

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

507



**SUBMITTAL DATE:**  
October 21, 2010

**FROM:** Economic Development Agency

**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

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

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

**C.E.O. RECOMMENDATION:** APPROVE

BY: *Jennifer L. Sargent*  
Jennifer L. Sargent  
**County Executive Office Signature**

**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Benoit, seconded by Supervisor Stone and duly carried, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Buster, Stone, Benoit and Ashley  
Nays: None  
Absent: Tavaglione  
Date: November 2, 2010  
xc: EDA, DPSS, Auditor

Kecia Harper-Ihem  
Clerk of the Board  
By: *Kecia Harper-Ihem*  
Deputy

<b>Prev. Agn. Ref.:</b> 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	<b>District:</b> 1	<b>Agenda Number:</b>
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ATTACHMENTS FILED  
WITH THE CLERK OF THE BOARD

**3.10**

FORM APPROVED COUNTY COUNSEL  
BY: *Synthia M. Gunzel* 4-7-10  
DATE: SYNTHIA M. GUNZEL

Departmental Concurrence

ROBERT E. BYRD, AUDITOR-CONTROLLER  
BY: *Samuel Wong* 10/12/10  
SAMUEL WONG

Department of Public Social Services

By: *Susan Loew*  
Susan Loew, Director

Dept Recomm.:  Consent  Policy

Per Exec. Ofc.:  Consent  Policy

**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
<b>Total Lease Cost included in Budget for FY 2009/10</b>			\$	<b>47,049.48</b>

#### **ACTUAL AMOUNTS**

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

### 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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<b>TOTAL ADDITIONAL COST FOR FY 2009/10</b>	\$	<b>-</b>		
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<b>TOTAL LEASE COST FY 2009/10</b>	\$	<b>-</b>		
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<b>TOTAL COST FOR COUNTY 36.7%</b>	\$	<b>-</b>		
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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>\$</u>	<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>\$</u>	<u>3,999.00</u>	\$ 19,995.00
<b>Total Estimated Lease Cost for FY 2010/11</b>				<b>\$ 47,440.53</b>
<b>EDA Lease Management Fee (Based @ 3.79%)</b>				<b>\$ 1,798.00</b>
<b>TOTAL LEASE COSTS FY 2010/11:</b>				<b>\$ 49,238.53</b>
<b>TOTAL COST FOR COUNTY 36.7%</b>				<b>\$ 18,070.54</b>

# 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>\$</u>	<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>\$</u>	<u>4,078.98</u>	\$ 20,394.90
<b>Total Estimated Lease Cost for FY 2010/11</b>					<b>\$ 48,387.90</b>
<b>EDA Lease Management Fee (Based @ 3.79%)</b>					<b>\$ 1,833.90</b>
<b>TOTAL LEASE COSTS FY 2010/11:</b>					<b><u>\$ 50,221.80</u></b>
<b>TOTAL COST FOR COUNTY 36.7%</b>					<b>\$ 18,431.40</b>

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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 November 2, 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: \_\_\_\_\_

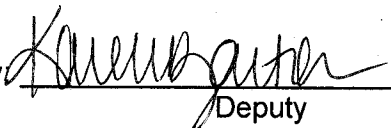
**RINGMASTER'S SQUARE, LLC**

By:   
Ken Mattson, Managing Partner

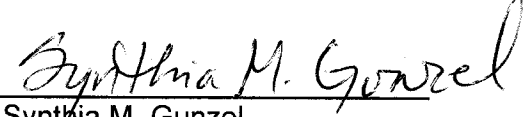
**COUNTY OF RIVERSIDE**

By:   
Marion Ashley, Chairman  
Board of Supervisors

**ATTEST:**  
Kecia Harper-Ihem  
Clerk of the Board

By:   
Deputy

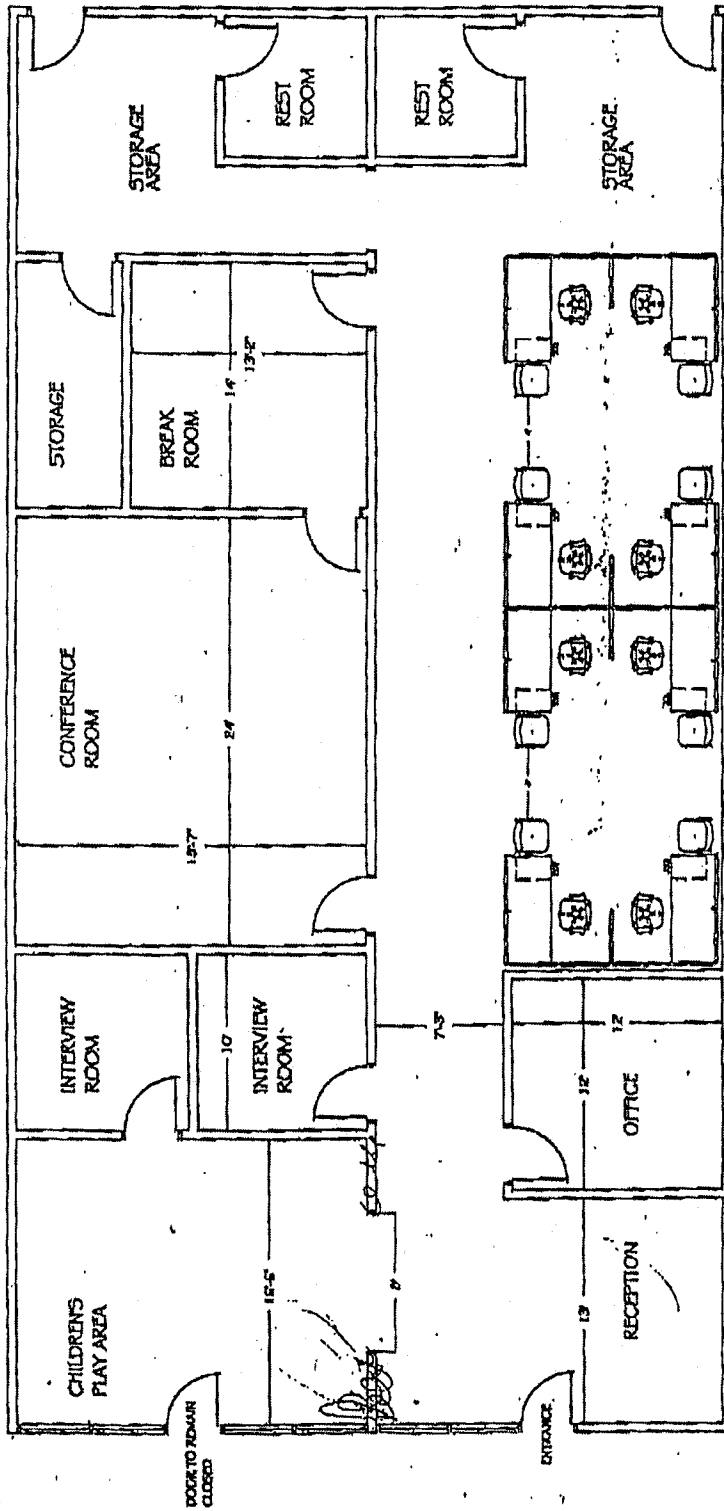
**APPROVED AS TO FORM:**  
Pamela J. Walls  
County Counsel

By:   
Cynthia M. Gunzel  
Deputy County Counsel

TW:jw  
02/11/10  
PR011  
13.129

NOV 02 2010 3:10





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

**EXHIBIT "A"**