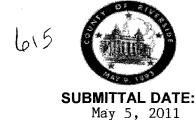
# SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



FROM: Economic Development Agency &

Departmental Concurrence

M

Consent

Dep't Recomm.:

3.43 of 9/29/09); 3.13 of 1/25/11

W

Waste Management Department

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

Departmental Conc	constructing and to develop and	n automobile race facility. construct an alternative of Revenue Lease executed	Mr. Adams requenergy facility. Th	ieste is cha	d a change in ange in use wa	use that will	allow him
epartme	(Continued)			$\sim$			
0	AZC	3	_ Ki	1/	ul		·
		p, General Manager-Chie te Management Departmo	1 TODELLI	•	Assistant Cour omic Developm	•	
	FINANCIAL	Current F.Y. Total Cost:		\$ 0	In Current Yea	r Budget:	Yes
	FINANCIAL DATA	<b>Current F.Y. Net County</b>	Cost:	\$ 0	Budget Adjust	tment:	No.
	DAIA	<b>Annual Net County Cost</b>		\$ 0	For Fiscal Yea		2011/12
	SOURCE OF F	FUNDS:				tions To Be ed Per A-30	1 1 1
					Requi	res 4/5 Vote	
	C.E.O. RECOM	IMENDATION: AF	PROVE( /)/	1	ź		
Policy	County Execu	BY tive Office Signature	January	e gent	let		
☐			<del>}</del>				
Consent			F THE BOARD				
		otion of Supervisor Bus nanimous vote, IT WAS ed.	•	•	•	-	•
Per Exec. Ofc.:	Ayes: Nays: Absent: Date: xc:	Buster, Tavaglione, S None None May 17, 2011 EDA, Waste	tone, Benoit and	<u> </u>	·		
Per I		f.: 10.3 of 5/23/00;	District: 2	Ag	jenda Numbei	r: 	_

ATTACHMENTS FILED WITH THE CLERK OF THE BOARD

Economic Development Agency & Waste Management Department Second Amendment to Revenue Ground Lease at the Closed West Riverside Landfill May 5, 2011 Page 2

## **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

## SECOND AMENDMENT TO GROUND LEASE Chester Timothy Adams and County of Riverside on behalf of Waste Management Department

This SECOND AMENDMENT TO LEASE ("Second Amendment") is made as of MM 12,201, 2011 by and between the COUNTY OF RIVERSIDE, a political subdivision of the State of California herein called ("County"), and CHESTER TIMOTHY ADAMS, ("Lessee").

#### 1. Recitals.

- a. County and Lessee, entered into that certain lease dated September 29, 2009, (the "Original Lease") pursuant to which County leased eighty (80) acres of County-owned Land situated on the inactive West Riverside landfill site, which is located in an Unincorporated area of Riverside County, California as more particularly described as Assessor's Parcel Numbers 178-281-006, 178-290-003, 178-290-006 and 178-290-013 on Exhibits B-1 (Legal Description) and B-2 (Parcel map) as more particularly shown on Exhibit A (Site map), all of which were attached to the Original Lease and are also attached hereto by this reference and made a part of this Second Amendment.
- b. The Original Lease has been amended by First Amendment to Lease dated January 25, 2011, by and between County of Riverside on behalf of Waste Management and Chester Timothy Adams (the "First Amendment").
- c. The Original Lease, as heretofore, currently, or hereafter amended, shall hereafter be referred to as the "Lease".

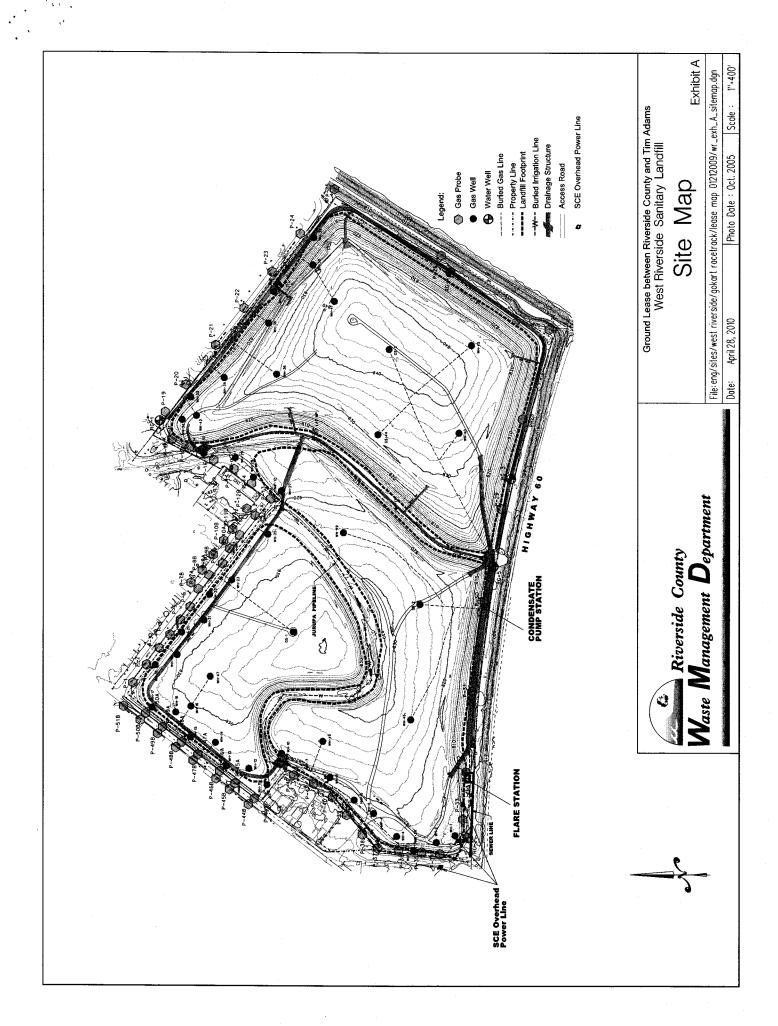
**NOW THEREFORE**, for good and valuable consideration the receipt and adequacy of which is hereby acknowledged, the parties agree as follows:

