



# RESOLUTION No. 19-037

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

### RESOLUTION AUTHORIZING AND APPROVING THE EXECUTION OF A SECOND 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 00-452 dated September 12<sup>th</sup>, 2000, for approximately 4,000 sq ft 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 to the ground lease dated October 9<sup>th</sup>, 2018 was approved by the Board of Supervisors Resolution 12-434 and established a new rental rate of \$.04/sqft per month effective October 1, 2012; 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; and

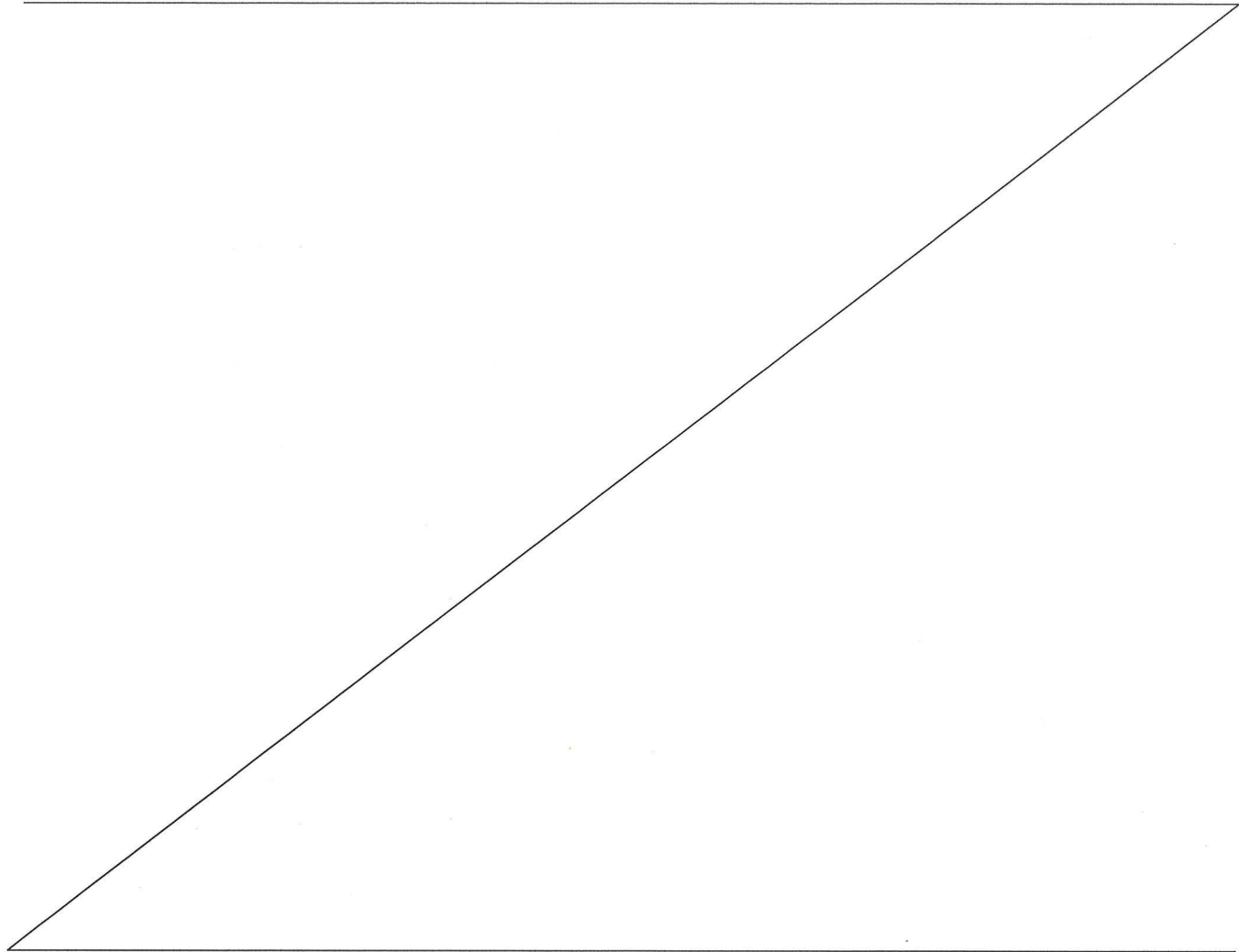
WHEREAS, during the 2018 prevailing lease rate review, as described above, both Lessor and Lessee agreed that not all the airports per the first amendment for prevailing rate assessment are comparable to Nevada County Airport; and

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 \$.045/sqft per month and both Lessor and Lessee have agreed to this new lease rate effective October 1, 2018.

NOW, THEREFORE, BE IT RESOLVED that the Nevada County Board of Supervisors authorizes the Chair of the Board of Supervisors to execute on behalf 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 sq ft of property located at the Nevada County Airport.

Rent revenue received will be deposited in 4116910042741000/430200.



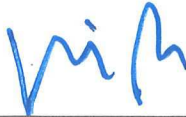
PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 22nd day of January, 2019, by the following vote of said Board:

- 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: 



Richard Anderson, Chair

1/22/19 cc: Airport\*  
AC\* (Hold)

1/25/19 cc: Airport (1)  
AC\* (Release)  
J & M Booth

**AMENDMENT #2 TO GROUND LEASE WITH  
JAMES AND MARY BOOTH**

**THIS AMENDMENT** will amend a prior agreement between James and Mary 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 amended October 1, 2012.

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

- A. James and Mary Booth, hold 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.
- B. During the prevailing rate comparison described above both Lessor and Lessee agreed that not all of airports listed in the lease for comparison are comparable to Nevada County Airport and agreed 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, 2018 and revise the list of airports used in the periodic rate comparison.

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



- 1. This amendment is effective October 1, 2018.
- 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.

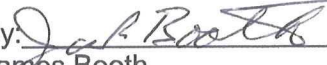
- 3. Paragraph 3 of the Ground Lease is amended to add the following provision:
  - 3.(a) Effective October 1, 2018 the ground lease rate will be \$.045/sq ft/month based on the hangar square footage (4000 sq ft). Future prevailing rate reviews and adjustments shall be in accordance with paragraph 2 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:   
~~Edward C. Seefield~~   
Chair of the Board of Supervisors

LESSEE:

By:   
James Booth

By:   
Mary Booth

ATTEST:

By:   
Julie Patterson Hunter  
Clerk of the Board of Supervisors

APPROVED AS TO FORM:

By:   
County Counsel