

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

507



FROM: Economic Development Agency

SUBMITTAL DATE:
October 21, 2010

SUBJECT: Fifth Amendment to Lease, Department of Public Social Services, Perris

RECOMMENDED MOTION: That the Board of Supervisors ratify the attached Fifth Amendment to Lease and authorize the Chairman of the Board to execute the same on behalf of the County.

BACKGROUND: The Department of Public Social Services' Family Resource Center program has occupied this facility since February 20, 2001. The office continues to meet the needs and requirements of the department and a lease extension has been negotiated by the Real Estate Division. This Fifth Amendment to Lease extends the term for two (2) years commencing February 1, 2010.

(Continued)

Robert Field

Robert Field
Assistant County Executive Officer/EDA

FINANCIAL DATA	Current F.Y. Total Cost:	\$49,239	In Current Year Budget:	Yes
	Current F.Y. Net County Cost:	\$18,071	Budget Adjustment:	No
	Annual Net County Cost:	\$18,431	For Fiscal Year:	2010/11

SOURCE OF FUNDS: Federal 39%, State 24.3%, County 36.7%	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE

Jennifer L. Sargent
BY: Jennifer L. Sargent

County Executive Office Signature

FISCAL PROCEDURES APPROVED
 ROBERT E. BYRD, AUDITOR-CONTROLLER
 BY: Samuel Wong 10/12/10
 SAMUEL WONG
 SUSAN LOEW
 SUSAN LOEW, Director
 Department of Public Social Services
 Departmental Concurrence
 FORM APPROVED COUNTY COUNSEL
 BY: Cynthia M. Gunzel 4-7-10
 CYNTHIA M. GUNZEL
 DATE

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

Prev. Agn. Ref.: 3.12 of 9/26/00; 3.11 of 3/20/01; 3.9 of 4/15/03; 3.15 of 2/24/04; 3.14 of 1/10/06; 3.16 of 2/6/07
 District: 1
 Agenda Number:

ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD

3.10

BACKGROUND: (Continued)

Lessor: Ringmaster's Square LLC
301 Buck Avenue
Vacaville, California 95688

Premises Location: 371-D Wilkerson, Suites L & M
Perris, California 92570

Term: Two (2) years commencing February 1, 2010

Size: 3,200 square feet

Rent: \$ 1.23 per sq. ft.
\$ 3,920.79 per month
\$47,049.48 per year

Rental Adjustment: Two percent (2%)

Utilities: County pays telephone, all others provided by Landlord.

Maintenance: Provided by Landlord.

Custodial: Provided by Landlord.

Improvements: N/A

RCIT Costs: N/A

The attached Fifth Amendment to Lease has been reviewed and approved by County Counsel as to legal form.

FINANCIAL DATA:

All associated costs for this Fifth Amendment will be fully funded through the Department of Public Social Services budget. The Department of Public Social Services has budgeted these costs in FY 2010/2011. While EDA will front the costs for the Fifth Amendment to Lease with the property owners, the Department of Public Social Services will reimburse EDA for all associated lease costs.

Exhibit A, Exhibit B and Exhibit C attached.

Exhibit A

DPSS Lease Cost Analysis FY 2009/10 371-D Wilkerson Avenue, Suites L & M, Perris, California

Total Square Footage to be Leased:

BUDGETED AMOUNTS

Current office:	3,200	SQFT		
Cost Per Sq. Ft:	\$	1.23		
Lease Cost per Month		\$	3,920.79	
Total Lease Cost included in Budget for FY 2009/10			\$	47,049.48

ACTUAL AMOUNTS

Current office:	3,200	SQFT		
Approximate Cost per SQFT (July - June)	\$	1.23		
Lease Cost per Month (July - June)		\$	3,920.79	
Total Actual Lease Cost (July - June)			\$	47,049.48
TOTAL LEASE COST FOR FY 2009/10			\$	-

Estimated Additional Costs:

BUDGETED AMOUNTS

EDA Lease Management Fee (Based @ 3.79%)	\$	1,783.18		
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ACTUAL AMOUNTS

EDA Lease Management Fee (Based @ 3.79%)	\$	1,783.18		
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TOTAL ADDITIONAL COST FOR FY 2009/10	\$	-		
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TOTAL LEASE COST FY 2009/10	\$	-		
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TOTAL COST FOR COUNTY 36.7%	\$	-		
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Exhibit B

DPSS Lease Cost Analysis FY 2010/11 371-D Wilkerson Avenue, Suites L & M, Perris, California

