

**Sierra County  
Board of Supervisors'  
Agenda Transmittal &  
Record of Proceedings**

<b>MEETING DATE:</b> March 3, 2020	<b>TYPE OF AGENDA ITEM:</b> <input type="checkbox"/> Regular <input type="checkbox"/> Timed <input checked="" type="checkbox"/> Consent
<b>DEPARTMENT:</b> Public Works and Transportation	
<b>APPROVING PARTY:</b> Tim H. Beals, Director	
<b>PHONE NUMBER:</b> 530-289-3201	

**AGENDA ITEM:** Resolution authorizing termination of Sierra County Lease Agreement 87-045 relative to a public parking area and public bus stop in Loyalton.

**SUPPORTIVE DOCUMENTS ATTACHED:**  Memo  Resolution  Agreement  Other  
Request to terminate lease.

**BACKGROUND INFORMATION:** The property is in escrow and in order to clear title the current owners that the County terminate the \$1/year lease. The Director of Transportation has no concerns with regard to the termination of this lease and removal of the "bus stop."

**FUNDING SOURCE:**  
**GENERAL FUND IMPACT:** No General Fund Impact  
**OTHER FUND:**  
**AMOUNT:** \$ N/A

<b>ARE ADDITIONAL PERSONNEL REQUIRED?</b>  <input type="checkbox"/> Yes, -- -- <input checked="" type="checkbox"/> No	<b>IS THIS ITEM ALLOCATED IN THE BUDGET?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No  <b>IS A BUDGET TRANSFER REQUIRED?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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**SPACE BELOW FOR CLERK'S USE**

<b>BOARD ACTION:</b> <input type="checkbox"/> Approved <input type="checkbox"/> Approved as amended <input type="checkbox"/> Adopted <input type="checkbox"/> Adopted as amended <input type="checkbox"/> Denied <input type="checkbox"/> Other <input type="checkbox"/> No Action Taken	<input type="checkbox"/> Set public hearing For: _____ <input type="checkbox"/> Direction to: _____ <input type="checkbox"/> Referred to: _____ <input type="checkbox"/> Continued to: _____ <input type="checkbox"/> Authorization given to: _____	Resolution 2020- _____ Agreement 2020- _____ Ordinance _____ Vote: Ayes: Noes: Abstain: Absent: <input type="checkbox"/> By Consensus
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**COMMENTS:**  
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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

CLERK TO THE BOARD \_\_\_\_\_ DATE \_\_\_\_\_

**BOARD OF SUPERVISORS, COUNTY OF SIERRA, STATE OF CALIFORNIA**

**IN THE MATTER OF TERMINATING  
LEASE AGREEMENT FOR REAL PROPERTY  
PUBLIC PARKING AREA -LOYALTON**

**RESOLUTION 2020-\_\_\_\_\_**

**RECITALS:**

1. The Sierra County Board of Supervisors by its Resolution 87-034 approved a Lease Agreement for the purposes of establishing a public bus stop and parking area which was effective June 2, 1987; and,
2. The current Owner, PEC Enterprises, has notified Sierra County of its intent to sell the identified property and wish to terminate the Lease.

**NOW, THEREFORE BE IT RESOLVED** that the Board of Supervisors of the County of Sierra hereby terminates the Lease Agreement identified as 87-045 and directs the Director of Transportation or his designee to remit notification of termination to PEC Enterprises.

**ADOPTED** by the Board of Supervisors of the County of Sierra on the 3rd day of March, 2020 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

COUNTY OF SIERRA

\_\_\_\_\_  
JAMES BEARD, CHAIRMAN  
BOARD OF SUPERVISORS

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
HEATHER FOSTER  
CLERK OF THE BOARD

\_\_\_\_\_  
DAVID PRENTICE  
COUNTY COUNSEL

**From:** Mark Smith [<mailto:summitbusinessplans@gmail.com>]  
**Sent:** Friday, February 14, 2020 4:15 PM  
**To:** Bryan Davey <[bdavey@sierracounty.ca.gov](mailto:bdavey@sierracounty.ca.gov)>  
**Cc:** Donna Catlett <[dcatlett@firstam.com](mailto:dcatlett@firstam.com)>  
**Subject:** Leonards Market, Loyalton

Hello Brian,

Thanks for your time today.

I represent Steve and Paul Clifton and their company PEC Enterprises, LLC.

In 1990, PEC Enterprises LLC purchased the property at 606 Main Street Loyalton ( APN #s 017-104-005-0) from the Bowlings.

We are in process of selling this property to new owners with a close of escrow scheduled for 3/31/2020.

The title company handling our escrow has issued a preliminary title report and within the report is a recorded lease between Donald and Richard Bowling as Owners and Sierra County as Tenant. Unfortunately, both Donald and Richard Bowling are now deceased. I have attached a copy of the lease agreement. It is our desire to transfer clear title to the property to the new owners.

We are requesting that Sierra County issue a letter terminating the agreement as permitted under the agreement on page 2 paragraph D: TERMINATION FOR CONVENIENCE OF COUNTY at its March 3, 2020 Board of Supervisors Meeting.

