

**SECOND AMENDMENT TO LEASE AGREEMENT
(Agricultural Use)**

THIS SECOND AMENDMENT TO LEASE AGREEMENT is made and entered into this ____ day of _____, 2016, by and between the City of Merced, a California Charter Municipal Corporation, hereinafter called “Lessor”, and Seth Rossow, whose address of record is 7745 Sandy Mush Road, Merced California 95341, hereinafter called “Lessee”, subject to the following terms and conditions:

RECITALS

A. Lessor and Lessee have previously entered into a Lease Agreement which was dated November 19, 2014 (the “Lease”), wherein Lessor leases to Lessee and Lessee leases from Lessor, the real property generally located on the northwest corner of Mission Avenue and Tyler Road, commonly known as 887 South Tyler Road in the County of Merced, State of California, APN 259-130-017 (hereinafter “Premises”), which consists of approximately 34.57 acres, for farming and agricultural purposes.

B. Lessor and Lessee have previously entered into a First Amendment to Lease dated June 1, 2015, wherein Lessor agreed to a reduction in rent to assist Lessee with his agricultural use of the Premises due to limited availability of water to the Premises as a result of the persistent and severe drought conditions. The First Amendment also amended the term of the Lease from five years to three.

C. The Lessor will begin the development of Well Site #20 and needs additional land to do so, thus decreasing the acreage available to lease from 34.57 acres to 27.2 acres.

D. The parties desire to amend the Lease to reflect the decrease of acreage available to be leased.

NOW, THEREFORE, the parties hereto, in consideration of the mutual covenants, promises, and agreements herein contained, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged and agreed, do hereby agree as follows:

1. Section 1 of the Agreement, "Leased Premises" is hereby amended in its entirety to read as follows:

"1. **LEASED PREMISES.** For and in consideration of the payments, terms, conditions and covenants as hereinafter set forth, Lessor hereby leases to Lessee and Lessee leases from Lessor, subject to the terms and conditions in this Lease, all that certain real property generally located on the northwest corner of Mission Avenue and Tyler Road, commonly known as 887 South Tyler Road in the County of Merced, State of California, APN 259-130-017, consisting of approximately 27.2 acres, more fully described in Exhibit 'A' and shown in Exhibit 'B,' both attached hereto and incorporated herein by reference (the "Premises")."

2. Except as herein amended, the Lease dated November 19, 2014 and First Amendment dated June 1, 2015, shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this Second Amendment to Lease to be duly executed on the day and year first above written.

LESSOR:
CITY OF MERCED
A California Charter Municipal
Corporation

By: _____
City Manager

ATTEST:
STEVE CARRIGAN, CITY CLERK

BY: _____
Assistant/Deputy City Clerk

APPROVED AS TO FORM:

BY: Kelly Fincher 1/27/16
City Attorney Date

214940
ACCOUNT DATA:

BY: Rudley R. Hunt
Verified by Finance Officer

no funds required 2/4/16
plus

ML# 26629 2/4/16 RJ W

LESSEE:

BY: Seth Rossow
Seth Rossow

Taxpayer I.D. No. 569 91 3632

ADDRESS: 7745 East Sandy Mush
Merced, CA 95341

TELEPHONE: (209) 617-7755

FAX: _____

E-MAIL: sethrossow@gmail.com

EXHIBIT A

That certain real property situated in a portion of Section 31, Township 7 South, Range 14 East, M.D.B. & M., City of Merced, County of Merced, State of California, being more particularly described as follows:

Lots 208 and 209 as shown on Map entitled "MAP OF MERCED COLONY", recorded in Book 4 of Official Maps, Pages(s) 24 Merced County Records.

EXCEPTING THEREFROM and undivided one-half interest is all oil, gas and /or mineral in and under said lands, which are expressly reserved, together with the right to enter on the above described lands and take all the usual, necessary or convenient means to bore wells, make excavation and remove all the oil, gas, and/or minerals herein reserved, and found thereon, as reserved by recorded Deed Recorded February 3, 1937 in Volume 526, Page 431, Merced County.

EXHIBIT A



City of Merced
"Gateway to Yosemite"

DEVELOPMENT SERVICES
ENGINEERING PROJECTS AND STANDARDS
678 W. 18th Street (209) 385-6846

LEASE AREA
EXHIBIT B

DR. BY: CARDOSO
DATE: 1/15/16
CH. BY:
DATE:
File No.
SCALE: 1"=200'