

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



ITEM: 3.35
(ID # 12851)

MEETING DATE:
Tuesday, June 30, 2020

FROM: TLMA - AVIATION:

SUBJECT: TRANSPORTATION AND LAND MANAGEMENT AGENCY/AVIATION: Consent to Assignment of Sublease and Bill of Sale between Morton Dan Patrick Groves and Kathryn Susan Groves, Trustee FBO the Morton Dan Patrick Groves and Kathryn Susan Groves Trust UTA May 18, 1977, as amended January 17, 2008, and Jeffrey Wright at the Jacqueline Cochran Regional Airport, District 4. [\$0] (CEQA Exempt) (Clerk to File Notice of Exemption)

RECOMMENDED MOTION: That the Board of Supervisors:

1. Find that the project is exempt from California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15301, Existing Facilities exemption, and Section 15601(b)(3), "Common Sense" exemption;
2. Approve the attached Consent to Assignment of Sublease, relating to that certain Sublease, dated September 1, 2014, between TRM CA HOLDINGS, LLC, a Delaware limited liability company, ("Ross Aviation"), successor-in-interest to La Quinta FBO Two, LLC, a Delaware limited liability company, and Morton Dan Patrick Groves and Kathryn Susan Groves, Trustee FBO the Morton Dan Patrick Groves and Kathryn Susan Groves Trust UTA May 18, 1977, successor-in-interest to Terrance Rose, as amended on January 17, 2008;

ACTION: Policy

Juan C. Rivera, Director of Transportation & Land Management 6/16/2020

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Jeffries, seconded by Supervisor Hewitt and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt
Nays: None
Absent: None
Date: June 30, 2020
xc: TLMA-Aviation

Kecia R. Harper
Clerk of the Board

By:
Deputy

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

3. Approve the attached Consent to Bill of Sale for Hangar A-18, located within Jacqueline Cochran Airport, Thermal, California, as more specifically set forth in the attached Bill of Sale between Morton Dan Patrick Groves and Kathryn Susan Groves, Trustee FBO the Morton Dan Patrick Groves and Kathryn Susan Groves Trust UTA May 18, 1977, as amended January 17, 2008, ("Seller") and Jeffrey Wright ("Buyer");
4. Authorize the Chairman of the Board of Supervisors to sign the attached Consent to Assignment of Sublease and Consent to Bill of Sale on behalf of the County;
5. Authorize the Assistant County Executive Officer/TLMA, or designee, to execute any additional documents necessary to complete the consent to assignment of sublease and consent to the bill of sale, subject to approval by County Counsel; and
6. Direct the Clerk of the Board to file the Notice of Exemption with the County Clerk within five (5) days of approval by the Board of Supervisors.

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ 0	\$ 0	\$ 0	\$ 0
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0
SOURCE OF FUNDS: N/A			Budget Adjustment: No	
			For Fiscal Year: 2019/2020	

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

The County of Riverside, Transportation and Land Management Agency/Aviation ("County") has received a request to consent to an Assignment of Sublease ("Assignment") between Morton Dan Patrick Groves and Kathryn Susan Groves, Trustee FBO the Morton Dan Patrick Groves and Kathryn Susan Groves Trust UTA May 18, 1977, as amended January 17, 2008, ("Assignor") and Jeffrey Wright ("Assignee") and also to consent to the bill of sale for Hangar A-18 ("Premises") located at Jacqueline Cochran Regional Airport in Thermal, CA on the assigned subleased premises.

