

AMENDMENT NO. 4 TO PROPERTY USE AGREEMENT

This Amendment No. 4 to Property Use Agreement is made this _____ day of _____ 2026, by and between the City of Oceanside, hereinafter referred to as ("CITY") and Tower Optical Company, Inc., hereinafter referred to as ("PERMITTEE").

RECITALS

WHEREAS, CITY and PERMITTEE entered into that certain Property Use Agreement dated March 5, 2014, Amendment No. 1 dated March 27, 2019, Amendment No. 2 dated December 18, 2019 and Amendment No. 3 dated January 25, 2023 (hereinafter referred to as ("the Agreement")), for the non-exclusive use of portions of that certain real property situated in the City of Oceanside, County of San Diego, State of California, commonly known as Oceanside Municipal Pier, being more particularly described in said Agreement; and

WHEREAS, CITY and PERMITTEE are desirous of extending the term of the Agreement for a period of three (3) years.

AGREEMENT

NOW, THEREFORE, in consideration of the covenants and conditions contained herein, the parties hereto agree as follows:

1. The Agreement shall be amended to read as follows:

Subsection 2.01 **Commencement** and Subsection 2.02 **Extension of Term** are deleted in their entirety and replaced with the following language:

2.01 Term. The term of this Agreement shall be extended for a period of three (3) years, effective February 1, 2026, and terminating on January 31, 2029.

2. **Additional Agreement Language. Subsection 7.02 Additional Improvements** is added to **Section 7, Special Provisions, of the Agreement** as follows:

7.02 Additional Improvements

- a. **Additional Improvement Requirements.** In consideration for the extension of the Agreement, PERMITTEE shall within the scheduled timeline, perform the following improvements ("Additional Improvements"):

By January 31, 2026:

- Repair and refurbish all six (6) existing binocular machines at leased premises. This includes replacing any worn parts, refurbishing and repainting each viewer base, or fully replacing any viewer that is not operable.

3. All other terms, conditions, covenants and provisions of the Agreement as amended shall remain in full force and effect. In the event of any conflict between the terms of the original

Agreement and this Amendment No. 4 to Property Use Agreement, the terms of this Amendment No. 4 shall control.

CITY
**The City of Oceanside,
a municipal corporation**

Date: _____

By: _____
City Manager

APPROVED AS TO FORM:

By: *Robert Hamilton C. 1887*
City Attorney

PERMITTEE
Tower Optical Company, Inc.

Date: 1/15/26

By: *[Signature]*
Name: Dominic Puglisi
Title: Owner

Date: _____

By: _____
Name: _____
Title: _____

NOTARY ACKNOWLEDGEMENT OF PERMITTEE'S SIGNATURE(S) MUST BE ATTACHED

Subscribed and Sworn to before me, a Notary
Public, in and for County of Fairfield
and State of Connecticut, this 16th day of
January, 2026
[Signature]
Notary Public
My Commission Expires 01/31/2029

