

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

City Clerk
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648

Exempt from recording fee pursuant to Government Code Section 27383.

FIRST AMENDMENT TO AMENDED AND RESTATED
LICENSE AND MAINTENANCE AGREEMENT

THIS FIRST AMENDMENT TO AMENDED AND RESTATED LICENSE AND MAINTENANCE AGREEMENT ("**First Amendment**") is made by and between DCO Pacific City LLC, a Delaware limited liability company, successor-in-interest to 21002 HB, LLC, a Delaware limited liability company ("**DCO Pacific City**"), PC Group Retail, LLC, a California limited liability company ("**PC Group Retail**"), Pacific City Hotel, LLC, a Delaware limited liability company ("**Pacific City Hotel**"), and the City of Huntington Beach, a municipal corporation of the state of California ("**City**"), with reference to the following facts:

A. DCO Pacific City is the owner of that certain real property (the "**Residential Property**") situated in the City of Huntington Beach, County of Orange, State of California, described as Lot 1 of Tract No. 16338, as shown on a Subdivision Map recorded in Book 893, Pages 7 through 12, inclusive, of Miscellaneous Maps, in the Office of the County Recorder for the County of Orange, State of California (the "**Tract Map**").

B. PC Group Retail is the owner of that certain real property (the "**Commercial Property**") described as Lot 2 of the Tract Map, as modified by that certain Lot Line Adjustment No. 2013-002 recorded November 26, 2013, as Instrument No. 2013-647256 of Official Records of Orange County, California.

C. Pacific City Hotel is the owner of that certain real property (the "**Hotel Property**") described as Lot 3 of the Tract Map, as modified by that certain Lot Line Adjustment No. 2013-002 recorded November 26, 2013, as Instrument No. 2013-647256 of Official Records of Orange County, California.

D. On or about December 16, 2013, DCO Pacific City, PC Group Retail, and the City entered into the Amended and Restated License and Maintenance Agreement, which was recorded December 23, 2013 as Instrument No. 2013000703086 of the Official Records of the Orange County Recorder (the "**Agreement**").

E. Subsequent to the Agreement, Pacific City Hotel acquired the Hotel Property from PC Group Retail, and thus was assigned and assumed rights and obligations under the Agreement with respect to such property.

F. The Agreement includes an Exhibit "A" depicting Maintenance Areas subject to the Agreement, which exhibit notes that it is for illustrative purposes only and that the as-built conditions will prevail.

G. The parties wish to amend the Agreement to replace Exhibit "A", in order to more accurately reflect the as-built conditions.

NOW, THEREFORE, for valuable consideration, the receipt and adequacy of which is hereby acknowledged, the parties hereto amend the Agreement as follows:

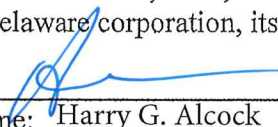
Section 1. Exhibit "A" attached to the Agreement is replaced with the updated Exhibit "A" attached hereto.

Section 2. Except for the modifications expressly made by the terms of this First Amendment, all terms, conditions, obligations and provisions of the Agreement shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, this First Amendment has been executed by the parties hereto on JANUARY 10, 2021.

DCO PACIFIC CITY LLC,
a Delaware limited liability company

By: DCO REALTY, INC.,
a Delaware corporation, its Sole Member

By: 
Name: Harry G. Alcock
Title: Authorized Agent

PC GROUP RETAIL, LLC,
a California limited liability company

By: _____
Name: _____
Title: _____

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Section 2. Except for the modifications expressly made by the terms of this First Amendment, all terms, conditions, obligations and provisions of the Agreement shall remain unchanged and in full force and effect.


IN WITNESS WHEREOF, this First Amendment has been executed by the parties hereto on _____, 2021.

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a Delaware limited liability company

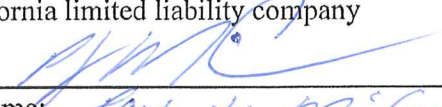
By: DCO REALTY, INC.,
a Delaware corporation, its Sole Member

By: _____
Name: _____
Title: _____

PC GROUP RETAIL, LLC,
a California limited liability company

By:  _____
Name: ANUSHKA SILVA
Title: AUTHORIZED SIGNER.

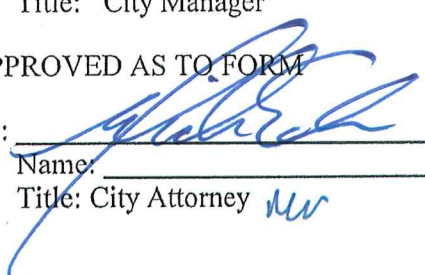
PACIFIC CITY HOTEL, LLC,
a California limited liability company

By: 
Name: Paul J. McCormick
Title: President & COO

CITY OF HUNTINGTON BEACH,
a municipal corporation of the State of California

By: _____
Name: _____
Title: City Manager

APPROVED AS TO FORM

By: 
Name: _____
Title: City Attorney new

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF COLORADO)
COUNTY OF DOUGLAS)

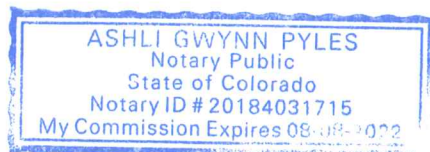
On January 10, ²⁰²²~~2021~~, before me, Ashli Gwynn Pyles, personally appeared Harry G. Alcock, Authorized Agent of DCO Realty, Inc., the Sole Member of DCO Pacific City LLC, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of Colorado that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature *Ashli Gwynn Pyles*
Signature of Notary Public

(Seal)



A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of ~~Orange~~ San Francisco)

