE NORTH 39°35'05" WEST, 68.60 FEET; THENCE NORTH 46°13'38" WEST, 20.17 FEET TO THE BEGINNING OF A 52.00 FOOT RADIUS CURVE CONCAVE EASTERLY; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 60°51'27" A DISTANCE OF 55.23 FEET TO THE BEGINNING OF A REVERSE CURVE CONCAVE WESTERLY HAVING A RADIUS OF 102.00 FEET; A RADIAL LINE TO SAID POINT BEARS SOUTH 75°22'11" EAST; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 22°22'12" A DISTANCE OF 39.82 FEET TO THE BEGINNING OF A COMPOUND CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 115.50 FEET; A RADIAL LINE TO SAID POINT BEARS NORTH 82°15'37" EAST; THENCE NORTHWESTERLY ALONG THE

ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 84°13'39" A DISTANCE OF 169.79 FEET; THENCE NORTH 21°58'55" WEST, 144.97 FEET; THENCE NORTH 20°35'56" EAST, 98.54 FEET TO THE BEGINNING OF A NON-TANGENT 212.00 FOOT RADIUS CURVE CONCAVE NORTHERLY, A RADIAL LINE TO SAID POINT BEARS SOUTH 02°37'10" WEST; THENCE EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 41°57'37" A DISTANCE OF 155.26 FEET; THENCE NORTH 39°20'27" WEST, 45.23 FEET TO THE BEGINNING OF A NON-TANGENT 112.60 FOOT RADIUS CURVE CONCAVE WESTERLY, A RADIAL LINE TO SAID POINT BEARS SOUTH 54°40'35" EAST; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 31°35'49" A DISTANCE OF 62.10 FEET TO THE BEGINNING OF A NON-TANGENT 55.00 FOOT RADIUS CURVE CONCAVE NORTHWESTERLY, A RADIAL LINE TO SAID POINT BEARS SOUTH 16°32'53" EAST; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 68°13'06" A DISTANCE OF 65.48 FEET; THENCE NORTH 05°14'01" EAST, 14.00 FEET TO THE BEGINNING OF A 55.00 FOOT RADIUS CURVE CONCAVE WESTERLY; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 48°35'11" A DISTANCE OF 46.64 FEET TO THE BEGINNING OF A COMPOUND CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 248.97 FEET; A RADIAL LINE TO SAID POINT BEARS NORTH 46°38'50" EAST; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 32°59'38" A DISTANCE OF 143.37 FEET; THENCE NORTH 00°17'17" EAST, 23.91 FEET TO THE BEGINNING OF A 20.00 FOOT RADIUS CURVE CONCAVE EASTERLY; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 39°45'41" A DISTANCE OF 13.88 FEET; THENCE NORTH 40°02'58" EAST, 44.08 FEET TO THE BEGINNING OF A 20.00 FOOT RADIUS CURVE CONCAVE WESTERLY; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 38°44'23" A DISTANCE OF 13.52 FEET TO THE BEGINNING OF A COMPOUND CURVE CONCAVE WESTERLY HAVING A RADIUS OF 517.00 FEET, A RADIAL LINE TO SAID POINT BEARS SOUTH 88°41'25" EAST; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 07°03'42" A DISTANCE OF 63.72 FEET TO THE BEGINNING OF A REVERSE CURVE; CONCAVE EASTERLY HAVING A RADIUS OF 183.00 FEET, A RADIAL LINE TO SAID POINT BEARS SOUTH 84°14'53" WEST; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 13°34'33" A DISTANCE OF 43.36 FEET TO THE BEGINNING OF A COMPOUND CURVE; CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 80.00 FEET, A RADIAL LINE TO SAID

