



# RESOLUTION No. 20-522

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

### RESOLUTION APPROVING AMENDMENT NO. 4 TO THE OBLIGATIONS PERTAINING TO THE LEASE AGREEMENT FOR THE BRIGHTON GREENS BUSINESS PARK LOCATED AT 988 MCCOURTNEY ROAD, GRASS VALLEY, CALIFORNIA

WHEREAS, the County of Nevada entered into a Lease Agreement with M.K. Blake Estate Company through Resolution 14-545 for 20,000 square feet of office space for the Nevada County Health and Human Services Agency (HHS) Brighton Greens Resource Center; and

WHEREAS, Resolution 15-351 approved Amendment No 1 for a Tenant Improvement loan to M. K. Blake Estate Company; and

WHEREAS, M.K. Blake Estate Company has sold the property known as the Brighton Greens Business Park to 9 Miller Court, LLC, and Brighton Greens Ventures, LLC; and

WHEREAS, Resolution 19-123 approved Amendment No 2 to the Lease Agreement which included the approval of an assumption agreement that 9 Miller Court Properties assumes all obligations of the original lease contract and subsequent Amendment 1 excluding Tenant Improvements and an assignment for the Tenant Improvement Loan to remain with the seller M.K. Blake Estate Company; and

WHEREAS, Resolution 19-424 approved Amendment No 3 to the Lease Agreement adjusting the payment terms of the NNN to a monthly invoice and expanded reporting requirements; and

WHEREAS, the current lease commenced on February 01, 2016 and has an original term of 10 years with the option to renew for three consecutive five-year terms. A Market Rental Value (MRV) Analysis is required prior to the commencement of Year 6 of the original lease. Year 6 of the original lease begins on February 1, 2021; and

WHEREAS, an MRV Analysis was conducted by the Lessor and the Lessee. Both parties reviewed the gathered data and met to negotiate terms; and

WHEREAS, this Fourth Amendment to the lease agreement reflects the negotiated rental rate of \$1.35 per square foot per month for 20,000 square feet of office space to be adjusted 3% annually.

WHEREAS, the County is exercising the first five-year renewal option extending the Lease expiration to January 31, 2031. These changes are effective at the commencement of Year 6 of the original lease on February 1, 2021; and

WHEREAS, all other terms and conditions of the Lease and Tenant Improvement Agreement remain in full force and effect.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Supervisors of the County of Nevada, State of California, that the Board of Supervisors approves, and the Board Chair is authorized to execute, in substantially the form attached hereto, Amendment No. 4 amending the obligations pertaining to the Lease Agreement for the Brighton Greens Business Park located at 988 McCourtney Road, Grass Valley, CA.

Funding: Health and Human Services Agency 1589-50101-491-1000/521800

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 15th day of December, 2020, by the following vote of said Board:

Ayes: Supervisors Heidi Hall, Edward Scofield, Dan Miller, Susan K. Hoek and Richard Anderson.

Noes: None.

Absent: None.

Abstain: None.

ATTEST:

JULIE PATTERSON HUNTER  
Clerk of the Board of Supervisors

By: 



Heidi Hall, Chair

12/15/2020 cc: Facilities\*  
AC\*(hold)

12/30/2020 cc: Facilities\*  
AC\* (Release)

AMENDMENT NO 4 TO THE COMMERCIAL LEASE AGREEMENT BETWEEN 9 MILLER COURT PROPERTIES  
AND THE COUNTY OF NEVADA

This Amendment is executed on this 15<sup>th</sup> day of December 2020 by and between 9 Miller Court LLC and Brighton Greens Ventures LLC dba 9 Miller Court Properties (herein "Lessor"). Said Amendment will amend the prior agreement between the parties entitled Lease Agreement made and entered into December 2, 2014 Resolution 14-545 and subsequently amended by Resolution 15-351 on July 21, 2015, Resolution 19-123 on March 26, 2019, and Resolution 19-424 on July 23, 2019.

WHEREAS, A Market Rental Value (MRV) Analysis is required, per *Section 1.5 Base Rent Increases (b)*, prior to the commencement of Year 6 of the original lease. Year 6 of the original lease begins on February 1, 2021. A MRV Analysis was conducted by the Lessor and the Lessee. Both parties reviewed the gathered data and met to negotiate terms.

WHEREAS, the parties desire to exercise the first of three options to renew set forth in the *Option(s) to Extend Standard Lease Addendum*. Extending the lease termination date by five years from January 31, 2026 to January 31, 2031.

WHEREAS, this amendment shall be effective with no lapse in the existing lease.

NOW, THEREFORE, the parties agree as follows:

1. This Amendment is effective as of February 1, 2021.
2. That *Section 1.5 Base Rent (b)* shall be replaced in its entirety as follows:  
Lease Years 6-15. The monthly Base Rent for the sixth (6<sup>th</sup>) Lease Year shall be \$1.35 per square foot per month. Monthly Base Rent for the seventh (7<sup>th</sup>) through fifteenth (15<sup>th</sup>) Lease Years shall increase by 3% per square foot per year.
3. That the Term of the Lease as set forth in Paragraph 1.3 shall be extended for five additional years ending on January 31, 2031.
4. That in all other respects the prior agreement of the parties as previously amended shall remain in full force and effect except as amended herein.

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

**Landlord**

9 Miller Court LLC and Brighton Greens Ventures LLC  
dba 9 Miller Court Properties

By: Marilyn M. Scholl  
Marilyn M. Scholl (Dec 18, 2020 09:21 PST)

Date: Dec 18, 2020

Name: Marilyn M. Scholl

Its: Managing Partner

**Tenant**

County of Nevada

By: Heidi Hall  
Heidi Hall (Dec 30, 2020 13:59 PST)

Date: Dec 30, 2020

Honorable Heidi Hall, Chair of the Board of Supervisors

ATTEST:

By: Julie Patterson Hunter

Julie Patterson Hunter, Clerk of the Board of Supervisors

APPROVED AS TO FORM: COUNTY COUNSEL

By: Rhett Vander Ploeg, Deputy County Counsel  
Rhett Vander Ploeg, Deputy County Counsel (Dec 30, 2020 14:14 PST)