

SECOND MODIFICATION TO LEASE

THIS SECOND MODIFICATION TO LEASE (hereinafter, "Second Modification") is made and entered into effective _____, 2013, by and between the SAN LUIS OBISPO COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT (hereinafter, "District"), and the SANTA LUCIA AREA COUNCIL, INC., BOY SCOUTS OF AMERICA, which was subsequently merged with the LOS PADRES COUNCIL, INC., BOY SCOUTS OF AMERICA, A NON-PROFIT CORPORATION, its successor-in-interest (hereinafter, "Lessee").

WHEREAS, the District and Lessee entered into a Lease, dated May 29, 1973, as modified on or about October 25, 1982 (hereinafter, collectively, "Lease"); and

WHEREAS, the Lease automatically renews annually for a new 30 year term; and

WHEREAS, the Lease provides that the Lease may be terminated by either party upon written notice to the other party, and the termination date of the Lease shall be thirty (30) years from the date of such written notice of termination; and

WHEREAS, Lessee desires the ability to terminate the Lease with a shorter termination period; and

WHEREAS, a modification to the Lease to provide for a shorter termination period after notice of termination by Lessee is in the best interests of the public.

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained, the parties hereto agree that the Lease be amended by this Second Modification, as follows:

- 1. The second paragraph of Paragraph 2 of the Lease is deleted in its entirety and replaced with the following:

"Lessee may terminate this Lease at any time by serving on District written notice of its intent to terminate the Lease at least sixty (60) days prior to termination. Said notice shall include a list of all pending reservations for dates after the termination of the Lease. Upon written notice of termination, Lessee shall not accept further reservations for the Leased Premises and shall provide signed reservation agreements to District for all parties listed on the pending reservation list. Lessee shall transfer all reservation deposits to District prior to the termination date of the Lease. District shall assume all reservation agreements containing reserved dates within a six month period of termination of the Lease.

District may terminate this Lease at any time by serving a written notice of nonrenewal on Lessee at least ninety (90) days in advance of the annual anniversary date of the Lease. If District serves a written notice of nonrenewal, the Lease shall remain in effect for a fixed term of thirty (30) years, commencing the first day of June of the year in which the notice of nonrenewal is served by the District.

- 2. All other terms and conditions of the Lease shall remain in full force and effect.

/////////////////////////////////NOTHING FURTHER PAST THIS POINT EXCEPT SIGNATURES////////////////////////////////

IN WITNESS WHEREOF, the parties hereto have executed this Lease as of the date first written above.

DISTRICT:
SAN LUIS OBISPO COUNTY BOARD
OF SUPERVISORS, ACTING IN THE CAPACITY OF
THE BOARD OF THE SAN LUIS OBISPO COUNTY
FLOOD CONTROL AND WATER CONSERVATION
DISTRICT

By: _____

Actin Chairperson of the Board of Supervisors

Approved by the Board of Supervisors on

_____, 201

ATTEST:

Clerk of the Board of Supervisors, San Luis Obispo
County Flood Control and Water Conservation
District, State of California

APPROVED AS TO FORM AND LEGAL EFFECT:

RITA L. NEAL
County Counsel

By: *Rita L. Neal*
Chief Deputy County Counsel

Date: 12/19/13

LESSEE:

SANTA LUCIA AREA COUNCIL, INC., BOY SCOUTS
OF AMERICA, by its successor-in-interest,
LOS PADRES AREA COUNCIL, INC., BOY SCOUTS OF
AMERICA, A NONPROFIT CORPORATION

BY: *Reese Davies* *Reese Davies*
_____, President

BY: *Trent Benedetti*
Trent Benedetti, Treasurer
Trent Benedetti