

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

527



FORM APPROVED COUNTY COUNSEL  
BY: [Signature] 4/30/13  
DATE: PATRICIA MUNROE  
Department of Public Works

**FROM:** Economic Development Agency / Facilities Management

**SUBMITTAL DATE:**  
May 2, 2013

**SUBJECT:** Lake Cahuilla Park Ground Lease – Assignment and Assumption Agreement between the County of Riverside and the Riverside County Regional Park and Open-Space District

**RECOMMENDED MOTION:** That the Board of Supervisors Approve the Assignment and Assumption Agreement between the County of Riverside and the Riverside County Regional Park and Open-Space District (District) concerning the Lake Cahuilla Ground Lease and authorize the Chairman of the Board to execute the same on behalf of the County.

**BACKGROUND:** (Commences on Page 2)

[Signature]

Robert Field  
Assistant County Executive Officer/EDA

<b>FINANCIAL DATA</b>	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:	2012/13

**COMPANION ITEM ON BOARD AGENDA:** Yes

<b>SOURCE OF FUNDS:</b> N/A	<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

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

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

**MINUTES OF THE BOARD OF SUPERVISORS**

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

Ayes: Jeffries, Tavaglione, Benoit and Ashley  
 Nays: None  
 Absent: Stone  
 Date: May 14, 2013  
 xc: EDA, Parks

Kecia Harper-Ihem  
Clerk of the Board  
By: [Signature]  
Deputy

Prev. Agn. Ref.: 3.35 of 6/23/87; 3.39 of 10/2/07 District: 4/4 Agenda Number: **3-16**

**BACKGROUND:**

The County of Riverside entered into a lease agreement with Landmark Land Corporation of California, Inc. on June 23, 1987, concerning a portion of real property located within the Lake Cahuilla Park, La Quinta, County of Riverside, California. This real property is on the northwestern perimeter of the park which is inaccessible from the south due to topography, and, at the time, was not scheduled for any future park development and was located immediately adjacent to property that was to be developed for a golf resort, PGA West. Under the Ground Lease, the County received a one-time payment of \$50,000 in 1987, which was deposited in Trust account 723-701-3211, Park Acquisition and Development Fund.

The County of Riverside previously conveyed the fee simple interest in the real property to the District formerly Assessor's Parcel Number 761-050-001, currently Assessor's Parcel Number 760-010-007, of which a 1.19 acre portion is subject to the Ground Lease. The Ground Lease remains in full force and effect until June 22, 2037.

The Economic Development Agency (EDA) recommends approval by the Board of Supervisors of the Assignment and Assumption between the County of Riverside and the District.

County Counsel has reviewed and approved the Assignment and Assumption of Ground Lease Agreement as to form.

Attachment:  
Assignment and Assumption of Ground Lease (Copy)

**Recorded at Request of:**  
Riverside County Regional Park  
and Open-Space District

**When Recorded Mail to:**  
Riverside County Regional Park  
and Open-Space District  
4600 Crestmore Road  
Jurupa Valley, CA 92509  
Attn: Scott Bangle

**COPY**

Exempt from recording fee (Gov Code §6103)

### **ASSIGNMENT AND ASSUMPTION OF GROUND LEASE**

This ASSIGNMENT AND ASSUMPTION OF GROUND LEASE ("Assignment") dated as of \_\_\_\_\_, 2013, is entered into by and between COUNTY OF RIVERSIDE, a political subdivision of the State of California, ("Assignor") and the RIVERSIDE COUNTY REGIONAL PARK AND OPEN-SPACE DISTRICT, a park and open space district created pursuant to the California Public Resources Code Division 5, Article 3 of the State of California ("Assignee").

#### **RECITALS**

WHEREAS, Landmark Land Company of California, a Delaware Corporation ("Original Lessee"), as Lessee, and the County of Riverside, a political subdivision of the State of California, ("Original Lessor") entered into that certain ground lease agreement titled Lease (Lake Cahuilla Park) ("Ground Lease"), dated June 23, 1987, with respect to approximately 1.19 acre portion of that certain real property formerly owned by the Original Lessor, located within Lake Cahuilla Park in La Quinta, California (the "Property") as more fully described in Exhibit "A" attached thereto; and

WHEREAS, The County of Riverside, as the Original Lessor, has conveyed the fee simple interest in real property with Assessor's Parcel Number 760-010-007 to the Riverside County Regional Park and Open-Space District; and

WHEREAS, in 2007, MSR Resort Golf Course, LLC, assumed the Ground Lease as successor in interest to the Original Lessee; and

WHEREAS, in 2013, LQR Golf, LLC, assumed the Ground Lease as successor in interest to the Original Lessee; and

WHEREAS, Assignor desires to assign its interest as Lessor in the Ground Lease to Assignee, and Assignee desires to accept the assignment thereof and assume the rights and obligations of Lessor arising from this Agreement (defined below).

#### **AGREEMENT**

**NOW, THEREFORE**, in consideration of the promises and conditions contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

1. **Effective Date:** The Effective Date is the date in which the Assignee acquired the fee simple interest in real property. Assignor hereby assigns to Assignee all of its right, title and interest in and to the Ground Lease, and Assignee hereby assumes all covenants, liabilities and obligations of lessee under the Ground Lease arising from and after the Effective Date.

2. This Assignment shall be binding on and inure to the benefit of the parties hereto, their heirs, executors, administrators, successors in interest and assigns.

3. This Assignment shall be governed by and construed in accordance with the laws of the State of California.

4. For purposes of this Assignment, the "Effective Date" shall be the date of recordation of Quitclaim Deed by the Assignor to Assignee dated on October 5, 1998, Instrument Number 430280 recorded in the Official Records of Riverside County.

5. This Assignment may be executed in one or more counterparts and each such counterpart shall be deemed to be an original; all counterparts so executed shall constitute one instrument and shall be binding on all of the parties to this Assignment notwithstanding that all of the parties are not signatory to the same counterpart.

**IN WITNESS WHEREOF**, Assignor and Assignee have executed this Agreement the day and year first above written.

**ASSIGNOR:  
COUNTY OF RIVERSIDE**

**ASSIGNEE:  
RIVERSIDE COUNTY REGIONAL PARK  
AND OPEN-SPACE DISTRICT**

By: \_\_\_\_\_  
Chairman, Board of Supervisors

By: \_\_\_\_\_  
Chairman, Board of Directors

ATTEST:  
Kecia Harper-Ihem  
Clerk of the Board

ATTEST:  
Kecia Harper-Ihem  
Clerk of the Board

By: \_\_\_\_\_

By: \_\_\_\_\_

(Seal)

(Seal)

APPROVED AS TO FORM:  
Pamela J. Walls  
County Counsel

APPROVED AS TO FORM:  
Pamela J. Walls  
County Counsel

By: \_\_\_\_\_  
Patricia Munroe  
Deputy County Counsel

By: \_\_\_\_\_  
Synthia M. Gunzel  
Deputy County Counsel