Pursuant to the Assignment, the Assignor transferred and assigned to Assignee all of Assignor's rights, title, interest and obligations ("Rights and Obligations") under that certain Sublease, dated September 1, 2004, ("Sublease") between TRM CA HOLDINGS, LLC, a Delaware limited liability company, ("Ross Aviation"), successor-in-interest to La Quinta FBO Two, LLC, a Delaware limited liability company, and Morton Dan Patrick Groves and Kathryn Susan Groves, Trustee FBO the Morton Dan Patrick Groves and Kathryn Susan Groves Trust UTA May 18, 1977, successor-in-interest to Terrance Rose, as amended on January 17, 2008 ("Sublessee"). The Sublease pertains to that certain Hangar A-18 located at Jacqueline Cochran Regional Airport, Thermal, California, as more particularly depicted in Exhibit "A" to the Sublease.

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

The Sublease is subject to that certain First Amended Lease ("Lease"), dated November 2, 2010, between the County of Riverside and Ross Aviation, successor-in-interest to La Quinta FBO Two, LLC, relating to the lease of approximately 14.87 acres of improved land, located at the Jacqueline Cochran Regional Airport, as more fully described in Exhibit "A" to the Lease.

In connection with the Sublease, Assignor entered into that certain Bill of Sale, dated April 29, 2020, the effectiveness of which is subject to the consent and approval by the County. Assignor also entered into that certain Assignment with Assignee, dated April 29, 2020, the effectiveness of which is also subject to consent and approval by the County. The assignment of Sublease and sale of the hangar will not impact or modify the terms of the Lease or Sublease, including the existing use of Premises. The Bill of Sale and Assignment are attached to the consent documents.

Pursuant to the California Environmental Quality Act ("CEQA"), the Consent to Assignment of Sublease and Consent to Bill of Sale were reviewed and determined to be categorically exempt from CEQA under State CEQA Guidelines Section 15301, Class 1 – Existing Facilities exemption, and State CEQA Guidelines Section 15061(b)(3), General Rule or "Common Sense" exemption. The proposed project, the Consent to Assignment of Sublease and the Consent to Bill of Sale, is related to the subletting of property involving existing facilities and no expansion of an existing use will occur. In addition, it can be seen with certainty that there is no possibility that the proposed project may have a significant effect on the environment since it is merely a continuation of existing use.

Staff recommends approval of the proposed Consent to Assignment of Sublease and proposed Consent to Bill of Sale, each attached. Each consent has been approved as to form by County Counsel.

Impact on Residents and Businesses

The Consent to Assignment of Sublease and Consent to Bill of Sale will assist in the County's effort to increase airport operations which in turn provides increased patron activities for local businesses.

Additional Fiscal Information

There is no net county cost and not budget adjustment required.

ATTACHMENTS:

Attachment A – Consent to Assignment of Sublease

Attachment B – Consent to Bill of Sale

Attachment C – Notice of Exemption



Jason Farin, Principal Management Analyst 6/22/2020



Gregory V. Priamos, Director County Counsel 6/18/2020

County of Riverside
Facilities Management
3133 Mission Inn Avenue, Riverside, CA 92507

FOR COUNTY CLERK USE ONLY

Original Negative Declaration/Notice of
Determination was routed to County
Clerks for posting on.

6/30/20
Date

CRP
Initial

NOTICE OF EXEMPTION

June 1, 2020

Project Name: County of Riverside, Consent to Assignment of Sublease and Bill of Sale between Morton Dan Patrick Groves and Kathryn Susan Groves, Trustee FBO the Morton Dan Patrick Groves and Kathryn Susan Groves Trust UTA May 18, 1977 as amended January 17, 2008 and Jeffrey Wright, an individual, at the Jacqueline Cochran Regional Airport, Thermal

Project Number: ED1910012

Project Location: 56850 Higgins Drive, south of Airport Boulevard, Assessor's Parcel Number (APN) 759-060-017, Thermal, Riverside County, California, 92274 (See attached exhibit)

Description of Project: The County of Riverside (County) received a request to consent to an Assignment of Sublease between Morton Dan Patrick Groves and Kathryn Susan Groves, Trustee FBO the Morton Dan Patrick Groves and Kathryn Susan Groves Trust UTA May 18, 1977 as amended January 17, 2008 (Assignor) and Jeffrey Wright, an individual, (Assignee) and also to consent to a hangar sale on the assigned subleased premises.

