

FORM APPROVED BY COUNTY COUNSEL
 BY: PATRICIA MURROE 8/28/13 DATE
 Departmental Concurrence

680



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

FROM: Economic Development Agency / Facilities Management

SUBMITTAL DATE:
August 28, 2013

SUBJECT: Fifth Amendment to Lease – Operation Safehouse, Inc., Riverside

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the attached Fifth Amendment to Lease and authorize the Chairman of the Board to Execute the same on behalf of the County; and
2. Find that the lease of the building and improvements are exempt from CEQA pursuant to CEQA guidelines section 15061(b) (3) as it can be seen with certainty that there is no possibility the activity in question may have a significant effect on the environment; and section 15301, Class 1, as the project involves negligible or no expansion of an existing use or alterations.

BACKGROUND: (Commences on Page 2)

Robert Field
Assistant County Executive Officer/EDA

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 0	In Current Year Budget:	No
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	No
	Annual Net County Cost:	\$ 0	For Fiscal Year:	2013/14

COMPANION ITEM ON BOARD AGENDA: No

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

C.E.O. RECOMMENDATION: APPROVE
 BY:
 County Executive Office Signature Jennifer L. Sargent

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

100266-3 BW S: 10
 RECEIVED RIVERSIDE COUNTY

Prev. Agn. Ref.: 3.15 of 04/12/94; 3.10 of 06/02/98 | **District:** 1/1 | **Agenda Number:** 3-29

ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD

BACKGROUND:

The original Lease was provided by the Board of Supervisors on November 1, 1988. The Board deemed that this program was necessary to meet the social needs of certain residents of the County as such a program related to social services, and education and the County was willing to make certain real property available to lessee to carry out such a program.

This County owned facility continues to meet the needs of the Operation Safehouse program. This Fifth Amendment to Lease extends the lease to October 31, 2018.

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 improvements alterations and no expansion of an existing use will occur.

Lessor: County of Riverside
Lessee: Operation Safehouse, Inc.
Location: 9685 Hayes Street
Riverside, CA 92503
Term: Lease extended to October 31, 2018
Rent: None in consideration for services provided
Utilities: Paid for by Operation Safehouse, Inc.
Maintenance: Provided by Operation Safehouse, Inc.
Communications: None

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

All associated costs for the Lease will be fully funded through Operation Safehouse, Inc., a California non-profit corporation. There is no financial impact on the County.

Attachments:
Lease

1 **FIFTH AMENDMENT TO LEASE**

2 **THIS FIFTH AMENDMENT TO LEASE** ("Fifth Amendment") dated as of
3 _____, is entered by and between **COUNTY OF RIVERSIDE**, a political
4 subdivision of the State of California ("County") and, **OPERATION SAFEHOUSE**, Inc.,
5 a California nonprofit corporation ("Lessee"). County and Lessee are hereinafter
6 collectively referred to as the "Parties."

7 **RECITALS**

8 A. County and Lessee have entered into a lease, dated November 1, 1988 and its
9 amendments collectively referred to as (the "Lease") pursuant to which County has
10 agreed to lease and Lessee has agreed to lease from County that certain building
11 located at 9685 Hayes Street, Riverside, California, as more particularly described in
12 Exhibit A of the Lease.

13 B. The Parties now desire to amend the Lease to extend the term.

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

16 1. **TERM.** The term of the Lease shall be extended for five (5) years commencing
17 on November 1, 2013 and terminating on October 31, 2018 (the "Extended Term").

18 2. **OPTIONS TO EXTEND.** Lessee shall have the option to extend the term of the
19 Lease for two (2) separate and consecutive five (5) year periods, which options shall
20 be exercised in the following manner:

21 a. The first option shall be exercised by Lessee giving County notice of its
22 election thereof, in writing, no later than sixty (60) days prior to the expiration of the first
23 extended term.

24 b. The second option shall be exercised by Lessee giving County notice of
25 its election thereof, in writing, no later than sixty (60) days prior to the expiration of the
26 second extended term.

27 3. **FIFTH AMENDMENT TO PREVAIL.** The provisions of this Fifth
28 Amendment shall prevail over any inconsistency or conflicting provisions of the Lease.

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4. MISCELLANEOUS. Except as amended or modified herein, all the terms of the Lease shall remain in full force and effect and shall apply with the same force and effect. If any provisions of this Amendment or the Lease shall be determined to be illegal or unenforceable, such determination shall not affect any other provision of the Lease and all such other provisions shall remain in full force and effect.

5. EFFECTIVE DATE. This Fifth Amendment to Lease shall not be binding or consummated until its approval by the Riverside County Board of Supervisors and fully executed by the Parties.

SIGNATURE PROVISION ON NEXT PAGE

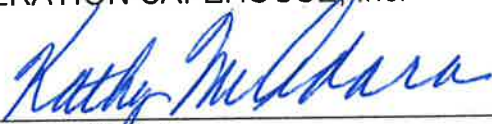
1 IN WITNESS WHEREOF, the parties have executed this Fifth Amendment as of
2 the date first written above.

3
4 Dated: _____

5
6 LESSOR:
7 COUNTY OF RIVERSIDE

LESSEE:
OPERATION SAFEHOUSE, Inc.

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

By: 
Kathy McAdara, Executive Director

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

15 By: _____

16
17 APPROVED AS TO FORM:
18 Pamela J. Walls
19 County Counsel

20 By: 
21 Patricia Munroe
22 Deputy County Counsel

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28 CC:s\071713\RV107\16.076 S:\Real Property\TYPING\Docs-16.000 to 16.499\16.076.doc.