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

FROM: Economic Development Agency / Facilities Management

SUBMITTAL DATE:

February 13, 2013

SUBJECT: Fifth Amendment to Lease – Law Offices of the Public Defender, Riverside

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the attached Fifth Amendment to Lease for 4275 Lemon Street, Suite 251, Riverside, and authorize the Chairman of the Board to execute the same on behalf of the County; and
2. Find that the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Existing Facilities.

BACKGROUND: (Commences on Page 2)

FISCAL PROCEDURES APPROVED
 PAUL ANGULO, CPA, AUDITOR-CONTROLLER
 BY: Lisette Rose 2/13/13
 Lisette Rose

Robert Field
 Assistant County Executive Officer/EDA

| | | | | |
|-----------------------|-------------------------------|------------|-------------------------|---------|
| FINANCIAL DATA | Current F.Y. Total Cost: | \$ (2,036) | In Current Year Budget: | Yes |
| | Current F.Y. Net County Cost: | \$ (2,036) | Budget Adjustment: | No |
| | Annual Net County Cost: | \$ 31,018 | For Fiscal Year: | 2012/13 |

COMPANION ITEM ON BOARD AGENDA: No

SOURCE OF FUNDS: 100% County General Fund

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

C.E.O. RECOMMENDATION:

APPROVE

BY: Jennifer L. Sargent
 Jennifer L. Sargent

County Executive Office Signature

Dept't Recomm.: Consent Policy

Per Exec. Ofc.: Consent Policy

Prev. Agn. Ref.: 3.20 of 6/20/2006; 3.38 of 7/26/2011 | District: 2/2

Agenda

3-20

ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD

APPROVED COUNTY COUNSEL
 A Departmental Concurrence DATE
 12/10/12
 Brian Boles, Interim Public Defender
 Public Defender, Executive Management
 By: Brian Boles

BACKGROUND: (Continued)

The attached Lease has been reviewed and approved by County Counsel as to form

FINANCIAL DATA:

All associated cost for this First Amendment to Lease will be fully funded through the Law Offices of the Public Defender's budget. Law Offices of Public Defender has budgeted these costs in FY 2012/13. While the Economic Development Agency will front the costs for the Fifth Amendment to Lease with the property owners, Law Offices of the Public Defender will reimburse EDA for all associated costs.

Attachment:
Exhibits A & B
Fifth Amendment to Lease

BACKGROUND:

This Fifth Amendment to Lease represents a request from the Law Offices of the Public Defender to renew their lease agreement at 4275 Lemon Street, Suite 251, Riverside. This facility continues to meet the requirements of the department. The Real Estate Division has negotiated a two year lease renewal with a rental rate reduction.

Pursuant to the California Environmental Quality Act (CEQA), the Lease was reviewed and determined to be categorically exempt from CEQA under CEQA Guidelines 15301, Class 1-Existing Facilities. The proposed project, the Lease, is the letting of property involving existing facilities with minor tenant improvement alternations and no expansion of an existing use will occur.

The Lease terms are summarized below:

Lessor: Eleanor Freitas
5315 Cascades Street
Chowchilla, CA 93610

Premises Location: 4275 Lemon Street
Suite 251
Riverside, California 92501

Size: Approximately 1,674

Term: Two years, January 1, 2013 through December 31, 2014

| | | |
|--------------|-----------------------|-----------------------|
| Rent: | Current | New |
| | \$ 1.55 per sq. ft | \$ 1.35 per sq. ft. |
| | \$ 2,586.33 per month | \$ 2,259.90 per month |
| | \$31,035.96 per year | \$27,118.80 per year |

Rental Adjustments: Three percent

Utilities: County pays telephone. Lessor shall provides all other utility services

Custodial Services: Lessor provides custodial services

Maintenance: Lessor provides maintenance services

Improvements: None

RCIT Costs: None

Parking: Sufficient to meet County requirements

(Continued)

Exhibit A

Public Defender's Lease Cost Analysis FY 2012/13 4275 Lemon Street, Suite 251, Riverside, CA 92501

Total Square Footage to be Leased:

EXPECTED AMOUNTS

Current office: 1,674 SQFT
Total Expected Lease Cost for FY 2012/13 \$ 31,035.96

ACTUAL AMOUNTS

Current Office: 1,674 SQFT
 Proposed Office: 1,674 SQFT

Approximate Cost per SQFT (July - Dec) \$ 1.55
 Approximate Cost per SQFT (Jan - June) \$ 1.35

Lease Cost per Month (July - Dec) \$ 2,586.33
 Lease Cost per Month (Jan - June) \$ 2,259.90

Total Lease Cost (July - Dec) \$ 15,517.98
 Total Lease Cost (Jan - June) \$ 13,559.40
Total Actual Lease Cost for FY 2012/13 \$ 29,077.38
Total Lease Cost Variance for FY 2012/13 \$ (1,958.58)

Estimated Additional Costs:

EXPECTED AMOUNTS

Utility Cost per Square Foot \$ 0.12
 Estimated Utility Costs per Month (July - June) \$ 200.88

Total Estimated Utility Cost for FY 2012/13 \$ 2,410.56

RCIT \$ -

\$ -

EDA Lease Management Fee (Based @ 3.93%) \$ 1,219.71
Total Estimated Expected Cost for FY 2012/13 \$ 3,630.27

ACTUAL AMOUNTS

Utility Cost per Square Foot \$ 0.12
 Costs per Month (July - Dec) \$ 200.88
 Costs per Month (Jan - June) \$ 200.88
 Total Estimated Actual Utility Cost for FY 2012/13 \$ 2,410.56

