

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

253A



FROM: Waste Management Department

SUBMITTAL DATE:
February 11, 2004

SUBJECT: Amendment of the Legal Description of the Third Amendment and the Fourth Amendment to the Master Lease Agreement with Agua Mansa MRF, LLC and Extension of the Substantial Completion Date for the Material Recovery Facility (MRF).

RECOMMENDED MOTION: That the Board approve Amendment Number 5 to the Master Lease Agreement and Consent and Agreement with Agua Mansa MRF, LLC and Union Bank of California, N.A. as Agent and authorize the Chairman to execute the Agreements on behalf of the Board.

BACKGROUND: It was discovered during the process of acquiring the required Title Insurance/Endorsement for the Fourth Amendment to the Master Lease Agreement with Agua Mansa MRF, LLC that the legal descriptions for both the Third and Fourth Amendment inadvertently left approximately .18 acres off the premises leased to the company. The Title Company has asked that the legal descriptions be corrected. The Fifth Amendment corrects the legal descriptions of both the Third and Fourth Amendments. (Cont'd)

Departmental Concurrence

Hans Kernkamp, General Manager-Chief Engineer

FORM APPROVED
COUNTY COUNSEL
FEB 13 2004

| | | | | |
|-----------------------|-------------------------------|------|-------------------------|-----|
| FINANCIAL DATA | Current F.Y. Total Cost: | \$ 0 | In Current Year Budget: | Yes |
| | Current F.Y. Net County Cost: | \$ 0 | Budget Adjustment: | No |
| | Annual Net County Cost: | \$ 0 | For Fiscal Year: | NA |

| | | |
|-------------------------|----------------------------------|--------------------------|
| SOURCE OF FUNDS: | Positions To Be Deleted Per A-30 | <input type="checkbox"/> |
| | Requires 4/5 Vote | <input type="checkbox"/> |

C.E.O. RECOMMENDATION:

APPROVE

County Executive Office Signature

Policy
 Consent
 Dept't Recomm.:
 Policy
 Consent
 Per Exec. Ofc.:

Prev. Agn. Ref.: 10.1 (3/11/97); 10.2 (6/24/97);
10.2 (10/23/01); 12.1 (2/11/03); 12.3 (9/9/03)

District: A11

Agenda Number:

**ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD**

12.1

F11 - Amendment of the Legal Description of the Third Amendment and the Fourth Amendment to the Master Lease Agreement with Agua Mansa MRF, LLC and Extension of the Substantial Completion Date for the Material Recovery Facility (MRF).

Page 2

A good portion of the MRF is finished. The Fifth Amendment extends the substantial completion date for the MRF from December 31, 2003 to April 2, 2004. The amendment also further defines that substantial completion means Agua Mansa MRF, LLC has received a certificate of occupancy for the MRF. Discussions with Agua Mansa MRF, LLC have indicated that the facility should meet the definition of substantial completion by April 2, 2004.

A "Consent and Agreement" is included with the package. It indicates that Agua Mansa MRF, LLC's bank concurs with the amendment as the Master Lease allows the lender to approve any amendment to the document.

Attachments