



RESOLUTION No. 24-608

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

RESOLUTION APPROVING AMENDMENT 4 TO THE GROUND LEASE AGREEMENT WITH JOHN BARLEYCORN INVESTMENTS, LLC TO ALLOCATE \$160,000 FOR FINAL DESIGN AND CONSTRUCTION EFFORTS OF THE NEW COUNTY STORAGE FACILITY ON LOMA RICA RD AND AMEND THE FY24/25 CAPITAL FACILITIES BUDGET (4/5 AFFIRMATIVE VOTE REQUIRED)

WHEREAS, The Airport entered into a 40-year ground lease for the property (Lot 5) on March 28, 2006, through Resolution 06-419 with Pacific Ground Enterprises Inc. The lease was then assigned to co-tenants Neal Street Investments, LLC, and John Barleycorn Investments LLC by Board Resolution 07-034 on January 30, 2007. Most recently the lease was reassigned from Neal Street Investments, LLC to John Barleycorn Investments LLC making them the sole Lessee by Board Resolution 18-136 on April 10, 2018; and

WHEREAS, the ground lease has been amended twice through resolution 12-480 and 18-137 to adjust the base rent adjustment per the existing terms and conditions; and

WHEREAS, Resolution 23-046 amended the current Nevada County Airport ground lease with John Barleycorn Investments LLC to allow for construction of a 20,220 sq ft. office and storage facility and add a commercial lease agreement for the County to lease the building for County department utilization; and

WHEREAS, Design and Construction of the building is in the final phase which has incurred additional expenses in the amount not to exceed \$120,000; and

WHEREAS, the Facilities Management Department desires to purchase necessary lift equipment in the not to exceed amount of \$20,000 to support warehouse operations; and

WHEREAS, an additional \$20,000 is being allocated for final building construction change order allowance as needed, if needed.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Supervisors of the County of Nevada, State of California, hereby directs that:

1. That the Chair of the Board of Supervisors, approves Amendment No.4 to the Lot 5 ground lease with John Barleycorn Investments, LLC to complete the final design and construction of the new County office and storage facility
2. Authorizes the Director of Facilities Management to execute the Amendment
3. Authorizes the Purchasing Agent to encumber the funds in the not to exceed amount of \$160,000 and execute change orders in the amount not to exceed \$20,000
4. Directs the Auditor Controller to release Capital Facilities Assignment in the amount of \$160,000 and amend the fiscal year 2024/2025 Capital Facilities Budget as follows:

Increase:

0101-10801-416-2000	540300	\$160,000
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PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 26th day of November 2024, by the following vote of said Board:

Ayes: Supervisors Heidi Hall, Edward C. Scofield, Lisa Swarthout,
and Susan Hoek.

Noes: None.

Absent: Hardy Bullock.

Abstain: None.

Recuse: None.

ATTEST:

TINE MATHIASSEN
Chief Deputy Clerk of the Board of Supervisors

By: _____

Tine Mathiasen

Heidi Hall

Heidi Hall, Vice Chair

AMENDMENT No.4 TO LOT 5 GROUND LEASE AGREEMENT WITH JOHN BARLEYCORN INVESTMENTS, LLC

THIS AMENDMENT No. 4 is executed this 26th day of November, 2024 by and between John Barleycorn Investments LLC ("LESSEE") and COUNTY OF NEVADA ("LESSOR"). Said Amendment will amend the prior agreement between the parties entitled Lot 5 Amended Ground Lease executed on April 10, 2018 by Resolution No.18-136 and which Agreement was subsequently amended by Resolution No. 12-480 and 18-137 to adjust base rent adjustment per the existing terms and conditions and on January 24, 2023 by Resolution No.23-046.

WHEREAS, the parties desire by mutual consideration to amend their agreement to allow or provide for final construction design and change orders in the amount of \$120,000 addressing interior tenant space design, the purchase of lift equipment in the not to exceed amount of \$20,000 needed to support warehouse operations and an additional \$20,000 for final building construction change order allowance (aggregate total \$160,000.); and

WHEREAS, LESSOR and LESSEE entered into a 40-year Ground Lease ("Lease") effective April 10, 2018 by approved Resolution 18-136;and

WHEREAS, Amendment No.1 and 2 were approved by Resolutions 12-480 and 18-137 to adjust base rent adjustment per the existing terms and conditions; and

WHEREAS,Amendment No. 3 was approved by Resolution 23-046 to allow for the building of a 22,220 sq.ft. office and storage facility and to execute a commercial lease agreement for the County to lease the facility.

NOW, THEREFORE, the parties hereto agree as follows:

1. This Amendment No. 4 shall be effective as of November 26, 2024.
2. The Ground Lease Agreement is hereby modified to include all final as-builts drawings and copies of building permits and Notice of Occupancy.
3. County will allocate a final payment to John Barleycorn Investments, LLC for Design and Construction of the building in the final phase which has incurred additional expenses in the amount not to exceed \$120,000 and with approved final invoice by County Project Manager and final Notice of Occupancy provided by the County building Department.
4. County will allocate payment to John Barleycorn Investments, LLC for the purchase of necessary lift equipment in the not to exceed amount of \$20,000 to support warehouse operations with approved invoice by County Project Manager and copy of receipt of purchase
5. Authorizes the Director of Facilities Management to execute the Amendment.

6. The Purchasing Agent to encumber the funds in the not to exceed amount of \$160,000 and execute change orders in the amount not to exceed \$20,000
7. All other terms and conditions are to remain the same.

COUNTY COUNSEL

By: _____
Approved as to form:

Date: _____

Lessee: JOHN BARLEYCORN INVESTMENTS, LLC

By: _____
Keoni Allen, Manager

COUNTY OF NEVADA

By: _____
Justin Drinkwater
Director of Facilities Management

Date: _____

Date: _____