POINT BEARS NORTH 82°10'34" WEST; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 73°04'51" A DISTANCE OF 102.04 FEET; THENCE NORTH 80°54'17" EAST, 10.74 TO THE BEGINNING OF A 5.00 FOOT RADIUS CURVE CONCAVE SOUTHWESTERLY; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 69°55'19" A DISTANCE OF 6.10 FEET; THENCE SOUTH 29°10'24" EAST, 22.20 FEET TO THE BEGINNING OF A 100.00 FOOT RADIUS CURVE; CONCAVE NORTHEASTERLY; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 16°13'55" A DISTANCE OF 28.33 FEET; THENCE SOUTH 45°24'19" EAST, 41.99 FEET TO THE BEGINNING OF A 9.08 FOOT RADIUS CURVE CONCAVE NORTHERLY; THENCE EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'00" A DISTANCE OF 14.26 FEET; THENCE NORTH 44°35'41" EAST, 66.38 FEET; THENCE NORTH 14°37'20" EAST, 30.73 FEET TO THE BEGINNING OF A 45.00 FOOT RADIUS CURVE CONCAVE SOUTHEASTERLY; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 39°32'15" A DISTANCE OF 31.05 FEET; THENCE NORTH 54°09'35" EAST, 21.33 FEET TO THE BEGINNING OF A 30.00 FOOT RADIUS CURVE CONCAVE SOUTHERLY; THENCE EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 42°17'03" A DISTANCE OF 22.14 FEET TO THE BEGINNING OF A COMPOUND CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 43.00 FEET, A RADIAL LINE TO SAID POINT BEARS NORTH 06°26'38" EAST; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 66°22'14" A DISTANCE OF 49.81 FEET; THENCE SOUTH 17°11'08" EAST, 12.44 FEET TO THE BEGINNING OF A 14.50 FOOT RADIUS CURVE CONCAVE NORTHEASTERLY; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 54°45'37" A DISTANCE OF 13.86 FEET; THENCE SOUTH 71°56'45" EAST, 11.69 FEET; THENCE SOUTH 18°03'15" WEST, 57.00 FEET; THENCE SOUTH 02°09'47" WEST, 30.24 FEET TO THE BEGINNING OF A 42.00 FOOT RADIUS CURVE CONCAVE NORTHEASTERLY; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 99°34'18" A DISTANCE OF 72.99 FEET; THENCE NORTH 82°35'29" EAST, 29.28 FEET; THENCE NORTH 89°18'13" EAST, 60.58 FEET; THENCE SOUTH 00°41'47" EAST, 108.19 FEET TO THE POINT OF BEGINNING.

THE HEREINABOVE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 9.997 ACRES,
MORE OR LESS.

COORDINATES, BEARINGS AND DISTANCES, AS STATED HEREIN, ARE BASED ON THE
NORTH AMERICAN DATUM OF 1983 (EPOCH 1991.35) ZONE 8 AS SHOWN ON RECORD
OF SURVEY NO. 14492.



DOUGLAS B. STROUP
HUNSAKER & ASSOCIATES SAN DIEGO, INC.

6/12/19
P.L.S. 8553

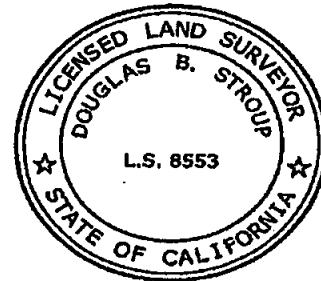
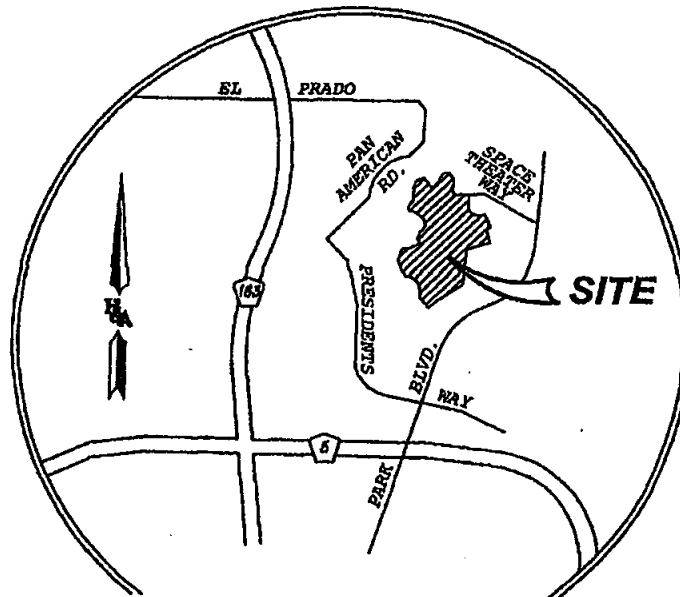