The original lease between the County of Riverside, a political subdivision of the State of California (as Lessor) and La Quinta FBO Two, LLC a Delaware limited liability company (as Lessee) dated January 13, 2004, as amended by that certain First Amendment to Lease dated November 2, 2010, between the County of Riverside, a political subdivision of the State of California (as Lessor) and Ross Aviation (as Lessee). Ross Aviation (as sublessor) and Morton Dan Patrick Groves and Kathryn Susan Groves, Trustee FBO the Morton Dan Patrick Groves and Kathryn Susan Groves Trust UTA May 18, 1977 as amended January 17, 2008 (as sublessee) entered into that certain Sublease dated September 1, 2004 (Sublease) relating to the Hangar. The Sublease is subject to the Lease. Pursuant to Section 27 of the Lease, the assignment of sublessee's interest under the Sublease requires approval of the County. The form of Consent of Assignment and Assumption Agreement is attached.

In connection with the Sublease, Assignor entered into the certain agreement with Assignee dated April 29, 2020 known as the Bill of Sale, the effectiveness of which is subject to the consent and approval by the County. Assignor also entered into the certain Assignment and Assumption Agreement with Assignee and TRM CA Holdings dated May 4, 2020, the effectiveness of which is also subject to consent and approval by the County. The Sublease and sale of the hangar will not impact or modify the terms of the Lease including the existing use of Premises. The Assignment and Bill of Sale require County approval under the Lease. The consent of the Assignment of Sublease and Bill of Sale is identified as the proposed project under the California Environmental Quality Act (CEQA). No additional direct or indirect physical environmental impacts are anticipated.

Name of Public Agency Approving Project: Riverside County

Name of Person or Agency Carrying Out Project: Riverside County Facilities Management

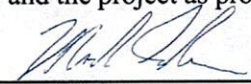
JUN 30 2020 3.35

Exempt Status: State CEQA Guidelines Section 15301, Class 1, Existing Facilities Exemption; Section 15061(b) (3), General Rule or "Common Sense" Exemption. Codified under California Code of Regulations Title 14, Article 5, Section 15061.

Reasons Why Project is Exempt: The proposed project is categorically exempt from the provisions of CEQA specifically by the State CEQA Guidelines as identified below. The project will not result in any specific or general exceptions to the use of the categorical exemption as detailed under State CEQA Guidelines Section 15300.2. The project will not cause an impact to an environmental resource of hazardous or critical concern nor would the project involve unusual circumstances that could potentially have a significant effect on the environment. The project is limited to administrative and operation related provisions within the Lease Agreement which would not result in any physical direct or reasonably foreseeable indirect impacts to the environment. and no significant environmental impacts are anticipated to occur.

- **Section 15301 – Class 1 Existing Facilities Exemption:** This categorical exemption includes the operation, repair, maintenance, leasing, or minor alteration of existing public or private structures or facilities, provided the exemption only involves negligible or no expansion of the previous site's use. The project, as proposed, is the consent to the Assignment of a Sublease and Bill of Sale. The consent by the County is a contractual requirement of the original Lease Agreement and no physical changes would result from the assignment. The consent to Assignment of Sublease and Bill of Sale would result in the continued use of existing infrastructure. The approval of these agreements will have the same purpose and substantially similar capacity, would be within the existing hangar footprint, would be consistent with the existing land use, and would not result in an increase in capacity. Therefore, the project is exempt as it meets the scope and intent of the Categorical Exemption identified in Section 15301, Article 19, Categorical Exemptions of the CEQA Guidelines.
- **Section 15061 (b) (3) – "Common Sense" Exemption:** In accordance with CEQA, the use of the Common Sense Exemption is based on the "general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment." State CEQA Guidelines, Section 15061(b) (3). The use of this exemption is appropriate if "it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment." *Ibid*. This determination is an issue of fact and if sufficient evidence exists in the record that the activity cannot have a significant effect on the environment, then the exemption applies and no further evaluation under CEQA is required. See *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal. 3d 68. The ruling in this case stated that if a project falls within a category exempt by administrative regulation or 'it can be seen with certainty that the activity in question will not have a significant effect on the environment', no further agency evaluation is required. With certainty, there is no possibility that the project may have a significant effect on the environment. The consent by the County of the Assignment and Bill of Sale for the Sublease is an administrative function and would result in the continued operation of the airport on the leased premises. No significant direct or indirect environmental impacts would occur. Therefore, in no way, would the project as proposed have the potential to cause a significant environmental impact and the project is exempt from further CEQA analysis.

