



# RESOLUTION No. 22-014

## OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

### RESOLUTION AUTHORIZING AND APPROVING THE EXECUTION OF A THIRD AMENDMENT TO THE GROUND LEASE BETWEEN THE COUNTY OF NEVADA AND JAMES AND MARY BOOTH FOR THE OPERATION OF A PRIVATELY OWNED AIRCRAFT STORAGE HANGAR ON APPROXIMATELY 4,000 SQUARE FEET OF AIRPORT PROPERTY LOCATED AT THE NEVADA COUNTY AIRPORT

WHEREAS, James and Mary Booth hold a ground lease, approved by Board of Supervisors Resolution No. 00-452 and subsequently amended through Resolutions 19-0012 and 12-434, for approximately 4000 square feet of airport property situated just north of the west gate at the Nevada County Airport in which they constructed an aircraft storage hangar; and

WHEREAS, Paragraph 3 of the lease calls for a rental rate adjustment every 36 months by assessing prevailing lease rates of general airports comparable to the Nevada County Airport including but not limited to Auburn, Placerville, Georgetown, Columbia, Truckee, and Willows; and

WHEREAS, the First Amendment was approved on October 9, 2012 by the Board of Supervisors Resolution 12-434, and the Second Amendment to the ground lease dated January 22<sup>th</sup>, 2019 was approved by the Board of Supervisors Resolution No. 19-037 and established a new rental rate of \$.045/square foot per month effective October 1, 2018; clarified lease language and adjusted the term of the lease; and replaced Georgetown airport with Jackson airport after both Lessor and Lessee agreed that Jackson was a better comparison than Georgetown.

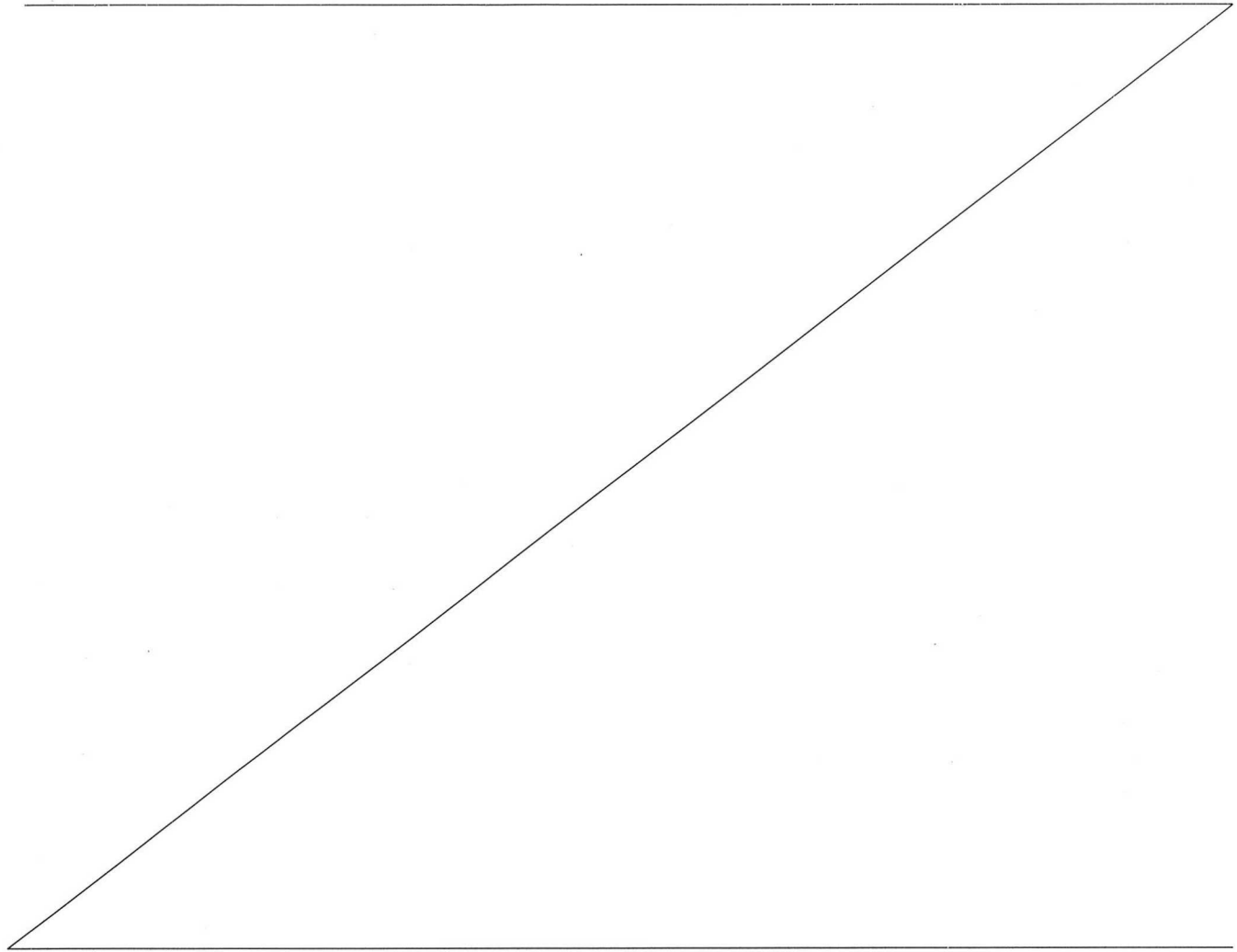
WHEREAS, during the 2018 prevailing lease rate review, as described above, both Lessor and Lessee agreed that not all the airports per the first amendment for prevailing rate assessment are comparable to Nevada County Airport; and

WHEREAS, Lessor and Lessee agreed to delete Truckee and Willows, and add Marysville and Colusa to the list of airports to be used for prevailing rate assessments; and

WHEREAS, the numerical average of lease rates at Auburn, Placerville, Columbia, Marysville, Colusa, and Jackson airports is \$.054/square foot per month and both Lessor and Lessee have agreed to this new lease rate effective October 1, 2021.

