RESOLUTION - ACTION REQUESTED 2014-260

MEETING: June 10, 2014

TO: The Board of Supervisors

FROM: Peter Rei, Public Works Director

RE: Mariposa Parking District Leases

RECOMMENDATION AND JUSTIFICATION:
MARIPOSA PARKING DISTRICT - Approve Lease Extension Agreements for the Mariposa Downtown Parking Lots, and Authorize the Board of Supervisors Chair to Sign the Agreements.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
On December 12, 2012, the landowners met the Supervisor Cann, the County Administrative Officer, County Counsel and the Public Works Director. The group of landowners in attendance decided on extending the current lease for one year to enable either the Proposition 218 process to occur or, an alternate long-term extension be initiated.

The Board has approved several extensions of the parking leases in the past.

As of May 15, 2014, all but one of the Lease Extensions have been signed and returned.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

FINANCIAL IMPACT:
Pay property owners $1.00 rent for the year.

ATTACHMENTS:
Parking Leases (PDF)

CAO RECOMMENDATION
Requested Action Recommended

Mary Hodson, Deputy CAO 6/4/2014
RESULT: ADOPTED BY CONSENT VOTE [UNANIMOUS]
MOVER: Merlin Jones, District II Supervisor
SECONDER: Janet Bibby, District III Supervisor
AYES: Merlin Jones, Janet Bibby, Kevin Cann, John Carrier
EXCUSED: Lee Stetson
TO: PETE REI, Public Works Director
FROM: RENE’ LaROCHE, Clerk of the Board
SUBJECT: MARIPOSA PARKING DISTRICT - Approve Lease Extension Agreements for the Mariposa Downtown Parking Lots, and Authorize the Board of Supervisors Chair to Sign the Agreements

RES. 14-260

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on June 10, 2014

ACTION AND VOTE:

CA16. **Public Works  RES-2014-260**

MARIPOSA PARKING DISTRICT - Approve Lease Extension Agreements for the Mariposa Downtown Parking Lots, and Authorize the Board of Supervisors Chair to Sign the Agreements

Regarding CA16, Supervisor Carrier required clarification of the possible effects that may be anticipated because of some owners not signing. Supervisor Cann responded by providing a brief historical overview of the parking district; noted that by not signing an owner is, theoretically, not signed up on the county’s insurance coverage; and noted that the 49’er Bar now participates, when before it didn’t.

Cc: Bill Davis, Auditor
File
SIXTH AMENDMENT TO LEASE AGREEMENT

THIS SIXTH AMENDMENT TO LEASE AGREEMENT is made and entered into this 1st day of January, 2014, by and between Carol Shockley, hereinafter referred to as “Lessor” and Mariposa Parking District hereinafter referred to as “Lessee”.

WHEREAS, the Lessor and Lessee have heretofore entered into a Lease Agreement dated January 1, 1976 wherein Lessor agreed to lease property for (30) years to Lessee; and

WHEREAS, the FIRST AMENDMENT TO LEASE AGREEMENT was entered into in 2006 to extend the term of the Lease Agreement for an additional two (2) year period; and,

WHEREAS, the SECOND AMENDMENT TO LEASE AGREEMENT was entered into in 2008 to extend the term of the Lease Agreement for an additional one (1) year period; and,

WHEREAS, the THIRD AMENDMENT TO LEASE AGREEMENT was entered into in 2009 to extend the term of the Lease Agreement for an additional two (2) year period; and,

WHEREAS, the FOURTH AMENDMENT TO LEASE AGREEMENT was entered into in 2011 to extend the term of the Lease Agreement for an additional two (2) year period; and,

WHEREAS, the FIFTH AMENDMENT TO LEASE AGREEMENT was entered into in 2013 to extend the term of the Lease Agreement for an additional one (1) year period; and,

WHEREAS, Lessor and Lessee desire to amend said Lease Agreement to extend the term of the Lease Agreement between Lessor and Lessee for an additional one (1) year period.

NOW THEREFORE, the parties hereto in consideration of the mutual covenants herein recited, hereby agree as follows:

1. Paragraph 2 “TERM” is hereby amended to provide for an additional one (1) year term commencing on January 1, 2014 and expiring on December 31, 2014.
2. The rent for the additional one year shall be $1.00.
3. Except as herein amended, the Agreement dated January 1, 1976, shall remain in full force and effect.
IN WITNESS WHEREOF, the parties have caused this Amendment to be executed on the date first above written.

