

FIRST AMENDMENT TO
LICENSE AGREEMENT
BETWEEN THE CITY OF FOUNTAIN VALLEY AND
THE BOYS AND GIRLS CLUBS OF HUNTINGTON VALLEY
FOR THE USE OF PROPERTY DEPICTED IN EXHIBIT "A" AND EXERCISING THE
25 YEAR RIGHT TO RENEWAL OF THE TERM THEREOF

THIS FIRST AMENDMENT TO LICENSE AGREEMENT is made and entered into this 2ND day of March 2010 by and between the City of Fountain Valley (hereinafter "City"), a municipal corporation, and the Boys and Girls Clubs of Huntington Valley, (hereinafter "Club").

RECITALS

WHEREAS, the United States of America quitclaimed HOLF Mile Square Field to the County of Orange (hereinafter "County") which requires that the property be devoted in perpetuity for a public park and for recreational uses; and

WHEREAS, a condition of that quitclaim deed requires the County to lease a portion of that property to the City of Fountain Valley for fifty (50) years with additional periods of 50 years contingent upon the City developing a park and recreations uses; and

WHEREAS, the County has leased that property to the City and City has constructed a park and recreational uses on the property; and

Whereas, pursuant to a Second Amendment of Lease County and City agreed to amend the lease to expand City's leasehold premises by 23 acres to be developed for additional recreation facilities; and

WHEREAS, Club desired to construct a permanent building on the City's Mile Square Park Recreation Center site and to operate it to provide recreational services to the people of the surrounding area; and

WHEREAS, Club agreed to provide those services that the City's Recreation Department would otherwise provide, thereby providing valuable consideration in exchange for its right to use said site; and

WHEREAS, Club agreed to provide said services as a public service and agreed to make the programs available to the general public; and

WHEREAS, Club and City agreed that Club would be able to occupy the site for twenty-five (25) years, subject to all limitations in the quitclaim deed and in the Lease between the City and County, and subject to the approval of the National Park Service, which was given; and

WHEREAS, Club has operated public programs as a public service for a public purpose on a portion of the City's Mile Square Park Recreation Center property (attached and depicted hereto as Exhibit "A") since April 9, 1985, at which time CITY and CLUB entered into a 25-year License Agreement (attached hereto as Exhibit "B"); and

WHEREAS, the original License Agreement entitled Club to a 25-year renewal of the rights granted by the License Agreement, contingent upon the approval of the Orange County Harbors, Beaches and Parks District and the National Parks Service; and

WHEREAS, COUNTY is the successor in interest to the Orange County Harbors, Beaches and Parks District; and

WHEREAS, Club has provided programs as a public service for a public purpose and made said programs available to the general public continuously for the past 25-years; and

WHEREAS, Club completed construction of a permanent building facility in 1997, thereby fulfilling its original intention for the property to provide recreational services to the people of the surrounding area; and

WHEREAS, approval of the 25-year renewal of the License Agreement has been obtained from the National Park Service and County, as required by the License Agreement;

NOW, THEREFORE, the parties hereto AGREE as follows:

1. The term of the License Agreement is extended to April 8, 2035 pursuant to Section 11 of the License Agreement.
2. Except as expressly modified herein, the terms and conditions of License Agreement shall remain in effect.

In witness whereof, the parties hereto have entered into this Agreement the year first above written.

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ATTEST:

LICENSOR
CITY OF FOUNTAIN VALLEY

City Clerk

Mayor

APPROVED AS TO FORM:

LICENSEE
BOYS AND GIRLS CLUBS OF
HUNTINGTON VALLEY:

City Attorney

Chief Executive Officer

APPROVED:

SIGNED AND CERTIFIED THAT A
COPY OF THIS DOCUMENT HAS
BEEN DELIVERED TO THE CHAIR
OF THE BOARD PER G.C. SEC
25103, RESO 79-1535

ATTEST:

COUNTY OF ORANGE

Clerk of the Board of Supervisors
Orange County, California

Chair, Board of Supervisors

APPROVED AS TO FORM:
County Counsel

Date _____

By Thomas A. Miller

Date 2-3-10