

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

615



FROM: Economic Development Agency &
Waste Management Department

SUBMITTAL DATE:
May 5, 2011

SUBJECT: Second Amendment to Revenue Ground Lease at the Closed West Riverside Landfill

RECOMMENDED MOTION: That the Board of Supervisors approve the Second Amendment to the Lease Agreement with Chester Timothy Adams; and authorize the Chairman to execute the Amendment.

BACKGROUND: On September 29, 2009 the County entered into a Revenue Ground Lease at the Closed West Riverside Landfill with Chester Timothy Adams for the purpose of developing and constructing an automobile race facility. Mr. Adams requested a change in use that will allow him to develop and construct an alternative energy facility. This change in use was allowed via the First Amendment to Revenue Lease executed on January 25, 2011.

(Continued)

FORM APPROVED COUNTY COUNSEL
 BY: Synthia M. Gunzel DATE: 4.27.11
 SYNTHIA M. GUNZEL DATE Departmental Concurrence

[Signature]
 Hans Kernkamp, General Manager-Chief
 Engineer, Waste Management Department

[Signature]
 Robert Field, Assistant County Executive
 Officer, Economic Development Agency

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:	2011/12

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

C.E.O. RECOMMENDATION: APPROVED
 BY: [Signature]
 County Executive Office Signature Jennifer L. Sargent

Consent
 Policy

 Consent
 Policy

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

Prev. Agn. Ref.: 10.3 of 5/23/00;
 3.43 of 9/29/09); 3.13 of 1/25/11 | District: 2 | Agenda Number:

ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD

3.12

BACKGROUND: (Continued)

The original Lease stipulated Mr. Adams had an eighteen (18) month start-up period to complete his due diligence in compliance with the applicable regulatory requirements. Due to the change in the proposed use, it is appropriate and recommended that an extension to the start-up period is granted. This Second Amendment represents a twelve (12) month extension to complete the due diligence and obtain all necessary approvals for the project.

EDA has determined that this amendment is exempt under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15061, subdivision (b)(3), and 15262. EDA shall file a Notice of Exemption within 72 hours of County approval of this amendment. The project proponent will be responsible for CEQA compliance for development of the proposed Alternative Energy Facility. County Counsel has reviewed and staff recommends approval of the Second Amendment to the Lease Agreement.

FINANCIAL DATA:

There are not costs associated with this transaction.

Attachments:

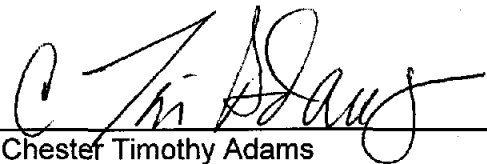
Second Amendment to Ground Lease

1 5. This Second Amendment to Lease shall not be binding or consummated until
2 its approval by the Board of Supervisors of Riverside County.

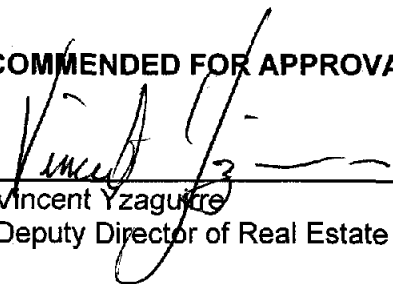
3 IN WITNESS WHEREOF, this Second Amendment to Lease has been executed and is
4 effective on the date the Board of Supervisors takes action on it.

5 Dated: _____

6 **LESSEE:**

7 By: 
8 Chester Timothy Adams

9 **RECOMMENDED FOR APPROVAL:**

10 By: 
11 Vincent Yzaguirre
12 Deputy Director of Real Estate

13 By: 
14 Hans W. Kernkamp
15 General Manager-Chief Engineer
16 Waste Management Department

17 **COUNTY OF RIVERSIDE**

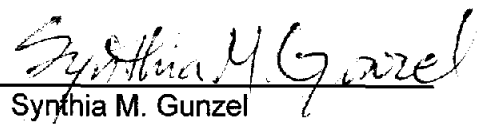
18 By: _____
19 Bob Buster, Chairman
20 Board of Supervisors

21 **ATTEST:**
22 Kecia Harper-Ihem
23 Clerk of the Board

24 By: _____
25 Deputy

APPROVED AS TO FORM:

 Pamela J. Walls
 County Counsel

 By: 
 Synthia M. Gunzel
 Deputy County Counsel



Riverside County
Waste Management Department

Ground Lease between Riverside County and Tim Adams
West Riverside Sanitary Landfill

Site Map

Exhibit A

File: eng/sites/west_riverside/gokart_roccrock/lease mcp 01212009/wr_exh_A_sitemop.dgn

Date: April 28, 2010

Photo Date: Oct. 2005

Scale: 1"=400'