Current Square Feet Occupied:

Office:		3,200	SQFT		
Cost per Square Foot:	\$		1.23		
Lease Cost per Month (July 1, 2010 -January 31, 2011)			<u>\$ 3,920.79</u>	\$	27,445.53
Cost per Square Foot:	\$		1.25		
Lease Cost per Month (February 1, 2011 -June 30, 2011)			<u>\$ 3,999.00</u>	\$	19,995.00
Total Estimated Lease Cost for FY 2010/11				\$	47,440.53
EDA Lease Management Fee (Based @ 3.79%)				\$	1,798.00
TOTAL LEASE COSTS FY 2010/11:				<u>\$</u>	<u>49,238.53</u>
TOTAL COST FOR COUNTY 36.7%				\$	18,070.54

Exhibit C

DPSS Lease Cost Analysis FY 2011/12 371-D Wilkerson Avenue, Suites L & M, Perris, California

Current Square Feet Occupied:

Office:	3,200	SQFT		
Cost per Square Foot:	\$	1.25		
Lease Cost per Month (July 1, 2011 -January 31, 2012)		<u>\$ 3,999.00</u>	\$	27,993.00
Cost per Square Foot:	\$	1.27		
Lease Cost per Month (February 1, 2012 -June 30, 2012)		<u>\$ 4,078.98</u>	\$	<u>20,394.90</u>
Total Estimated Lease Cost for FY 2010/11			\$	48,387.90
EDA Lease Management Fee (Based @ 3.79%)			\$	1,833.90
TOTAL LEASE COSTS FY 2010/11:			<u>\$</u>	<u>50,221.80</u>
TOTAL COST FOR COUNTY 36.7%			\$	18,431.40

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**FIFTH AMENDMENT TO LEASE
371-D Wilkerson, Suites L & M
Perris, California**

This **FIFTH AMENDMENT TO LEASE** ("Fifth Amendment") is made as of _____, 2010 by and between the **COUNTY OF RIVERSIDE**, a political subdivision of the State of California ("County"), and **RINGMASTER'S SQUARE, LLC**, as successor in interest to **PERRIS FREEWAY PLAZA, LLC**, and ("Lessor").

1. Recitals.

a. County and Freeway Plaza, LLC., entered into that certain lease dated September 20, 2000, (the "Original Lease") pursuant to which County leased a portion of that certain building located at 371-D Wilkerson, Suites L & M, Perris, California (the "Building"), as more particularly shown on Exhibit "A", attached hereto and made a part hereof.

b. The Original Lease has been amended by:

i. That certain First Amendment to Lease dated March 20, 2001 by and between Cottonwood Partners, dba Freeway Plaza successor in interest to Freeway Plaza, LLC, and County (the "First Amendment").

ii. That certain Second Amendment to Lease dated February 24, 2004, by and between Cottonwood Partners, Inc., dba Freeway Plaza as successor in interest to Freeway Plaza, LLC, and County (the "Second Amendment").

iii. That certain Third Amendment to Lease dated January 10, 2006, by and between Cottonwood Partners, Inc., dba Freeway Plaza and County (the "Third Amendment").

iv. That certain Fourth Amendment to Lease dated February 6, 2007, by and between Perris Freeway Plaza LLC, as successor in interest to Freeway Plaza LLC, and Cottonwood Partners, Inc., and County (the "Fourth Amendment").

c. The Original Lease, as heretofore, currently, or hereafter amended, shall hereafter be referred to as the "Lease".

NOW THEREFORE, for good and valuable consideration the receipt and adequacy of which is hereby acknowledged, the parties agree as follows:

2. Capitalized Terms: Fifth Amendment to Prevail. Unless defined herein or the context requires otherwise, all capitalized terms herein shall have the meaning defined in the Lease, as heretofore amended. The provisions of this Fifth Amendment shall prevail over any inconsistency or conflicting provisions of the Lease, as heretofore amended, and shall supplement the remaining provisions thereof. The Lease remains in full force and effect except to the extent amended by this Fourth Amendment.

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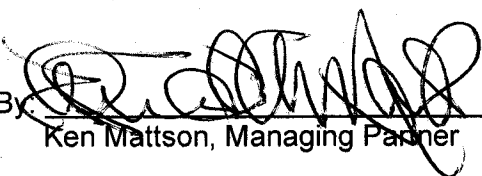
 **ORIGINAL**

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8. This Fifth Amendment to Lease shall not be binding or consummated until its approval by the Board of Supervisors of Riverside County.