EXHIBIT "A - 2"

SHEET 1 OF 7 SHEETS



VICINITY MAP

NTS

LEGEND

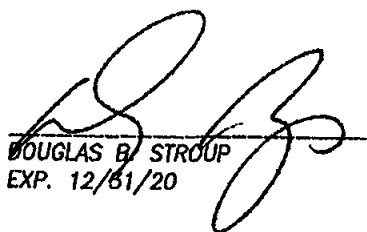
P.O.B. INDICATES POINT OF BEGINNING

 INDICATES LEASE LINE
GROSS AREA: 9.997 ACRES, MORE OR LESS

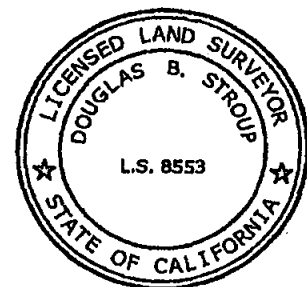


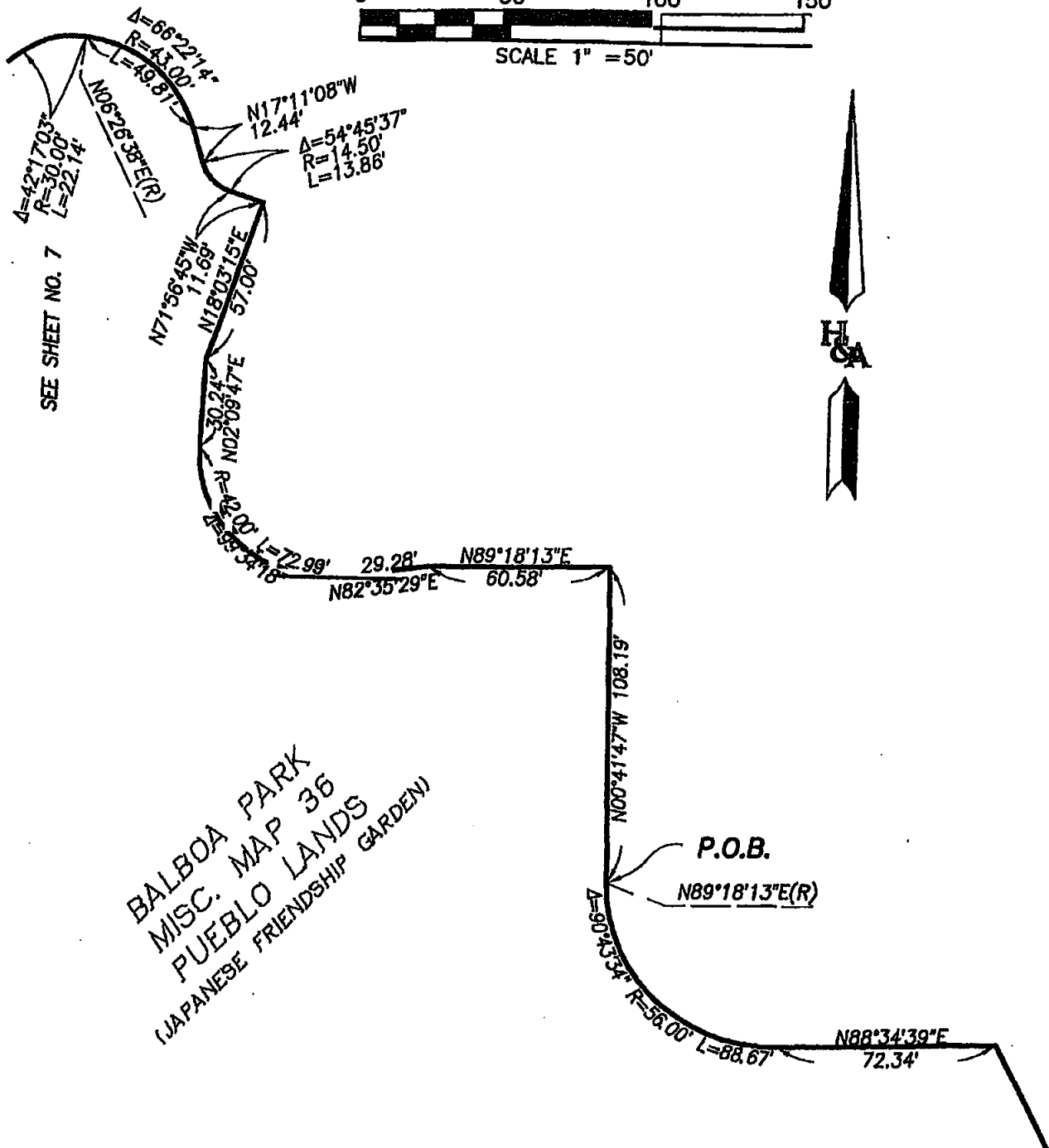
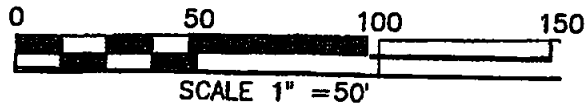
**HUNSAKER
& ASSOCIATES
SAN DIEGO, INC.**

