



RESOLUTION No. 18-137

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

RESOLUTION APPROVING AMENDMENT NO. 2 TO A GROUND LEASE AGREEMENT FOR A PORTION OF LOT 5 AT THE NEVADA COUNTY AIRPORT AND AUTHORIZING THE CHAIR OF THE BOARD TO EXECUTE THE AMENDMENT

WHEREAS, the County of Nevada entered into a Ground Lease with Pacific Land Enterprises, Inc., approved by Board Resolution 06-419 on August 22, 2006, for approximately 1.65 acres of Lot 5 north of Loma Rica Avenue and adjacent to Nevada City Avenue at the Nevada County Airport; and

WHEREAS, the subject lease was assigned to co-tenants Neal Street Investments, LLC, and John Barleycorn Investments, LLC, by Board Resolution 07-034 on January 30, 2007 and subsequently amended on November 13, 2012 by Board Resolution 12-480; and

WHEREAS, the subject lease was reassigned solely to John Barleycorn Investments, LLC, by Board Resolution on April 10th, 2018; and

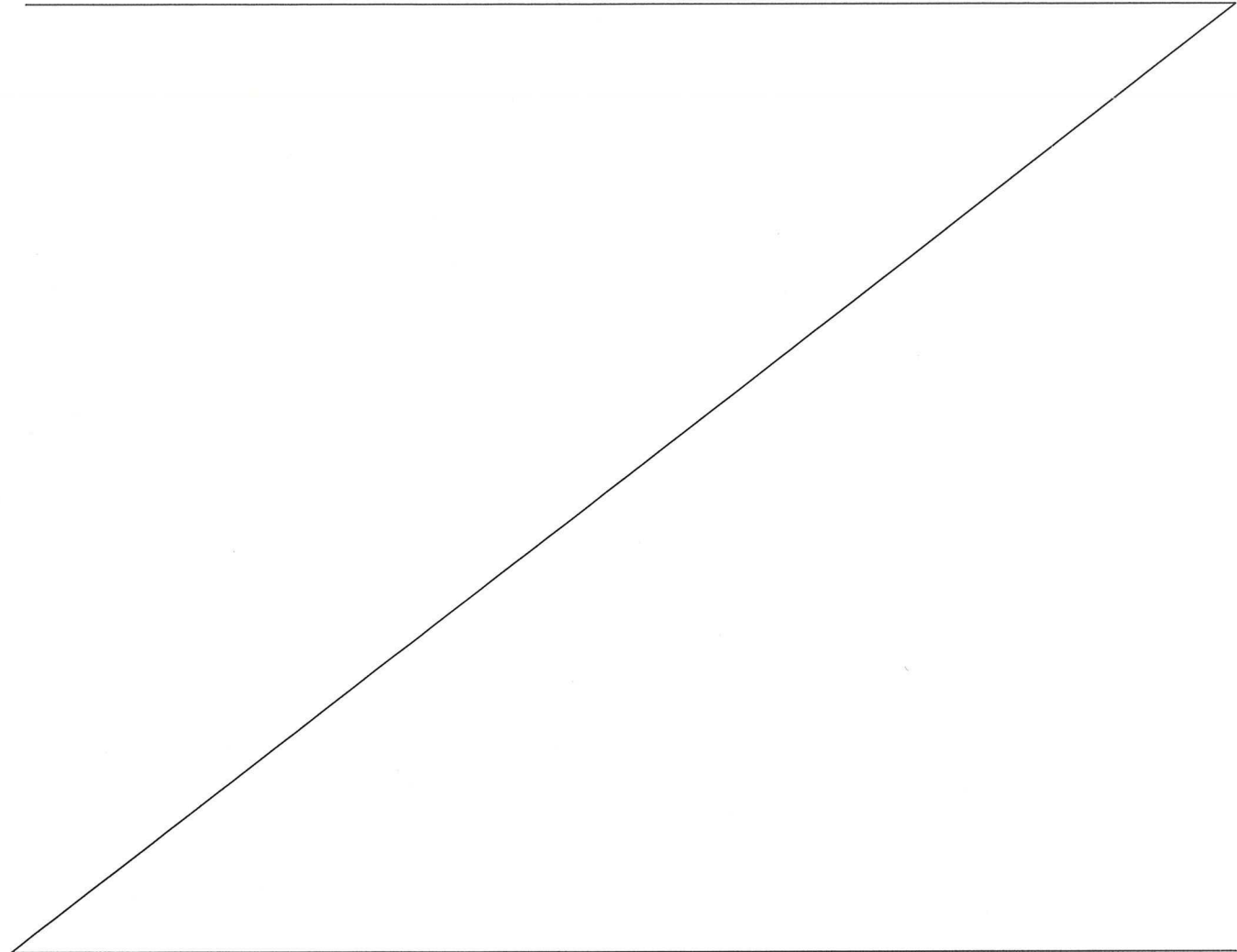
WHEREAS, the subject lease calls for a “base rent adjustment” at the conclusion of each five-year period of rent payment; and