LESSOR:

[Signature]
Robert Shockley
[Signature]
Carol Shockley

LESSEE

[Signature]
KEVIN CANN, Chairman
Mariposa Parking District

ATTEST:

[Signature]
Rene LaRoche, Clerk of the Board

APPROVED AS TO FORM

[Signature]
Steven W. Dahlem, County Counsel
SIXTH AMENDMENT TO LEASE AGREEMENT

THIS SIXTH AMENDMENT TO LEASE AGREEMENT is made and entered into this 1st day of January, 2014, by and between Frank and Tracy Rose, hereinafter referred to as “Lessor” and Mariposa Parking District hereinafter referred to as “Lessee”.

WHEREAS, the Lessor and Lessee have heretofore entered into a Lease Agreement dated January 1, 1976 wherein Lessor agreed to lease property for (30) years to Lessee; and

WHEREAS, the FIRST AMENDMENT TO LEASE AGREEMENT was entered into in 2006 to extend the term of the Lease Agreement for an additional two (2) year period; and,

WHEREAS, the SECOND AMENDMENT TO LEASE AGREEMENT was entered into in 2008 to extend the term of the Lease Agreement for an additional one (1) year period; and,

WHEREAS, the THIRD AMENDMENT TO LEASE AGREEMENT was entered into in 2009 to extend the term of the Lease Agreement for an additional two (2) year period; and,

WHEREAS, the FOURTH AMENDMENT TO LEASE AGREEMENT was entered into in 2011 to extend the term of the Lease Agreement for an additional two (2) year period; and,

WHEREAS, the FIFTH AMENDMENT TO LEASE AGREEMENT was entered into in 2013 to extend the term of the Lease Agreement for an additional one (1) year period; and,

WHEREAS, Lessor and Lessee desire to amend said Lease Agreement to extend the term of the Lease Agreement between Lessor and Lessee for an additional one (1) year period.

NOW THEREFORE, the parties hereto in consideration of the mutual covenants herein recited, hereby agree as follows:

1. Paragraph 2 “TERM” is hereby amended to provide for an additional one (1) year term commencing on January 1, 2014 and expiring on December 31, 2014.
2. The rent for the additional one year shall be $1.00.
3. Except as herein amended, the Agreement dated January 1, 1976, shall remain in full force and effect.
IN WITNESS WHEREOF, the parties have caused this Amendment to be executed on the date first above written.

LESSOR:  
Fank Rose  
Tracy Rose

LESSEE  
KEVIN CANN, Chairman  
Mariposa Parking District

ATTEST:  
Rene LaRoche, Clerk of the Board

APPROVED AS TO FORM  
Steven W. Dahlem, County Counsel
SIXTH AMENDMENT TO LEASE AGREEMENT

THIS SIXTH AMENDMENT TO LEASE AGREEMENT is made and entered into this 1st day of January, 2014, by and between James and Maryetta Dulcich, hereinafter referred to as “Lessor” and Mariposa Parking District hereinafter referred to as “Lessee”.

WHEREAS, the Lessor and Lessee have heretofore entered into a Lease Agreement dated January 1, 1976 wherein Lessor agreed to lease property for (30) years to Lessee; and

WHEREAS, the FIRST AMENDMENT TO LEASE AGREEMENT was entered into in 2006 to extend the term of the Lease Agreement for an additional two (2) year period; and,

WHEREAS, the SECOND AMENDMENT TO LEASE AGREEMENT was entered into in 2008 to extend the term of the Lease Agreement for an additional one (1) year period; and,

WHEREAS, the THIRD AMENDMENT TO LEASE AGREEMENT was entered into in 2009 to extend the term of the Lease Agreement for an additional two (2) year period; and,

WHEREAS, the FOURTH AMENDMENT TO LEASE AGREEMENT was entered into in 2011 to extend the term of the Lease Agreement for an additional two (2) year period; and,

WHEREAS, the FIFTH AMENDMENT TO LEASE AGREEMENT was entered into in 2013 to extend the term of the Lease Agreement for an additional one (1) year period; and,

WHEREAS, Lessor and Lessee desire to amend said Lease Agreement to extend the term of the Lease Agreement between Lessor and Lessee for an additional one (1) year period.