9707 Waples Street (858) 558-4500
San Diego, CA 92121


DOUGLAS B. STROUP
EXP. 12/31/20

6/12/19
L.S. 8553





BALBOA PARK
MISC. MAP 36
PUEBLO LANDS
(JAPANESE FRIENDSHIP GARDEN)



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SEE SHEET NO. 3

SEE SHEET NO. 2



BALBOA PARK
MISC. MAP 36
PUEBLO LANDS
(JAPANESE FRIENDSHIP GARDEN)

N88°34'39"E
72.34'

N26°2'55"W 113.76'

N34°07'51"W(R)

N28°07'33"W(R)

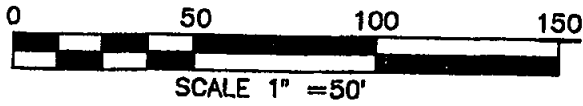
L=39.72'
R=379.00'
Δ=06°00'18"

N19°32'43"W 111.62'

N73°27'17"E 185.59'

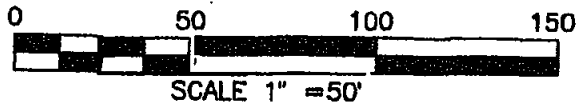
N08°17'31"E 296.66'

SEE SHEET NO. 4



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BALBOA PARK
MISC. MAP 36
PUEBLO LANDS
(JAPANESE FRIENDSHIP GARDEN)

SEE SHEET NO. 3

N08°17'31"E 296.68'

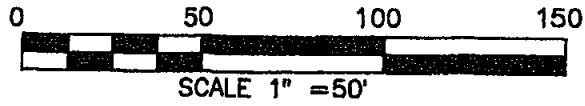
N54°34'10"E 176.88'

SEE SHEET NO. 5



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SEE SHEET NO. 6

N21°58'55"W
144.97

N01°58'02"W(R)

Δ=84°13'38" R=175.50' L=169.79'

BALBOA PARK
MISC. MAP 36
PUEBLO LANDS
(JAPANESE FRIENDSHIP GARDEN)

N82°15'37"E(R)

N75°22'11"W(R)

L=39.82'
R=102.00'
Δ=22°22'12"

Δ=60°13'17"
R=52.00' L=53.23'

N46°13'38"W
20.17'

N39°35'05"W
88.60'

N50°24'55"E 97.24'

N54°34'10"E
176.88'