- 2. Capitalized Terms: Second 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 Second 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 Second Amendment.
  - **3.** Use. Section 2.b of the Original Lease shall be amended as follows:

The duration of the start-up period as described in this Section and throughout the Original Lease is to be extended beyond the initial specified eighteen (18)-month period by an additional twelve (12) months (i.e. from 18 months to 30 months). All other references to the duration of the start-up period in the Original Lease and its First Amendment shall be changed from 18 months to 30 months.

**4.** Except as modified or supplemented by this Second Amendment to Lease, all provisions of this Lease, as amended by First Amendment, shall remain in full force and effect.

1	<b>5.</b> This Second Amendment to its approval by the Board of Supervisors of	Lease shall not be binding or consummated until Riverside County.
2	IN WITNESS WHEREOF this Seco	and Amendment to Lease has been executed and is
3	effective on the date the Board of Supervis	
4	Dated:	
5		LESSEE:
6		110
7 8		By: Chester Timothy Adams
9	RECOMMENDED FOR APPROVAL:	
10	A (/-	
11	By:	By: Hans W. Kernkamp
12	Deputy Director of Real Estate	General Manager-Chief Engineer Waste Management Department
13		
	·	AALDEN/ OF BU/FBAIDS
14		COUNTY OF RIVERSIDE
		Lot Buste
14		By: 3d Bustu Bob Buster, Chairman
14	ATTEST:	By: 3d Bustu
14 15 16	ATTEST: Kecia Harper-Ihem Clerk of the Board	By: 3d Bustu Bob Buster, Chairman
14 15 16 17	Kecia Harper-Ihem	By: 3d Bustu Bob Buster, Chairman
14 15 16 17 18	Kecia Harper-Ihem	By: 3d Bustu Bob Buster, Chairman
14 15 16 17 18	Kecia Harper-Ihem Clerk of the Board  By Deputy	By: 3d Bustu Bob Buster, Chairman
14 15 16 17 18 19 20	Kecia Harper-Ihem Clerk of the Board  By Deputy  APPROVED AS TO FORM: Pamela J. Walls	By: 3d Bustu Bob Buster, Chairman
14 15 16 17 18 19 20 21 22	Kecia Harper-Ihem Clerk of the Board  By Deputy  APPROVED AS TO FORM:	By: 3d Bustu Bob Buster, Chairman
14 15 16 17 18 19 20 21	Kecia Harper-Ihem Clerk of the Board  By Deputy  APPROVED AS TO FORM: Pamela J. Walls	By: 3d Bustu Bob Buster, Chairman



### 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  $37^{\circ} \sim 1'$  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 la, 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 o 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° 29' 10" West along said Northeasterly right of way of 26th Street, 28.91 feet;

Thence North 37 · 28' 47" East 200.92 feet;

Thence North 52° 25' 03" West 18.18 feet;

Thence North 25° 54' 17" East 334.48 feet;

Thence South 52° 25' ~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 o 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° 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° 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 60.766.95 feet, through a central angle of 06° 45′ 38″:

Thence North 82° 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° 24' 32";

Thence North 88° 03' 51" West along said Northerly right of way of State Highway 60, 338, I 0 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° 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° 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° 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° 35' 22" East along said Southerly line of Lot "D", 312.64 feet;

Thence North 50° 25' 22" East along said Southerly line of Lot "D", 295.40 feet;

Thence North 22° 40' 22" East along said Southerly line of Lot "D", 213.28 feet;

Thence North 67° 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° 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° 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 "0",44.66 feet, through a central angle of 52° 13' 00", to which a radial bears North 08° 43' 38" West;

Thence North 83° 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 "0", I 02.32 feet, through a central angle of 53° 4 7' 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° 20' 00", to which a radial bears South 86° OS' 38" East;

Thence South 04° 16' 22" West along said Southerly line of Lot "0", 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° 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 0 1.81 feet, through a central angle of 61 c 24' 00", to which a radial hears South 05· 12' 22" West;

Thence South 84° 55' 38" East along said Southerly line of Lot "D", 147.14 feet;

Thence North 82° 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 comer 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<sup>0</sup> 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".