Therefore, the County of Riverside Facilities Management hereby concludes that no physical environmental impacts are anticipated to occur and the project as proposed is exempt under CEQA. No further environmental analysis is warranted.

Signed:  _____ Date: 6-1-2020

Mike Sullivan, Senior Environmental Planner
County of Riverside, Facilities Management

Attachment A

Consent to Assignment of Sublease

CONSENT TO ASSIGNMENT OF SUBLEASE

(Morton and Kathryn Susan Groves and Jeffrey Wright, dated April 29, 2020
Hangar # A-18 at Jacqueline Cochran Regional Airport)

The County of Riverside, a political subdivision of the State of California, ("County") hereby consents to the assignment of Morton Dan Patrick Groves and Kathryn Susan Groves, Trustee FBO the Morton Dan Patrick Groves and Kathryn Susan Groves Trust UTA May 18, 1977, as amended January 17, 2008, ("Assignor") of all its right, title, interest, and obligations under the Sublease (defined below) to Jeffrey Wright ("Assignee"), as set forth in that certain Assignment, dated April 29, 2020, attached hereto as Attachment "A" ("Assignment"). Pursuant to the Assignment, the Assignor transferred and assigned to Assignee all of Assignor's rights, title, interest and obligations ("Rights and Obligations") under that certain Sublease, dated September 1, 2004, ("Sublease") between TRM CA HOLDINGS, LLC, a Delaware limited liability company, ("Ross Aviation"), successor-in-interest to La Quinta FBO Two, LLC, a Delaware limited liability company, and Morton Dan Patrick Groves and Kathryn Susan Groves, Trustee FBO the Morton Dan Patrick Groves and Kathryn Susan Groves Trust UTA May 18, 1977, successor-in-interest to Terrance Rose, as amended on January 17, 2008 ("Sublessee"). The Sublease pertains to that certain Hangar A-18 located at Jacqueline Cochran Regional Airport, Thermal, California, as more particularly depicted in Exhibit "A" to the Sublease, which is attached hereto as Attachment "B".


The Sublease is subject to that certain First Amended Lease ("Lease"), dated November 2, 2010, between the County of Riverside and Ross Aviation, successor-in-interest to La Quinta FBO Two, LLC, relating to the lease of approximately 14.87 acres of improved land, located at the Jacqueline Cochran Regional Airport, as more fully described in Exhibit "A" to the Lease.

In reliance upon the assumption by Assignee of all Rights and Obligations under the Sublease as set forth in the attached Assignment, the County does hereby approve and consent to the assignment of the Rights and Obligations under the Sublease by Assignor to Assignee and Assignee's assumption thereof. Approval and consent hereof by the County shall not be construed to relieve or release (i) Assignor from its duty to comply with any obligations under the Sublease, and (ii) Assignee from its duty to comply with any obligations under the Lease.