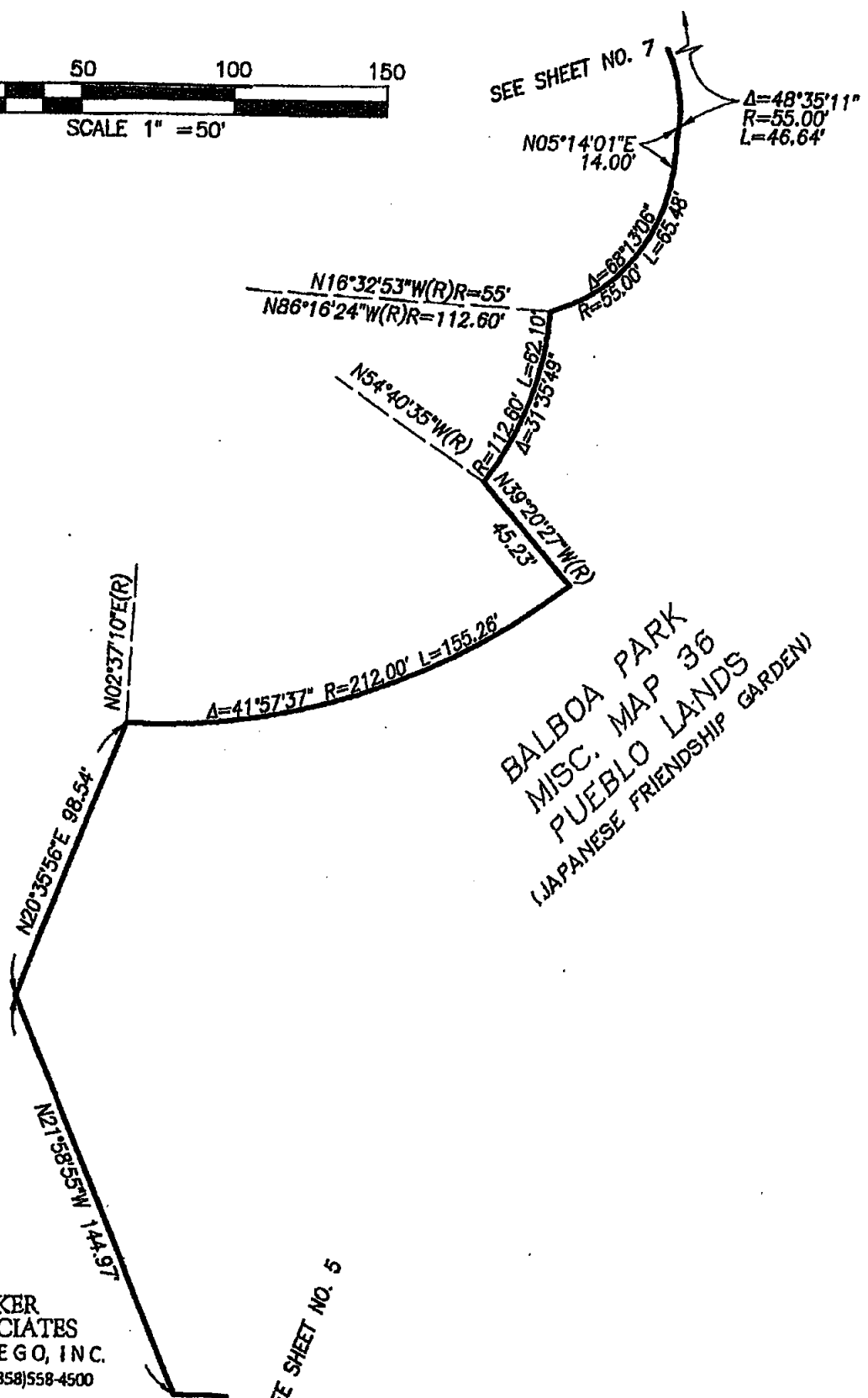
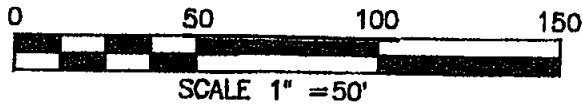
54.39'
N62°20'28"E

