



RESOLUTION No. _____
OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

**APPROVING ASSIGNMENT AND ASSUMPTION AGREEMENT
BETWEEN KKP – LAKE OF THE PINES LLC (KKP), NORTH
STATE GROCERY, INC. AND THE COUNTY OF NEVADA
ARISING FROM THE INFRASTRUCTURE REIMBURSEMENT
AGREEMENT BETWEEN THE COUNTY AND KKP– DISTRICT 2**

WHEREAS, on July 9, 2019, the Board of Supervisors is requested to approve an Infrastructure Reimbursement Agreement (IRA) between the County and KKP - Lake of the Pines LLC, a California Limited Liability Corporation (“KKP”) for the development of the Higgins Marketplace, located on Highway 49 & Woodridge Court; and

WHEREAS, the IRA allows the assignment or assumption of some or all of KKP’s duties and obligations under the IRA; and

WHEREAS, North State Grocery, Inc. a California Corporation (“North State”) has agreed to lease Parcel 1 of the Higgins Marketplace project from KKP for the purpose of constructing a grocery store and will be the project’s anchor tenant; and

WHEREAS, the attached Assignment and Assumption Agreement (“Assignment”) allows KKP to assign and North State to assume certain rights and obligations under the IRA, primarily with respect to Parcel 1 identified in Parcel Map 04-020 and KKP’s obligation to reimburse the County for the cost of installing a sewer main in Combie Road to serve the project; and

WHEREAS, KKP will continue to retain all other rights, title, and interest in, to, and under the IRA for Parcels 2, 3 and 4, except as otherwise stated in the Assignment; and

WHEREAS, the County desires to consent to the proposed assignment and assumption on the terms and conditions set forth in the proposed Agreement.

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

1. Approves the Assignment and Assumption Agreement by and between the KKP-Lake of the Pines, LLC, North State Grocery, Inc., and the County of Nevada arising from the Infrastructure Reimbursement Agreement between the County and KKP, in substantially the form attached hereto.
2. Authorizes the Chair of the Board of Supervisors to execute the Agreement.
3. Directs the Clerk of the Board to submit the fully executed Agreement for recordation with the Clerk-Recorder’s Office.