

AMENDMENT TWO TO AGREEMENT FOR OPERATION OF THE CITY OF COSTA MESA TENNIS CENTER

This Extension and Amendment ("Amendment") is made and entered into this 1st day of May, 2010, by and between the City of Costa Mesa ("City"), a California municipal corporation and HML Tennis, LLC, a limited liability corporation ("Lessee").

RECITALS

WHEREAS, City and Lessee, then known as Hank Lloyd's Orange County Tennis, Inc. entered into an agreement dated February 9, 1998 in which City agreed to lease to Lessee certain City park property located at Te Winkle Park in Costa Mesa, California (the "Agreement"); and

WHEREAS, in April, 2009, all of the rights and obligations under the Agreement of February 9, 1998 as well as the Extension and Amendment to Lessee were transferred to HML Tennis, LLC; and

WHEREAS, the term of the original Agreement was a five year period; and

WHEREAS, Section 2.03 of the Agreement allows Lessee to extend the term of the Agreement for two additional five-year periods; and

WHEREAS, the expiration of the original term of the Agreement was February 8, 2003; and

WHEREAS, on April 19, 2005, the term of the Agreement was extended, which extension expires on April 30, 2010; and

WHEREAS, City has received written notice of Lessee's exercise of the option to extend the term of the Agreement for an additional five-year period; and

WHEREAS, City and Lessee wish to amend the Agreement in order to extend the term of the Agreement; and

NOW, THEREFOR, for valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. Unless terminated under other provisions of the Agreement, the term of the Agreement shall be extended effective May 1, 2010, for one additional five-year period, ending on April 30, 2015.

2. All terms not herein defined shall have the same meaning and use as set forth in the Agreement.

3. All other terms, conditions, and provisions of the Agreement, the Extension and Amendment of April, 2005 as well as the Assignment and Assumption Agreement of April, 2009, not in conflict with this Amendment, shall remain in full force and effect.

IN WITNESS WHEREOF, the Parties hereto have set their hand by their duly authorized representatives as of the day and year first above written.

CITY OF COSTA MESA,
A municipal corporation

Mayor of the City of Costa Mesa

Date: _____

HML TENNIS, LLC

Signature

Date: _____

Name and Title

Social Security or Taxpayer ID Number

APPROVED AS TO FORM:



City Attorney

Date: 3/29/10

ATTEST:

City Clerk and ex-officio Clerk
of the City of Costa Mesa