Ground Lease between Riverside County and Tim Adams
West Riverside Sanitary Landfill

EXHIBIT "B-1"

LEGAL DESCRIPTION OF WEST RIVERSIDE LANDFILL

Parcel 1- (APN 178-290-003):

Being a portion of Lot 2 of the Amended Map of the West Riverside Subdivision recorded in Map Book 4, Page n, records of Riverside County, California as shown on Record of Survey Book 96. Pages 2 through 5, inclusive, records of Riverside County, California, described as follows:

Beginning at the intersection of the Southwesterly right of way of 26th Street and the Northerly line of Lot "D", as shown on said Record of Survey;

Thence South 52° 30' 50" West along said Northerly line of Lot "D", 640.84 feet;

Thence North 88° 37' 10" West along said Northerly line of Lot "D", 300.00 feet;

Thence North 01° 06' 10" West along said Northerly line of Lot "D", 375.29 feet;

Thence North 54° 50' 10" West along said Northerly line of Lot "D", 115.00 feet;

Thence South 84° 22' 50" West along said Northerly line of Lot "D", 265.00 feet;

Thence South 26° 22' 50" West along said Northerly line of Lot "D", 67.08 feet, to a point on the Southwesterly line of that property described in Instrument No. 58017, recorded March 2, 1987, in the office of the County Recorder, records of Riverside County, California:

Thence North 52° 38' 14" West along said Southwesterly line of that property described in Instrument No. 58017 and parallel with the Southwesterly line of said Lot 2, 22.86 feet, to a point on the Northwesterly line of that property described in said Instrument No. 58017;

Thence North 37° 21' 46" East along said Northwesterly line of that property described in Instrument No. 58017, 6.50 feet, to a point on the Northeasterly line of that property described in said Instrument No. 58017;

Thence North 52° 38' 14" West along said Northeasterly line of that property described in Instrument No. 58017, 97.00 feet. to a point on the Northwesterly line of said Lot 2, said point also being on the Southeasterly right of way of Hall Avenue. as shown on said Record of Survey;

Thence North 37° ~ 1' 46" East along said Southeasterly right of way of Hall Avenue, 748.20 feet, to a point on said Southwesterly right of way of 26th Street;

Thence South 52° ~9' 10" East along said Southwesterly right of way of ~6th Street. 1059.56 feet. to the Point of Beginning.

Parcel 2 – (APN 178-290-006 and 178-290-013):

Being a portion of Lot "A" and Lot ~ of the Amended Map of the Indian Hill Tract, recorded in Map Book 1a, Page 3, records of Riverside County, California, as shown on Record of Survey Book 96, Pages 2 through 5, inclusive, records of Riverside County, California, described as follows:

Beginning at the most Easterly corner of Lot "D", as shown on said Record of Survey;

Thence North $41^{\circ} 34' 36''$ East 33.09 feet, to a point on the Northeasterly right of way of 26th Street, as shown on said Record of Survey;

Thence North $52^{\circ} 29' 10''$ West along said Northeasterly right of way of 26th Street, 28.91 feet;

Thence North $37^{\circ} 28' 47''$ East 200.92 feet;

Thence North $52^{\circ} 25' 03''$ West 18.18 feet;

Thence North $25^{\circ} 54' 17''$ East 334.48 feet;

Thence South $52^{\circ} 25' \sim 6''$ East 1279.31 feet, to a point on the Northwesterly right of way of the Santa Ana River, as shown on said Record of Survey;

Thence South $31^{\circ} 32' 32''$ West along said Northwesterly right of way of the Santa Ana River, 1130.03 feet, to a point on the Northerly right of way of State Highway 60, as shown on said Record of Survey, said point also being the beginning of a non-tangent curve, concave Southerly, having a radius of 7624.88 feet, to which a radial bears North $18^{\circ} 06' 06''$ East:

Thence Westerly along the arc of said curve and said Northerly right of way of State Highway 60, 531.84 feet, through a central angle of $03^{\circ} 59' 47''$, to the beginning of a compound curve, concave Southerly, having a radius of 6499.90 feet;

Thence Westerly along the arc of said curve and along said Northerly right of way of State Highway 60, 60.766.95 feet, through a central angle of $06^{\circ} 45' 38''$;

Thence North $82^{\circ} 39' 19''$ West along said Northerly right of way of State Highway 60, 150,55 feet to the beginning of a curve, concave Southerly, having a radius of 3749,94 feet;

Thence Westerly along the arc of said curve and along said Northerly right of way of State Highway 60, 354,01 feet, through a central angle of $05^{\circ} 24' 32''$;

Thence North $88^{\circ} 03' 51''$ West along said Northerly right of way of State Highway 60, 338, 10 feet, to a point on the Northeasterly 22 foot right of way of 28th Street, as shown on said Record of Survey;

