



RESOLUTION No. _____

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

RESOLUTION RESCINDING RESOLUTION 22-487 and APPROVING THE REVISED AMENDMENT 3 TO THE GROUND LEASE AGREEMENT WITH JOHN BARLEYCORN INVESTMENTS, LLC TO ALLOW FOR THE BUILDING OF A 20,220 SQ. FT. OFFICE AND STORAGE FACILITY AND A COMMERCIAL LEASE AGREEMENT FOR THE COUNTY TO LEASE THE FACILITY AND PARKING AREA

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, the County of Nevada proposes to amend 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, the commercial lease agreement with a starting monthly rate of \$25,275 (\$1.25 per sq. ft.) for the 20,220 square feet of office and storage facility and surrounding parking area. The rent will increase at 3% each year for years 1-15 with a market rate analysis in year 15. Year 16 will start with the negotiated market rate for the base rent with rent increasing 2% annually through the end of the term expiring on August 22, 2046. Upon expiration of the ground lease and commercial lease the County will reassume ownership of the property and the structure in perpetuity; and

WHEREAS, the Lessee will begin to pay the monthly lease payment upon occupancy, which is expected to be on or around January 1, 2024; and

WHEREAS, the County will be responsibly solely for the warehouse maintenance and repairs upon completion of the 23-year term; and

WHEREAS, all other terms and conditions of the Ground Lease Agreement remain in full force and effect; and

WHEREAS, small modifications were necessary to clarify lending terms and conditions, include a revised Exhibit A and new Attachment A, which is why it is necessary to rescind Resolution 22-487 and bring this as a new Resolution.

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

1. Hereby rescinds Resolution 22-487.
2. That the Chair of the Board of Supervisors, approves in substantially the form attached hereto, the revised amended ground lease, commercial lease agreement, and associated documents with John Barleycorn Investments, LLC.
3. Authorizes the Facilities Director to sign the amended ground lease, commercial lease agreement, associated documents, and any future related documents pertaining to the Lease or Lease back for Lot 5 so long as there is no additional financial impact to the County as a result of this action.