SEE SHEET NO. 4



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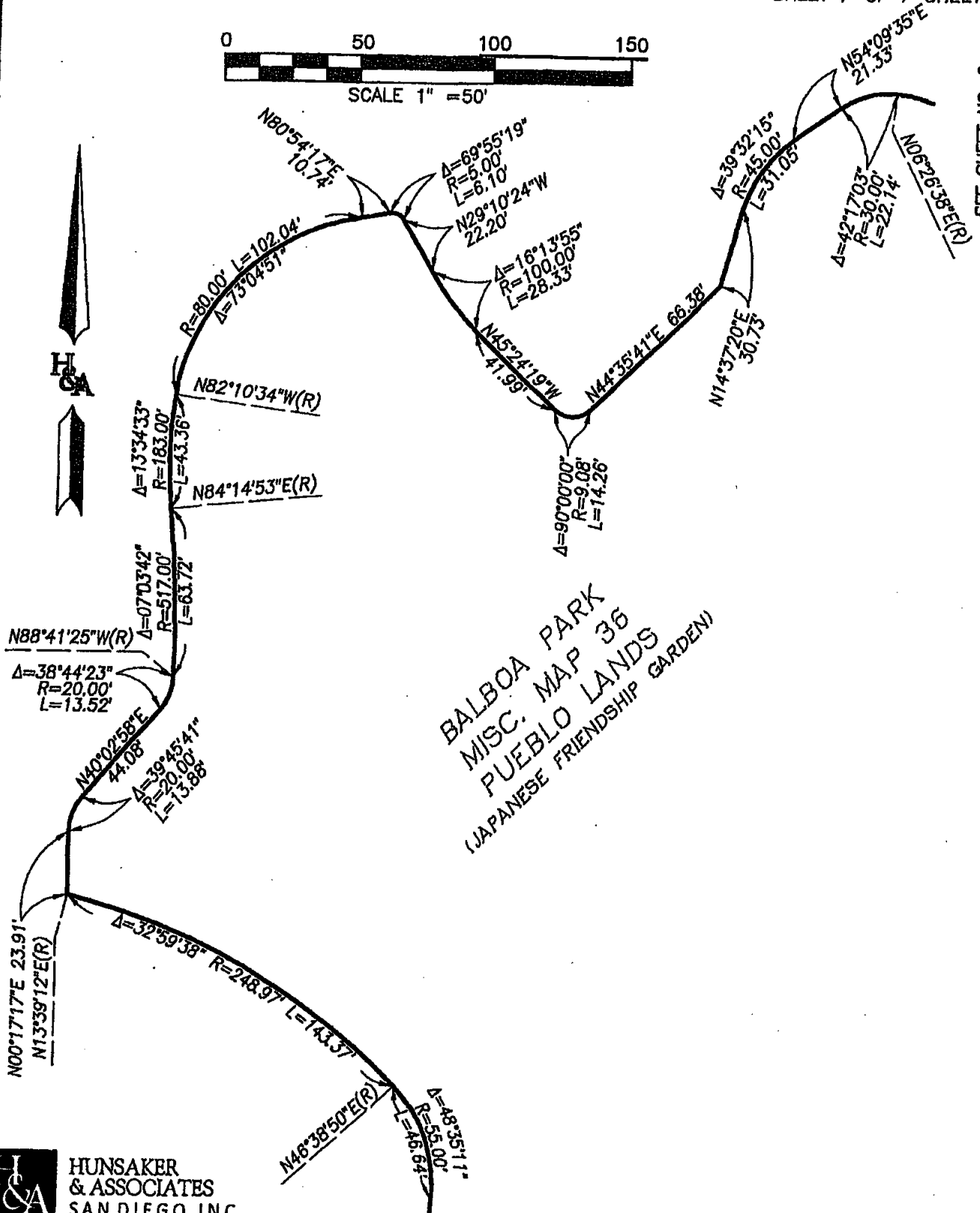
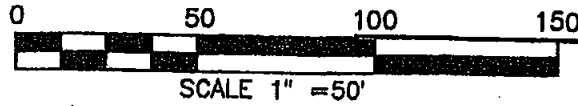


BALBOA PARK
MISC. MAP 36
PUEBLO LANDS
(JAPANESE FRIENDSHIP GARDEN)

H & A
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& ASSOCIATES
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San Diego, CA 92121

SEE SHEET NO. 5

SEE SHEET NO. 7



SEE SHEET NO. 2

SEE SHEET NO. 6

HSA
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