Thence North $52^{\circ} 28' 38''$ West along said Northeasterly 22 foot right of way of 28th Street, 90,66 feet, to a point on the Southerly boundary of Blocks 12 and 13, as shown on Map Book 5, Page 116, records of Riverside County, California, also shown on said Record of Survey;

Thence North $41^{\circ} 04' 57''$ East along said Southerly boundary, 11.02 feet, to a point on the Northeasterly 33 foot right of way of 28th Street, as shown on said Record of Survey; Thence North $52^{\circ} 28' 38''$ West along said Northeasterly 33 foot right of way of 28th Street, 90.83 feet, to a point on the Southerly line of Lot "D", as shown on said Record of Survey, said point also being the most Westerly corner of said Lot "D";

Thence North $07^{\circ} 35' 22''$ East along said Southerly line of Lot "D", 312.64 feet;

Thence North $50^{\circ} 25' 22''$ East along said Southerly line of Lot "D", 295.40 feet;

Thence North $22^{\circ} 40' 22''$ East along said Southerly line of Lot "D", 213.28 feet;

Thence North $67^{\circ} 19' 38''$ West along said Southerly line of Lot "D", 1.80 feet, to the beginning of a non-tangent curve, concave Southeasterly, having a radius of 347.00 feet, to which a radial bears North $67^{\circ} 19' 38''$ West;

Thence Northeasterly along the arc of said curve and along said Southerly line of Lot "D", 38.66 feet, through a central angle of $06^{\circ} 23' 00''$, to the beginning of a compound curve, concave Southeasterly, having a radius of 49.00 feet;

Thence Northeasterly along the arc of said curve and along said Southerly line of Lot "D", 44.66 feet, through a central angle of $52^{\circ} 13' 00''$, to which a radial bears North $08^{\circ} 43' 38''$ West;

Thence North $83^{\circ} 47' 22''$ East along said Southerly line of Lot "D", 177.15 feet, to the beginning of a curve, concave Southwesterly, having a radius of 1 09.00 feet;

Thence Southeasterly along the arc of said curve and along said Southerly line of Lot "D", 1 02.32 feet, through a central angle of $53^{\circ} 47' 00''$, to the beginning of a compound curve, concave Westerly, having a radius of 69.00 feet;

Thence Southerly along the arc of said curve and along said Southerly line of Lot "D", 55.80 feet, through a central angle of $46^{\circ} 20' 00''$, to which a radial bears South $86^{\circ} 08' 38''$ East;

Thence South $04^{\circ} 16' 22''$ West along said Southerly line of Lot "D", 239.97 feet, to the beginning of a curve, concave Easterly, having a radius of 174.00 feet;

Thence Southerly along the arc of said curve and along said Southerly line of Lot "D", 84.02 feet, through a central angle of $27^{\circ} 40' 00''$, to the beginning of a compound curve, concave Northeasterly, having a radius of 95.00 feet;

Thence Southeasterly along the arc of said curve and along said Southerly line of Lot "D", 1 01.81 feet, through a central angle of $61^{\circ} 24' 00''$, to which a radial bears South $05^{\circ} 12' 22''$ West;

Thence South $84^{\circ} 55' 38''$ East along said Southerly line of Lot "D", 147.14 feet;

Thence North $82^{\circ} 36' 22''$ East along said Southerly line of Lot "D", 99.60 feet;

Thence North 63° 08' 22" East along said Southerly line of Lot "D", 70.50 feet;

Thence North 57° 14' 22" East along said Southerly line of Lot "D", 94.30 feet;

Thence North 54° 23' 22" East along said Southerly line of Lot "D", 188.88 feet;

Thence North 52° 08' 22" East along said Southerly line of Lot "D", 129.50 feet;

Thence North 41° 34' 36" East along said Southerly line of Lot "D", 239.54 feet, to the Point of Beginning.

Parcel 3 – (APN 178-281-006):

Being a portion of Lot "C" of the Amended Map of the Indian Hill Tract, recorded in Map Book 10, Page 3, records of Riverside County, California, as shown on Record of Survey Book 96, Pages 2 through 5, inclusive, records of Riverside County, California, described as follows:

Beginning at the most Southwesterly corner of Lot "C", as shown on said Record of Survey, said point also being the intersection of the Easterly right of way of Turbine Street and the Northerly line of Lot "D", as shown on said Record of Survey;