NOW THEREFORE, the parties hereto in consideration of the mutual covenants herein recited, hereby agree as follows:

1. Paragraph 2 “TERM” is hereby amended to provide for an additional one (1) year term commencing on January 1, 2014 and expiring on December 31, 2014.
2. The rent for the additional one year shall be $1.00.
3. Except as herein amended, the Agreement dated January 1, 1976, shall remain in full force and effect.
IN WITNESS WHEREOF, the parties have caused this Amendment to be executed on the date first above written.

LESSOR:

James Dulcich
Maryetta Dulcich

ATTEST:

Rene LaRoche, Clerk of the Board

LESSEE

KEVIN CANN, Chairman
Mariposa Parking District

APPROVED AS TO FORM

Steven W. Dahlem, County Counsel
SIXTH AMENDMENT TO LEASE AGREEMENT

THIS SIXTH AMENDMENT TO LEASE AGREEMENT is made and entered into this 1st day of January, 2014, by and between United Methodist Church, hereinafter referred to as “Lessor” and Mariposa Parking District hereinafter referred to as “Lessee”.

WHEREAS, the Lessor and Lessee have heretofore entered into a Lease Agreement dated January 1, 1976 wherein Lessor agreed to lease property for (30) years to Lessee; and

WHEREAS, the FIRST AMENDMENT TO LEASE AGREEMENT was entered into in 2006 to extend the term of the Lease Agreement for an additional two (2) year period; and,

WHEREAS, the SECOND AMENDMENT TO LEASE AGREEMENT was entered into in 2008 to extend the term of the Lease Agreement for an additional one (1) year period; and,

WHEREAS, the THIRD AMENDMENT TO LEASE AGREEMENT was entered into in 2009 to extend the term of the Lease Agreement for an additional two (2) year period; and,

WHEREAS, the FOURTH AMENDMENT TO LEASE AGREEMENT was entered into in 2011 to extend the term of the Lease Agreement for an additional two (2) year period; and,

WHEREAS, the FIFTH AMENDMENT TO LEASE AGREEMENT was entered into in 2013 to extend the term of the Lease Agreement for an additional one (1) year period; and,

WHEREAS, Lessor and Lessee desire to amend said Lease Agreement to extend the term of the Lease Agreement between Lessor and Lessee for an additional one (1) year period.

NOW THEREFORE, the parties hereto in consideration of the mutual covenants herein recited, hereby agree as follows:

1. Paragraph 2 “TERM” is hereby amended to provide for an additional one (1) year term commencing on January 1, 2014 and expiring on December 31, 2014.
2. The rent for the additional one year shall be $1.00.
3. Except as herein amended, the Agreement dated January 1, 1976, shall remain in full force and effect.
IN WITNESS WHEREOF, the parties have caused this Amendment to be executed on the date first above written.

LESSOR:  
Reverend Virginia (Ginger) Foster

LESSEE  
KEVIN CANN, Chairman  
Mariposa Parking District

ATTEST:  
Rene LaRoche, Clerk of the Board

APPROVED AS TO FORM  
Steven W. Dahlem, County Counsel
SIXTH AMENDMENT TO LEASE AGREEMENT

THIS SIXTH AMENDMENT TO LEASE AGREEMENT is made and entered into this 1st day of January, 2014, by and between Wilfred Von Der Ahe, Jr. Trust, hereinafter referred to as “Lessor” and Mariposa Parking District hereinafter referred to as “Lessee”.

WHEREAS, the Lessor and Lessee have heretofore entered into a Lease Agreement dated January 1, 1976 wherein Lessor agreed to lease property for (30) years to Lessee; and

WHEREAS, the FIRST AMENDMENT TO LEASE AGREEMENT was entered into in 2006 to extend the term of the Lease Agreement for an additional two (2) year period; and,

WHEREAS, the SECOND AMENDMENT TO LEASE AGREEMENT was entered into in 2008 to extend the term of the Lease Agreement for an additional one (1) year period; and,

WHEREAS, the THIRD AMENDMENT TO LEASE AGREEMENT was entered into in 2009 to extend the term of the Lease Agreement for an additional two (2) year period; and,

WHEREAS, the FOURTH AMENDMENT TO LEASE AGREEMENT was entered into in 2011 to extend the term of the Lease Agreement for an additional two (2) year period; and,

WHEREAS, the FIFTH AMENDMENT TO LEASE AGREEMENT was entered into in 2013 to extend the term of the Lease Agreement for an additional one (1) year period; and,

WHEREAS, Lessor and Lessee desire to amend said Lease Agreement to extend the term of the Lease Agreement between Lessor and Lessee for an additional one (1) year period.

