LEASE AMENDMENT

This Lease Amendment (Amendment) is dated this _____ day of May, 2011, by and between the City of Portland, by and through Portland Parks & Recreation (City), and Landry's Restaurants (Tenant).

Recitals:

1. City and Che, Inc entered into a lease agreement dated January 2, 1986 (Lease). Landry's Restaurants is a successor in interest to Che, Inc. and now holds the Lease.

2. Under the Lease, Tenant, or its predecessors, installed and maintain various improvements, including planting beds, irrigation, and other landscaping. The parties now wish to amend the Lease to give City the responsibility for certain planting beds.

Agreed:

1. Section 6 of the Lease shall be amended to add the following:

    "E. Notwithstanding Section 6.D, City shall be responsible for the five planting beds (Planting Beds), which are approximately depicted on Exhibit A to this Amendment. City, at its cost, may install irrigation lines and new plants in these beds, as it deems necessary. It is acknowledged that the beds along SW Terwilliger will include some plants that screen the parking lot from the street. City will be solely responsible for maintenance of all plants and irrigation in the Planting Beds; Tenant will in no way alter the Planting Beds without the written consent of City. In consideration of City's services, Tenant will pay City additional rent of $125 per month, adjusted periodically in accordance with Section 35 of the Lease. Additionally, Tenant will continue to pay for water service needed for irrigation of the Planting Beds and will provide City with reasonable access to water meters and other related controls."

2. Tenant will continue to maintain all other areas of the Premises and all improvements it, or its predecessors, installed in accordance with the Lease.

3. All other terms and conditions of the Lease, and any amendments thereto, shall remain in full force and effect.

	TENANT		CITY
By:	_____	By:	_____
Name:	_____	Name:	_____
Title:	_____	Title:	_____
Date:	_____	Date:	_____

APPROVED AS TO FORM

Linda Meng

CITY ATTORNEY

158322

Exhibit A: Planting Beds

PORTLAND
PARKS & RECREATION
Healthy Parks, Healthy Portland