[SIGNATURES ON FOLLOWING PAGE]

Date: JUN 30 2020


COUNTY OF RIVERSIDE, a
political subdivision of the State of
California

By: 
V. Manuel Perez, Chairman
Board of Supervisors

ATTEST:
Kecia R. Harper
Clerk of the Board

By: 
Deputy

APPROVED AS TO FORM
Gregory P. Priamos, County Counsel

By: 
Thomas Oh
Deputy County Counsel

Attachment B

Consent to Bill of Sale

CONSENT TO BILL OF SALE


The County of Riverside, a political subdivision of the State of California, ("County") hereby consents to the Bill of Sale ("Bill of Sale"), dated April 29, 2020, between Morton Dan Patrick Groves and Kathryn Susan Groves, Trustee FBO the Morton Dan Patrick Groves and Kathryn Susan Groves Trust UTA May 18, 1977, as amended January 17, 2008, ("Seller") and Jeffrey Wright ("Buyer"), relating to Hangar A-18, located at Jacqueline Cochran Regional Airport, Thermal, California ("Hangar"). The Bill of Sale is attached hereto as Exhibit "A".

By consenting to the Bill of Sale, the County neither undertakes nor assumes nor will have any responsibility or duty to Buyer or to any third party to review, inspect, supervise, pass judgment upon or inform Buyer or any third party of any matter in connection with the Hangar, whether regarding the quality, adequacy or suitability of the Hangar for Buyer's proposed use or otherwise. Buyer and all third parties shall rely upon its or their own judgment regarding such matters. The County makes no representations, express or implied, with respect to the legality, fitness, or desirability of the Hangar for Buyer's intended use.

IN WITNESS WHEREOF, the County has caused its duly authorized representative to execute this Consent to Bill of Sale as of the date set forth below.


Date: JUN 30 2020

COUNTY OF RIVERSIDE, a political subdivision of the State of California

By: 
V. Manuel Perez, Chairman
Board of Supervisors

ATTEST:
Kecia R. Harper
Clerk of the Board

APPROVED AS TO FORM:
Gregory P. Priamos
County Counsel

By: 
Deputy

By: 
Thomas Oh
Deputy County Counsel

[Jeffrey Wright Acknowledgement on Following Page]

Jeffrey Wright hereby acknowledges, agrees and consents to all of the terms set forth in this Consent to Bill of Sale.

By: Jeffrey Wright 

Dated: 6/10/2020

EXHIBIT "A"

Bill of Sale

(behind this page)

BILL OF SALE
JACQUELINE COCHRAN REGIONAL AIRPORT

Seller: MORTON DAN PATRICK GROVES and KATHRYN SUSAN GROVES, Trustee
FBO THE MORTON DAN PATRICK GROVES AND KATHRYN SUSAN GROVES
TRUST UTA MAY 18, 1977 as amended JANUARY 17, 2008


Buyer: JEFFREY WRIGHT

Property: Hangar A-18 on the TRM CA Holdings LLC, a Delaware Limited Liability
Company, Leasehold, Jacqueline Cochran Regional Airport (TRM), Thermal, CA

Price: \$240,000 Net to Seller, All Cash at Close of Escrow

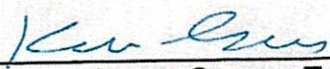
Close of Escrow: On or Before May 15, 2020.

Terms: The Hangar is being sold "As Is" without any warranties from the Seller. The sale shall be subject to the Sub Lease from the FBO. The transaction shall be subject to the approval of the Master Lessor, Riverside County. Buyer and Seller agree to cooperate and use their joint best efforts to obtain such approval within the escrow period.