NOW THEREFORE, the parties hereto in consideration of the mutual covenants herein recited, hereby agree as follows:

1. Paragraph 2 “TERM” is hereby amended to provide for an additional one (1) year term commencing on January 1, 2014 and expiring on December 31, 2014.
2. The rent for the additional one year shall be $1.00.
3. Except as herein amended, the Agreement dated January 1, 1976, shall remain in full force and effect.
IN WITNESS WHEREOF, the parties have caused this Amendment to be executed on the date first above written.

LESSOR:

Mareka Lodge, Trustee

LESSEE

KEVIN CANN, Chairman
Mariposa Parking District

APPROVED AS TO FORM

Steven W. Dahlem, County Counsel

ATTEST:

Rene LaRoche, Clerk of the Board
SIXTH AMENDMENT TO LEASE AGREEMENT

THIS SIXTH AMENDMENT TO LEASE AGREEMENT is made and entered into this 1st day of January, 2014, by and between Hugh and Mary Lou Carter, David and Jacqueline Vaughn and Sharon Vaughn, hereinafter referred to as “Lessor” and Mariposa Parking District hereinafter referred to as “Lessee”.

WHEREAS, the Lessor and Lessee have heretofore entered into a Lease Agreement dated January 1, 1976 wherein Lessor agreed to lease property for (30) years to Lessee; and

WHEREAS, the FIRST AMENDMENT TO LEASE AGREEMENT was entered into in 2006 to extend the term of the Lease Agreement for an additional two (2) year period; and,

WHEREAS, the SECOND AMENDMENT TO LEASE AGREEMENT was entered into in 2008 to extend the term of the Lease Agreement for an additional one (1) year period; and,

WHEREAS, the THIRD AMENDMENT TO LEASE AGREEMENT was entered into in 2009 to extend the term of the Lease Agreement for an additional two (2) year period; and,

WHEREAS, the FOURTH AMENDMENT TO LEASE AGREEMENT was entered into in 2011 to extend the term of the Lease Agreement for an additional two (2) year period; and,

WHEREAS, the FIFTH AMENDMENT TO LEASE AGREEMENT was entered into in 2013 to extend the term of the Lease Agreement for an additional one (1) year period; and,

WHEREAS, Lessor and Lessee desire to amend said Lease Agreement to extend the term of the Lease Agreement between Lessor and Lessee for an additional one (1) year period.

NOW THEREFORE, the parties hereto in consideration of the mutual covenants herein recited, hereby agree as follows:

1. Paragraph 2 “TERM” is hereby amended to provide for an additional one (1) year term commencing on January 1, 2014 and expiring on December 31, 2014.
2. The rent for the additional one year shall be $1.00.
3. Except as herein amended, the Agreement dated January 1, 1976, shall remain in full force and effect.
IN WITNESS WHEREOF, the parties have caused this Amendment to be executed on the date first above written.

LESSOR:

Hugh Carter
Mary Lou Carter
Sharon Vaughn
David Vaughn

ATTEST:

Rene LaRoche, Clerk of the Board

LESSEE

KEVIN CANN, Chairman
Mariposa Parking District

Jacqueline Vaughn

APPROVED AS TO FORM

Steven W. Dahlem, County Counsel
IN WITNESS WHEREOF, the parties have caused this Amendment to be executed on the date first above written.

LESSOR:

________________________
Hugh Carter

________________________
Mary Lou Carter

________________________
Sharon Vaughn

________________________
David Vaughn

ATTEST:

________________________
Rene LaRoche, Clerk of the Board

LESSEE

________________________
KEVIN CANN, Chairman
Mariposa Parking District

________________________
Jacqueline Vaughn

APPROVED AS TO FORM

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Steven W. Dahlem, County Counsel
SIXTH AMENDMENT TO LEASE AGREEMENT

THIS SIXTH AMENDMENT TO LEASE AGREEMENT is made and entered into this 1st day of January, 2014, by and between Mary Foster, hereinafter referred to as “Lessor” and Mariposa Parking District hereinafter referred to as “Lessee”.