Dated: _____

RINGMASTER'S SQUARE, LLC

By: 
Ken Mattson, Managing Partner

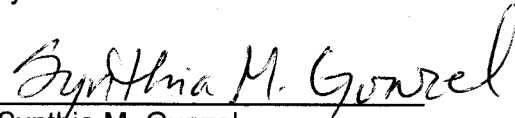
COUNTY OF RIVERSIDE

By: _____
Marion Ashley, Chairman
Board of Supervisors

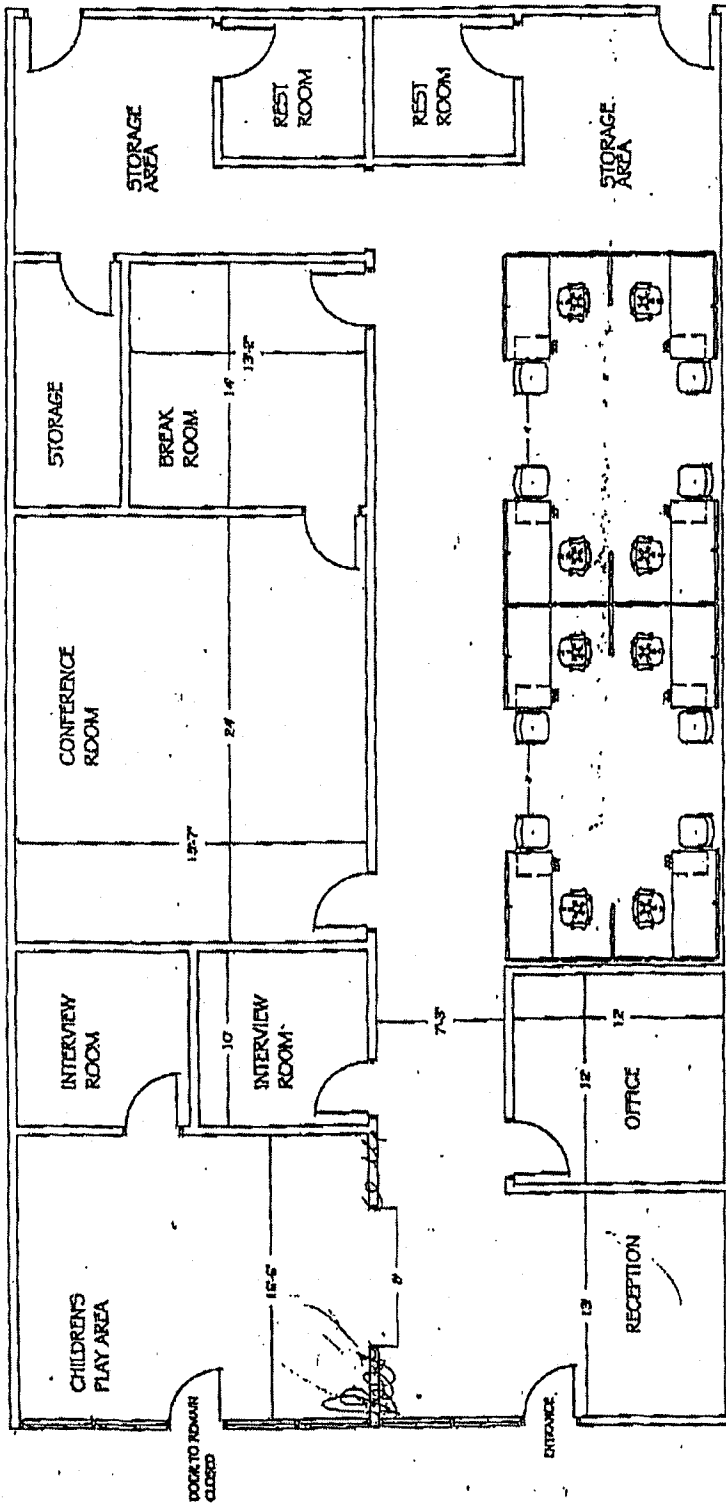
ATTEST:
Kecia Harper-Ihem
Clerk of the Board

By: _____
Deputy

APPROVED AS TO FORM:
Pamela J. Walls
County Counsel

By: 
Synthia M. Gunzel
Deputy County Counsel

TW:jw
02/11/10
PR011
13.129



371 WILKERSON
 SUITES L & M (3200 S/F)
 PERRIS

EXHIBIT "A"