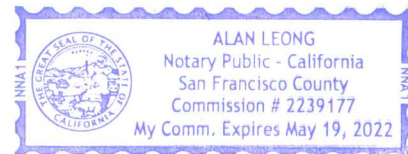
On 4/12/2022, before me, Alan Leong,
(insert name and title of the officer)

Notary Public, personally appeared Anushka Silva,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same
in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the
foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____



(Seal)

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of Orange)

On December 6, 2021, before me, Malinda Sterbling,
(insert name and title of the officer)

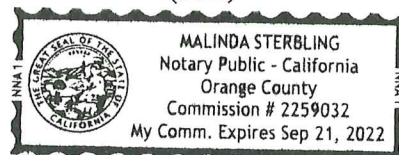
Notary Public, personally appeared Paul J. McCormick,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same
in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the
foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Malinda Sterbling

(Seal)



State of California)
County of Orange)

Notary Public, personally appeared _____,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same
in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

(Seal)

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of Orange)

On _____, before me, _____,
(insert name and title of the officer)

Notary Public, personally appeared _____,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same
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WITNESS my hand and official seal.

Signature _____

(Seal)

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State of California)
County of Orange)

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(insert name and title of the officer)

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WITNESS my hand and official seal.

Signature _____

(Seal)

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State of California)
County of Orange)

On _____, before me, _____,
(insert name and title of the officer)

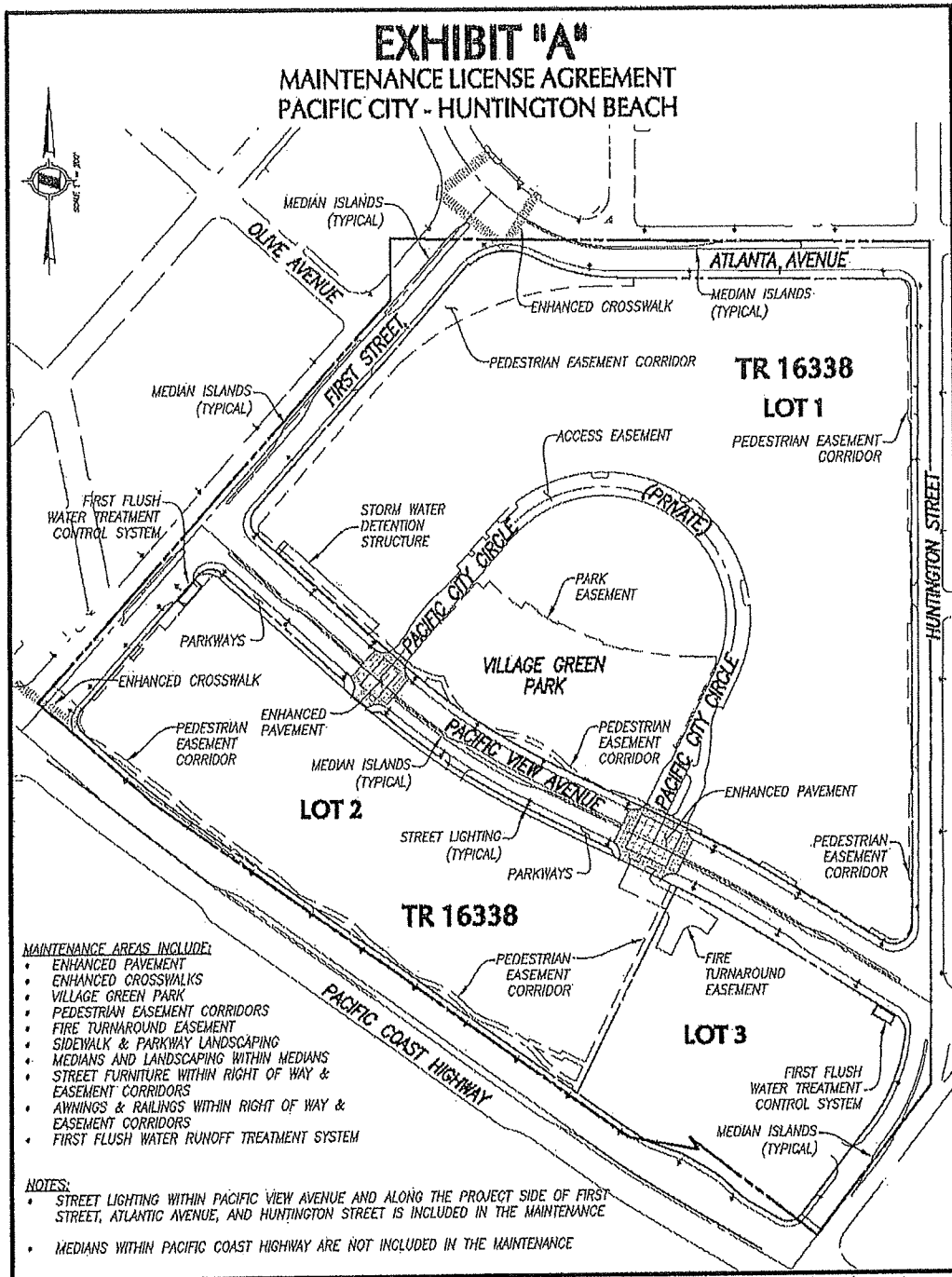
Notary Public, personally appeared _____,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
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I certify under PENALTY OF PERJURY under the laws of the State of California that the
foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____

(Seal)



PLOTTED BY Amanda Coppola DATE: Feb. 19, 2019 05:03:59 AM FILE: L:\PacificCity\Exhibits\Exh_CCR\Exh_A.dwg