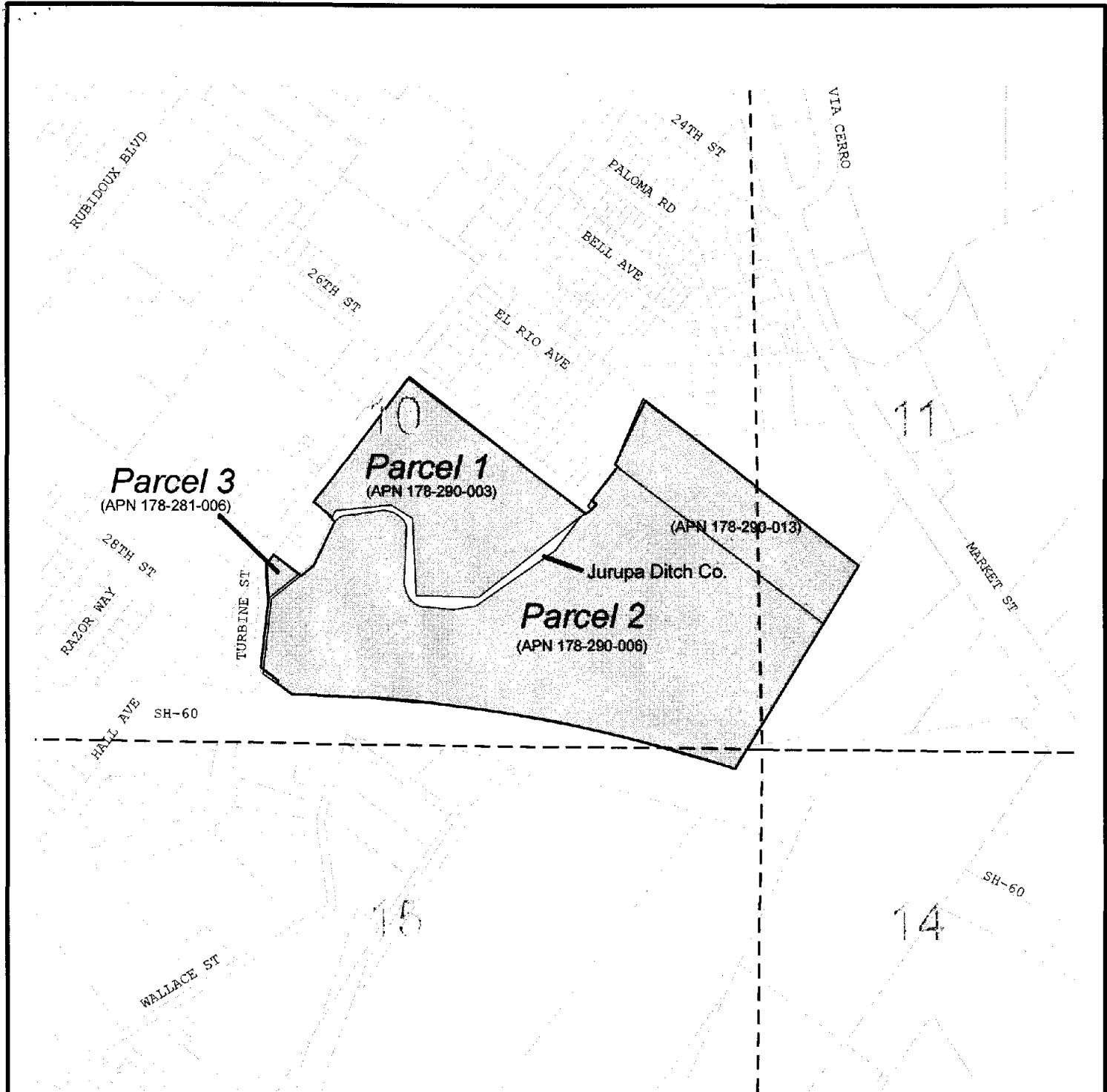
Thence North 03° 26' 43" West along said Easterly right of way of Turbine Street, 175.29 feet, to a point on the Southeasterly right of way of Hail Avenue, as shown on said Record of Survey;

Thence North 37° 21' 46" East along said Southeasterly right of way of Hall Avenue, 58.95 feet, to a point on the Southwesterly line of Instrument No. 77775, recorded July 15, 1971, in the office of the County Recorder, records of Riverside County, California, as shown on said Record of Survey;

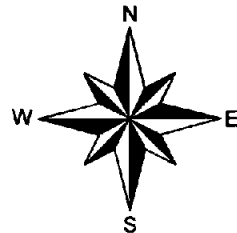
Thence South 52° 38' 14" East along said Southwesterly line of Instrument No. 77775, 163.13 feet, to a point on said Northerly line of Lot "D", as shown on said Record of Survey;

Thence South 51° 35' 17" West along said Northerly Line of Lot "D", 197.68 feet, to the Point of Beginning.

The hereinabove described parcels are shown on Exhibit "B-2".



T2S R5W



 **Riverside County**
Waste Management Department

Ground Lease between Riverside County and Tim Adams
West Riverside Sanitary Landfill (Closed)
Exhibit "B-2"

This map is for graphical purpose only

Date: April 28, 2010

Not To Scale