



# CITY OF COSTA MESA

CALIFORNIA 92626-1200

P O BOX 1200

FROM THE OFFICE OF THE CITY CLERK

May 10, 2010

Hank Lloyd  
Costa Mesa Tennis Center  
880 Junipero Drive  
Costa Mesa, CA 92626

Dear Mr Lloyd:

RE. Amendment No. 2 to Agreement for Operation of Tennis Center

At the regular meeting held on April 20, 2010, the City Council approved Amendment No. 2 to the agreement with HML Tennis, LLC (formerly Hank Lloyd's Orange County Tennis, Inc.) to extend the agreement for an additional five (5)-year term for the operation of the Costa Mesa Tennis Center

A fully executed copy of the amendment is enclosed for your records

Sincerely,

  
for JULIE FOLCIK  
City Clerk

Enclosure (1)

JF:cl

cc: Recreation Division  
Finance Department

ITEM NO VI-5

**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 1<sup>st</sup> 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 TeWinkle 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: 5-3-10

HML TENNIS, LLC

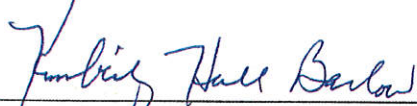
  
\_\_\_\_\_  
Signature

Date: 4/20/2010

HANK LLOYD - Pres - Member  
Name and Title

27-2126723  
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