NOW, THEREFORE, BE IT RESOLVED that the Nevada County Board of Supervisors authorizes the Chair of the Board of Supervisors to execute on behalf of the County of Nevada the Second Amendment to the Ground Lease between the County of Nevada and James and Mary Booth for operation of a privately owned aircraft storage hangar on approximately 4,000 square feet of property located at the Nevada County Airport.

Revenue Account: 4116910042741000/430200.



PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 11th day of January, 2022, by the following vote of said Board:

- Ayes: Supervisors Heidi Hall, Edward Scofield, Dan Miller and Susan K. Hoek.
- Noes: None.
- Absent: Hardy Bullock.
- Abstain: None.

ATTEST:

JULIE PATTERSON HUNTER  
Clerk of the Board of Supervisors

By: 

  
Susan K. Hoek, Chair

1/11/2022 cc: Airport\*  
AC\*(hold)

4/20/2022 cc: Airport\*  
AC\*(release)

**AMENDMENT NO. 3 TO GROUND LEASE WITH  
JAMES AND MARY BOOTH**

**THIS AMENDMENT** will amend a prior agreement between James Booth and the County of Nevada, entitled Nevada County Airport Ground Lease, approved by Board of Supervisors Resolution No. 00-452 dated September 12, 2000; and subsequently amended through Resolution 19-037 on January 22, 2019 and Resolution 12-434 on October 1, 2012.

**This amendment is made in consideration of the following facts:**

- A. James Booth holds a ground lease approved by Board Resolution No. 00-452, for approximately 4000 square feet of airport property situated just north of the airport west gate off Nevada City Avenue. Paragraph 3 of the lease calls for a rental rate adjustment every 36 months by assessing prevailing lease rates of general airports comparable to the Nevada County Airport including but not limited to Auburn, Placerville, Georgetown, Columbia, Truckee, and Willows.
- B. During the prevailing rate comparisons both Lessor and Lessee agreed that not all of the airports listed in the lease for comparison are comparable to the Nevada County Airport and agreed to replace Georgetown with Jackson and to delete Truckee and Willows and add Marysville and Colusa to the list.
- C. Based on B above the parties wish to establish a new rental rate effective October 1, 2021 and revise the list of airports used in the periodic rate comparison.

**NOW, THEREFORE, IT IS AGREED:**

- 1. This amendment is effective October 1, 2021.
- 2. The two sentences in paragraph 3 of the ground lease listing the airports to be used in the rate comparison and the following sentence concerning averaging the rental rates are amended to read:

The airports included in the assessment will include but not be limited to the following: Auburn, Placerville, Columbia, Marysville, Colusa and Jackson. The rental rate shall be the numerical average of the most recently approved or negotiated lease rates for similar hangar space at the previously listed airports.

- 3. Paragraph 3 of the Ground Lease is amended to add the following provision:
  - 3.(a) Effective October 1, 2021 the ground lease rate will be \$.054/sq ft/month based on the hangar square footage (4000 sq ft). Future prevailing rate reviews and adjustments shall be in accordance with paragraph 2 above.
- 4. Except as amended herein the prior agreements of the parties shall remain in full force and effect.

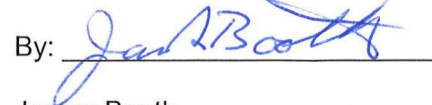
**IN WITNESS WHEREOF**, the parties hereto have executed or cause this instrument to be executed as of the day and year first above written.

COUNTY OF NEVADA:

By: 

~~Dan Miller~~ Susan K. Hoek  
Chair of the Board of Supervisors

LESSEE:

By: 

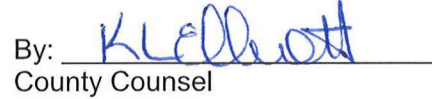
James Booth

ATTEST:

By: 

Julie Patterson Hunter  
Clerk of the Board of Supervisors

APPROVED AS TO FORM:

By: 

County Counsel



# COUNTY OF NEVADA, CALIFORNIA

## NEVADA COUNTY AIRPORT

(530) 273-3374

FAX (530) 274-1003

Mail: 950 Maidu Ave.  
Nevada City, CA 95959

Location: 13083 John Bauer Ave.  
Grass Valley, CA 95945

October 25, 2021

James Booth  
10589 Picton Way  
Nevada City, CA 95959

Dear Jim,

In consideration of the lease rate adjustment terms of the Ground Lease amended October 1, 2018, the following are the current ground lease rates to the six reporting airports with facilities comparable to the Lease's subject facility, within the appropriate vicinity of Nevada County Airport, per square foot, per month:

Auburn	\$.039
Placerville	\$.082
Columbia	\$.046
Jackson	\$.070
Colusa	\$.035
Marysville	\$.050

The average of these rates is \$.054 per square foot per month. By endorsing this letter, you confirm that you agree to the new lease rate which will commence October 1, 2021 and continue at that rate until the new lease rate adjustment survey occurs in 36 months. Your new annual rent amount is \$2,576 with the option to receive a 10% discount by making one annual payment of \$2,318.40.

Please contact me at (530) 273-3374 if you have any questions or concerns.

Thank you for your continued support of Nevada County Airport. I look forward to working with you over the next year.

Sincerely,

SIGNATURE  
Name: James Booth

Kevin Edwards

Signature: James Booth Date: 11-3-21

Kevin Edwards  
Manager, Nevada County Airport