WHEREAS, the Lessor and Lessee have heretofore entered into a Lease Agreement dated January 1, 1976 wherein Lessor agreed to lease property for (30) years to Lessee; and

WHEREAS, the FIRST AMENDMENT TO LEASE AGREEMENT was entered into in 2006 to extend the term of the Lease Agreement for an additional two (2) year period; and,

WHEREAS, the SECOND AMENDMENT TO LEASE AGREEMENT was entered into in 2008 to extend the term of the Lease Agreement for an additional one (1) year period; and,

WHEREAS, the THIRD AMENDMENT TO LEASE AGREEMENT was entered into in 2009 to extend the term of the Lease Agreement for an additional two (2) year period; and,

WHEREAS, the FOURTH AMENDMENT TO LEASE AGREEMENT was entered into in 2011 to extend the term of the Lease Agreement for an additional two (2) year period; and,

WHEREAS, the FIFTH AMENDMENT TO LEASE AGREEMENT was entered into in 2013 to extend the term of the Lease Agreement for an additional one (1) year period; and,

WHEREAS, Lessor and Lessee desire to amend said Lease Agreement to extend the term of the Lease Agreement between Lessor and Lessee for an additional one (1) year period.

NOW THEREFORE, the parties hereto in consideration of the mutual covenants herein recited, hereby agree as follows:

1. Paragraph 2 “TERM” is hereby amended to provide for an additional one (1) year term commencing on January 1, 2014 and expiring on December 31, 2014.
2. The rent for the additional one year shall be $1.00.
3. Except as herein amended, the Agreement dated January 1, 1976, shall remain in full force and effect.
IN WITNESS WHEREOF, the parties have caused this Amendment to be executed on the date first above written.

LESSOR:

Mary Foster 3/25/14

LESSEE

KEVIN CANN, Chairman
Mariposa Parking District

APPROVED AS TO FORM

Steven W. Dahlem, County Counsel

ATTEST:

Rene LaRoche, Clerk of the Board
SIXTH AMENDMENT TO LEASE AGREEMENT

THIS SIXTH AMENDMENT TO LEASE AGREEMENT is made and entered into this 1st day of January, 2014, by and between Nancy Pimentel, hereinafter referred to as “Lessor” and Mariposa Parking District hereinafter referred to as “Lessee”.

WHEREAS, the Lessor and Lessee have heretofore entered into a Lease Agreement dated January 1, 1976 wherein Lessor agreed to lease property for (30) years to Lessee; and

WHEREAS, the FIRST AMENDMENT TO LEASE AGREEMENT was entered into in 2006 to extend the term of the Lease Agreement for an additional two (2) year period; and,

WHEREAS, the SECOND AMENDMENT TO LEASE AGREEMENT was entered into in 2008 to extend the term of the Lease Agreement for an additional one (1) year period; and,

WHEREAS, the THIRD AMENDMENT TO LEASE AGREEMENT was entered into in 2009 to extend the term of the Lease Agreement for an additional two (2) year period; and,

WHEREAS, the FOURTH AMENDMENT TO LEASE AGREEMENT was entered into in 2011 to extend the term of the Lease Agreement for an additional two (2) year period; and,

WHEREAS, the FIFTH AMENDMENT TO LEASE AGREEMENT was entered into in 2013 to extend the term of the Lease Agreement for an additional one (1) year period; and,

WHEREAS, Lessor and Lessee desire to amend said Lease Agreement to extend the term of the Lease Agreement between Lessor and Lessee for an additional one (1) year period.

NOW THEREFORE, the parties hereto in consideration of the mutual covenants herein recited, hereby agree as follows:

1. Paragraph 2 “TERM” is hereby amended to provide for an additional one (1) year term commencing on January 1, 2014 and expiring on December 31, 2014.
2. The rent for the additional one year shall be $1.00.
3. Except as herein amended, the Agreement dated January 1, 1976, shall remain in full force and effect.
IN WITNESS WHEREOF, the parties have caused this Amendment to be executed on the date first above written.

LESSOR:

Thomas Pimentel

Nancy Pimentel

LESSEE

KEVIN CANN, Chairman
Mariposa Parking District

ATTEST:

Rene LaRoche, Clerk of the Board

APPROVED AS TO FORM

Steven W. Dahlem, County Counsel