EDA Lease Management Fee (Based @ 3.93%) \$ 1,142.74
Total Estimated Actual Cost for FY 2012/13 \$ 3,553.30

Total Estimated Cost Variance for FY 2012/13 \$ (76.97)

TOTAL ESTIMATED COST FOR FY 2012/13 \$ (2,035.55)

TOTAL COUNTY COST: 100% \$ (2,035.55)

Exhibit B

Public Defender's Lease Cost Analysis FY 2013/14 4275 Lemon Street, Suite 251, Riverside, CA

Current Square Feet Occupied:

| | | | |
|---|-------|-----------|-------------------------|
| Current Office: | 1,674 | SQFT | |
| Approximate Cost per SQFT (July - Dec) | \$ | 1.35 | |
| Approximate Cost per SQFT (Jan -June) | \$ | 1.39 | |
| Lease Cost per Month (July - Dec) | | \$ | 2,259.90 |
| Lease Cost per Month (Jan - June) | | \$ | 2,327.70 |
| Total Lease Cost (July - Dec) | | \$ | 13,559.40 |
| Total Lease Cost (Jan - June) | | \$ | 13,966.18 |
| Total Expected Lease Cost for FY 2013/14 | | \$ | 27,525.58 |
| <u>Estimated Additional Costs:</u> | | | |
| Utility Cost per Square Foot | \$ | 0.12 | |
| Estimated Utility Costs per Month (July - June) | | \$ | <u>200.88</u> |
| Total Estimated Utility Cost for FY 2013/14 | | \$ | 2,410.56 |
| EDA Lease Management Fee (Based @ 3.93%) | | \$ | <u>1,081.76</u> |
| TOTAL ESTIMATED COST FOR FY 2013/14 | | \$ | <u>31,017.90</u> |
| TOTAL COUNTY COST: 100% | | \$ | 31,017.90 |

1 **FIFTH AMENDMENT TO LEASE**

2 **(Law Offices of Public Defender,**

3 **4275 Lemon Street, Suite 251, Riverside, California 92501)**

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5 This **FIFTH AMENDMENT TO LEASE** ("Fifth Amendment") is made as of
6 _____, by and between **ELEANOR M. FREITAS**, as "Lessor", and the
7 **COUNTY OF RIVERSIDE**, a Political Subdivision of the State of California, as
8 "County".

9 **1. Recitals**

10 a. Lessor and County have entered into a Lease dated February 29,
11 2000, ("Lease") pursuant to which Lessor has agreed to lease the building located at
12 4275 Lemon Street, Suite 251, in the City of Riverside, California 92501, State of
13 California, ("Building"), as more particularly shown on Exhibit "A."

14 b. Lease has been amended by the First Amendment to Lease dated
15 October 3, 2000, by and between County of Riverside, and David R. and Geneva A.
16 Barton, Lessors, (the "First Amendment").

17 c. The Lease has been amended by the Second Amendment to
18 Lease dated May 7, 2002, by and between County of Riverside, and Todd Turoci,
19 successor in interest to David R. and Geneva A. Barton, Lessor's (the "Second
20 Amendment").

21 d. The Lease has been amended by the Third Amendment to Lease
22 dated June 20, 2006, by and between County of Riverside, and Frank C. Freitas and
23 Eleanor M. Freitas, successors in interest to Todd Turoci, Lessor (the "Third
24 Amendment").

25 e. The Lease has been amended by the Fourth Amendment to Lease
26 dated July 26, 2011, by and between County of Riverside and Eleanor M. Freitas,
27 successor in interest to Frank C. Freitas Lessor (the "Fourth Amendment").
28

1 NOW THEREFORE the parties wish to amend the Lease via this Fifth
2 Amendment. For good and valuable consideration the receipt and adequacy of which
3 is hereby acknowledged, the parties agree as follows:

4 **2. Rent During Extended Term:** Section 5 of the Lease shall be
5 amended as follows: County shall pay to Lessor the monthly sums as rent for the
6 Leased premises during the term of this Lease as indicated below:

| <u>Amount</u> | <u>Year</u> |
|---------------|--------------------------|
| \$2,259.90 | 01/01/2013 to 12/31/2013 |
| \$2,327.70 | 01/01/2014 to 12/31/2014 |

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12 **3. Term:** Section 3 of the Lease shall be amended as follows:
13 The term of this Lease shall be extended twenty four (24) months commencing on
14 January 1, 2013 and terminating December 31, 2014 ("Extended Term"). December
15 31, 2014 shall hereafter be defined as the "Expiration Date".

16 **4. Fifth Amendment to Prevail.** The provision of this Fifth Amendment
17 shall prevail over any inconsistency or conflicting provision of the Lease, as heretofore
18 amended, and shall supplement the remaining provision thereof. The Lease remains
19 in full force and effect except to the extent amended by this Fifth Amendment.

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

3 Dated: _____
4

ELEANOR M. FREITAS

5
6 By: *Eleanor Freitas*
7 Lessor

8
9 By: _____

10 **COUNTY OF RIVERSIDE**

11
12 **ATTEST:**
13 Kecia Harper-Ihem
14 Clerk of the Board

By: _____
John J. Benoit, Chairman
Board of Supervisors

15 By: _____
16 Deputy

17 **APPROVED AS TO FORM:**
18 PAMELA J. WALLS, County Counsel

19
20 By: *[Signature]*
21 Patricia Munroe
22 Deputy County Counsel

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