RESOLUTION - ACTION REQUESTED 2017-309

MEETING: May 23, 2017

TO: The Board of Supervisors

FROM: Steve Dahlem, County Counsel

RE: Third Amendment to Sub-License Agreement Between County of Mariposa and Coulterville Community Club

RECOMMENDATION AND JUSTIFICATION:
Approve a Third Amendment to Sub-License Agreement Between the County of Mariposa and Coulterville Community Club for Sub-License of Real Property Commonly Known as the Coulterville Community School and Parking Area for One Year; and Authorize the Board of Supervisors Chair to Sign the Amendment.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
In 1996 the County entered into a Sub-License Agreement with the Coulterville Community Club for use of the real property known as the Coulterville Community School and parking area.

In 2006 the Board took action to authorize the Chairman of the Board to sign an Amendment to the License Agreement for an additional ten year term.

In 2016 the Board took action to authorize the Chairman of the Board to sign a Second Amendment to the License Agreement for a one year term.

The School District desires to enter into a Third Amendment for a term of one year.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

FINANCIAL IMPACT:
$2,000 per year is budgeted in the Facilities Maintenance Budget.

ATTACHMENTS:
3rd Amendment to Sub-License Agt  (PDF)
2nd Amendment to Sub-License Agt  (PDF)
1st Amendment to Sub-License Agt  (PDF)
Sub-License Agt     (PDF)

CAO RECOMMENDATION
Requested Action Recommended
RESULT: ADOPTED BY CONSENT VOTE [UNANIMOUS]
MOVER: Rosemarie Smallcombe, District I Supervisor
SECONDER: Merlin Jones, District II Supervisor
AYES: Rosemarie Smallcombe, Merlin Jones, Marshall Long, Miles Menetrey
EXCUSED: Kevin Cann
THIRD AMENDMENT TO SUB-LICENSE AGREEMENT

THIS THIRD AMENDMENT TO SUB-LICENSE AGREEMENT is made and entered into this 23rd day of May, 2017, by and between the County of Mariposa, a political subdivision of the State of California, hereinafter referred to as “Licensor”, and the Coulterville Community Club, hereinafter referred to as “Licensee”.

WHEREAS, the Licensor and Licensee have heretofore entered into an Agreement dated November 30, 1996, wherein Licensor agreed to allow Licensee to use the Premises under a Sub-License Agreement; and

WHEREAS, Licensor and Licensee entered into an Amendment to Sub-License Agreement on May 24, 2006 extending the term of the Agreement for an additional ten (10) years to April 30, 2016; and

WHEREAS, Licensor and Licensee entered into a Second Amendment to Sub-License Agreement dated April 26, 2016, which extended the duration of the Sub-License Agreement to June 30, 2017; and

WHEREAS, Licensor and Licensee desire to enter into a Third Amendment to said Sub-License Agreement to further extend the duration of the License Agreement to June 30, 2018;

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

1. Paragraph 1 of the Sub-License Agreement is hereby amended to further extend the term of the Sub-License Agreement for one (1) year commencing on July 1, 2017 and
continuing through June 30, 2018. The balance of paragraph 1 of the original Sub-License Agreement shall remain unchanged.

2. Except as herein amended, the Sub-License Agreement dated November 30, 1996, Amendment to Sub-License Agreement dated May 24, 2006, and Second Amendment to Sub-License Agreement dated April 26, 2016 shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have caused this Second Amendment to be executed on the date first above written.

COUNTY OF MARIPOSA:

[Signature]
MARSHALL LONG, Chairman
Mariposa County Board of Supervisors

COULTERVILLE COMMUNITY CLUB:

[Signature]
Mike Kambeitz, President
Coulterville Community Club

ATTEST:

[Signature]
RENE LAROCHE
Clerk of the Board

APPROVED AS TO FORM:

[Signature]
STEVEN W. DAHLEM
County Counsel