WHEREAS, in accordance with the lease, a review and analysis of prevailing rates at Auburn, Lincoln and Marysville airports for like leases was conducted and a base rent adjustment to \$1,401.54 per month was offered to the lessee; and

WHEREAS, the proposed base rent increase of \$84.52 per month over the previous rate adjustment of \$1,317.02 in January 2017 has been reviewed and accepted by the Lessee, Airport Manager, County Senior Staff, Auditor and County Counsel and all other terms of the lease will remain the same except as amended.

NOW, THEREFORE, BE IT RESOLVED that the Nevada County Board of Supervisors hereby:

1. Approves Amendment No. 2 to a Ground Lease between the County of Nevada and John Barleycorn Investments LLC, and authorizes the Chairman of the Board to execute the Amendment on behalf of Nevada County.
2. When received, funds will be deposited in 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 10th day of April, 2018, by the following vote of said Board:

Ayes: Supervisors Heidi Hall, Edward Scofield, Dan Miller, Hank Weston and Richard Anderson

Noes: None.

Absent: None.

Abstain: None.

ATTEST:

JULIE PATTERSON HUNTER
Clerk of the Board of Supervisors

By: 


Edward Scofield, Chair

AMENDMENT #2 of

Ground Lease between the County of Nevada and John Barleycorn Investments LLC, at the Nevada County Airport

WHEREAS:

- A. The County of Nevada (Lessor) entered into a ground lease with Pacific Land Enterprises, Inc, (Lessee) approved by Board Resolution No. 06-419, on August 22, 2006, for approximately 1.65 acres of Lot 5 north of Loma Rica Ave and adjacent to Nevada City Ave at the Nevada County Airport; and
- B. The subject lease was assigned to Neal Street Investments, LLC and John Barleycorn Investments LLC, co-tenants, by Board Resolution 07-034 on January 30, 2007; and
- C. The subject lease was reassigned solely to John Barley Investments, LLC, by Board Resolution on April 10th, 2018; and
- D. The subject lease calls for a "base rent adjustment" at the conclusion of each five-year period of rent payment; and
- E. In accordance with the lease, a review and analysis of prevailing rates at Auburn, Lincoln and Marysville airports for like leases was conducted, and a base rent adjustment to \$1401.54 per month, effective May 1, 2018, was offered to and accepted by the Lessee; and
- F. The proposed base rent increase of \$84.52 per month over the previous rate adjustment of \$1317.02 in January 2017 has been reviewed and accepted by the Lessee, Airport Manager, County Senior Staff, Auditor and County Counsel.


NOW, THEREFORE, IT IS AGREED:

- 1. The subject lease will have Neal Street Investments, LLC removed, so that John Barleycorn Investments, LLC, will be the sole lessee.
- 2. Paragraph 8 (Base Rent) of the Lease is hereby revised to reflect an adjustment based on a prevailing rate review at Auburn, Lincoln, and Marysville airports, and this Paragraph shall now read as follows:

8. BASE RENT: Effective May 1, 2018, the Base Rent shall be \$1401.54 per month until re-evaluated in accordance with Section 10 herein.

- 3. Paragraph 9 (Inflated Base Rent) concerning annual inflationary increase remains in place.
- 4. Except as modified herein, all other terms and conditions of the subject Ground Lease shall remain unchanged.

APPROVED AS TO FORM:
COUNTY COUNSEL

By:  _____

COUNTY OF NEVADA
LESSOR:

By:  _____
Honorable Ed Scofield
Chair of the Board of Supervisors

ATTEST:

By:  _____
Julie Patterson Hunter
Clerk of the Board of Supervisors

LESSEE:

By:  _____