RESOLUTION - ACTION REQUESTED 2020-96

MEETING: February 25, 2020

TO: The Board of Supervisors

FROM: Steve Dahlem, County Counsel

RE: Approve First Amendment to Lease Agreement for Hornitos Grazing Lease and Authorize Chair to Sign

RECOMMENDATION AND JUSTIFICATION:
Approve the First Amendment to a Lease Agreement with Carlos and Richard Ortiz for One Year for Grazing Purposes in the Hornitos Area; and Authorize the Board of Supervisors Chair to Sign the Amendment.

Staff recommends extending the Grazing Lease Agreement for one year to allow staff time to evaluate this property and other County properties for possible sale.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

FINANCIAL IMPACT:
None

ATTACHMENTS:
Hornitos-Graz Ise First Amendment (DOC)
Hornitos Grazing Agt-Ortiz (PDF)

RESULT: ADOPTED [UNANIMOUS]
MOVER: Marshall Long, District III Supervisor
SECONDER: Merlin Jones, District II Supervisor
AYES: Smallcombe, Jones, Long, Cann, Menetrey
FIRST AMENDMENT TO LEASE AGREEMENT

THIS FIRST AMENDMENT TO LEASE AGREEMENT, made and entered into this 25th day of January, 2020 by and between the COUNTY OF MARIPOSA, hereinafter referred to as "Lessor", and RICHARD AND CARLOS ORTIZ, hereinafter referred to as "Lessee".

WHEREAS, Lessor and Lessee have heretofore entered into a Lease Agreement dated September 10, 2013, wherein Lessee leased certain real property described as Assessor's Parcel Number 011-190-011 in the Hornitos area for the sole purpose of grazing cattle; and

WHEREAS, Lessor and Lessee desire to amend said Lease Agreement to extend the term of the Agreement and to change the compensation to be provided to Lessor.

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

1. Paragraph II, "TERM", is hereby amended to extend the term of the Lease Agreement for one additional year terminating on December 31, 2020.

2. Paragraph III, "CONSIDERATION", is hereby amended to provide that an additional Two Thousand Six Hundred One Dollars ($2,601) will be added to the original amount of Two Thousand Six Hundred One Dollars ($2,601), making the total compensation paid to Lessor Five Thousand Two Hundred Two Dollars and 00/100 ($5,202.00).

3. The Agreement, as hereby amended, is ratified and continued. All provisions, terms, covenants, conditions and promises contained in this Agreement not amended herein shall remain in full force and effect. This Amendment is effective retroactive to January 1, 2020.

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

LESSOR:

KEVIN CANN, Chair
Mariposa County Board of Supervisors

LESSEE:

RICHARD ORTIZ

CARLOS ORTIZ

ATTEST:

RENEE LAROCHE
Clerk of the Board

APPROVED AS TO FORM:

STEVEN W. DAHLEM
County Counsel