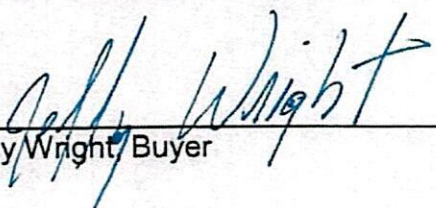
Morton Dan Patrick Groves, Trustee
FBO The Morton Dan Patrick Groves and Kathryn Susan Groves Trust
UTA May 18, 1988 as amended January 17, 2008

Dated: 4-29-2020



Kathryn Susan Groves, Trustee
FBO The Morton Dan Patrick Groves and Kathryn Susan Groves Trust
UTA May 18, 1988 as amended January 17, 2008

Dated: 4/29/2020



Jeffrey Wright, Buyer

Dated: 4/29/2020

Attachment B

Consent to Bill of Sale

CONSENT TO BILL OF SALE

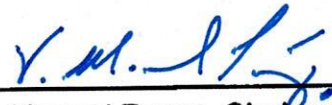
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By consenting to the Bill of Sale, the County neither undertakes nor assumes nor will have any responsibility or duty to Buyer or to any third party to review, inspect, supervise, pass judgment upon or inform Buyer or any third party of any matter in connection with the Hangar, whether regarding the quality, adequacy or suitability of the Hangar for Buyer's proposed use or otherwise. Buyer and all third parties shall rely upon its or their own judgment regarding such matters. The County makes no representations, express or implied, with respect to the legality, fitness, or desirability of the Hangar for Buyer's intended use.

IN WITNESS WHEREOF, the County has caused its duly authorized representative to execute this Consent to Bill of Sale as of the date set forth below.

Date: JUN 30 2020

COUNTY OF RIVERSIDE, a political
subdivision of the State of California

By: 
V. Manuel Perez, Chairman
Board of Supervisors

ATTEST:
Kecia R. Harper
Clerk of the Board

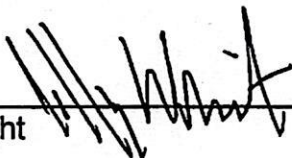
APPROVED AS TO FORM:
Gregory P. Priamos
County Counsel

By: 
Deputy

By: 
Thomas Oh
Deputy County Counsel

[Jeffrey Wright Acknowledgement on Following Page]

Jeffrey Wright hereby acknowledges, agrees and consents to all of the terms set forth in this Consent to Bill of Sale.

By: Jeffrey Wright 

Dated: 6/10/2020

EXHIBIT "A"

Bill of Sale

(behind this page)

BILL OF SALE
JACQUELINE COCHRAN REGIONAL AIRPORT

Seller: MORTON DAN PATRICK GROVES and KATHRYN SUSAN GROVES, Trustee
FBO THE MORTON DAN PATRICK GROVES AND KATHRYN SUSAN GROVES
TRUST UTA MAY 18, 1977 as amended JANUARY 17, 2008


Buyer: JEFFREY WRIGHT

Property: Hangar A-18 on the TRM CA Holdings LLC, a Delaware Limited Liability
Company, Leasehold, Jacqueline Cochran Regional Airport (TRM), Thermal, CA

Price: \$240,000 Net to Seller, All Cash at Close of Escrow


Close of Escrow: On or Before May 15, 2020.

Terms: The Hangar is being sold "As Is" without any warranties from the Seller. The sale shall be subject to the Sub Lease from the FBO. The transaction shall be subject to the approval of the Master Lessor, Riverside County. Buyer and Seller agree to cooperate and use their joint best efforts to obtain such approval within the escrow period.



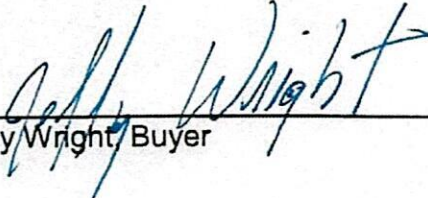
Morton Dan Patrick Groves, Trustee
FBO The Morton Dan Patrick Groves and Kathryn Susan Groves Trust
UTA May 18, 1988 as amended January 17, 2008

Dated: 4-29-2020



Kathryn Susan Groves, Trustee
FBO The Morton Dan Patrick Groves and Kathryn Susan Groves Trust
UTA May 18, 1988 as amended January 17, 2008

Dated: 4/29/2020



Jeffrey Wright, Buyer

Dated: 4/29/2020