I have included our escrow officer who is handling the escrow and her contact information here:

**Donna Catlett**  
Escrow Officer  
First American Title Co.  
6232 La Salle Avenue, 3<sup>rd</sup> Floor  
Oakland, CA 94611  
510-285-2307  
Fax 866-493-5436  
[dcatlett@firstam.com](mailto:dcatlett@firstam.com)

97604

6-2-87 OFFICIAL RECORDS -045  
RECORDING REQUESTED

BY:

*Sierra County*

88 MAR 17 AM 9: 56

SIERRA COUNTY, CA LEASE AGREEMENT FOR REAL PROPERTY  
SANDRA LOVING, RECORDER PUBLIC PARKING AREA - LOYALTON

VOL. 121 PG. 752 FEE N/C

WITNESSETH

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OFFICIAL RECORDS  
RECORDING REQUESTED

BY: *Sierra County*

88 FEB 17 AM 11: 12

SIERRA COUNTY, CA  
SANDRA LOVING, RECORDER

VOL. 121 PG. 415 FEE N/C

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RECITALS:

- 1) The Sierra County Board of Suerprvisors by its Resolution No. 87-034 adopted April 21, 1987 attached hereto as Exhibit A and made a part hereof, authorized approval of a lease agreement for establishing a public bus stop area on Sierra County Assessor Parcel 017-104-005-0 in Loyalton, California; and,
- 2) California Government Code, Section 54031 and following authorizes local agencies to acquire, by lease, property for parking motor vehicles; and,
- 3) The property being leased by the County of Sierra is one of the only existing areas available to serve existing businesses and senior citizens in Loyalton, and therefore the lease agreement is in the public interest.
- 4) The proposed lease and use which the property is to be put is in conformity with the adopted General Plan.

NOW THEREFORE, THIS LEASE AGREEMENT executed as of this 2nd day of June, 1987 between the County of Sierra, County Service Area Five, hereinafter referred to as "COUNTY and Donald E. Bowling and Richard Nathan Bowling, hereinafter referred to as "OWNER", the parties hereto mutually agree as follows:

A. DESCRIPTION OF PROPERTY

"OWNER" is the record owner of Sierra County Assessor Parcel 017-104-005-0 located south and adjacent to State Route 49 and being a portion of lot 10 block 6 of the Roberts Addition located in Loyalton, California. The specific area being leased under the terms of this agreement is a parcel of land approximately 30 feet in width by 30 feet in length as more particularly described on Exhibit B attached hereto and made part hereof.

B. PURPOSE OF LEASE AGREEMENT

"COUNTY", upon execution of the lease agreement and during the term hereof, shall operate and maintain a public bus stop area for the common benefit of the Loyalton Community.

COMPARED

COMPARED

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C. TERM OF TERMINATION

The term of this lease agreement shall be ten (10) years commencing upon the date of execution of this lease agreement and said term shall be automatically renewed for additional terms of five (5) years unless a written "Notice of termination" is served by either party upon the other party, at least sixty (60) days prior to the anniversary date of this agreement.

D. TERMINATION FOR CONVENIENCE OF COUNTY

"COUNTY" may terminate this lease agreement at any time by notice in writing from "COUNTY" to "OWNER". If the lease agreement is terminated by "COUNTY" as provided herein, "OWNER" will be paid the annual lease payment for the year affected by the termination.

E. COMPENSATION - ANNUAL PAYMENT

Compensation shall be provided by "COUNTY" to "OWNER" in the amount of \$1.00 (One) dollars and no cents for each year that this lease agreement is in effect. Payment shall be provided to "OWNER" by "COUNTY" within thirty (30) days after expiration of each annual anniversary date that this lease agreement is in effect.

F. SCOPE OF IMPROVEMENTS - OWNERSHIP

The scope of improvements both contemplated and constructed by "COUNTY" shall be limited to the following:

- 1) Rough grading to create building pad; and,
- 2) Drainage to accommodate any anticipated surface run-off; and,
- 3) Construction of walkways along street frontages; and,
- 4) Necessary signs, directional markings and improvements to provide safe access; and,
- 5) Erection of bus stop shelter.

Any improvements, modifications, or attachments made to or upon the property being leased under this lease agreement shall be the sole and exclusive property of "COUNTY" and upon termination of the lease agreement, "COUNTY" shall remove all such improvements, modifications, or attachments by the termination date or all such improvements, modifications or attachments shall become the property of "OWNER". Upon termination, "COUNTY" shall surrender the premises in a good, clean and sanitary condition.

G. COMPLIANCE WITH LOCAL LAWS

"COUNTY" shall comply with all local and state laws, ordinances, and codes in performing any work embraced by this lease.

H. TRAFFIC SAFETY-REGULATIONS-ENFORCEMENT

"COUNTY" shall maintain a safe bus stop area and shall create and enforce ordinances regulating use on the property including but not limited to time restrictions, loitering, and other reasonable restrictions.

"COUNTY" may erect and maintain signs to provide appropriate maintenance and operation of the bus stop.

I. RIGHTS OF OWNER

"OWNER" shall have the right to inspect the property subject to this lease at any time and make any reasonable request of "COUNTY" if in the judgment of "OWNER" the use and/or premises are not being maintained in compliance with this lease. It is understood that "OWNER" under this lease agreement surrenders any right to control use of the property described in Exhibit B.

J. INSURANCE

"COUNTY" shall provide adequate liability insurance to protect against any liability to the public incidental to the use of the leased property or resulting from any accident occurring on or about the leased property. A certificate of insurance shall annually be provided to "OWNER" during the term of this agreement to verify existence of insurance. "COUNTY" shall not be responsible for insurance to the public or to "OWNER" as it may relate to the remainder of property owned by "OWNER" and outside of that area described in Exhibit B.

K. TRESPASS

"COUNTY" is not and cannot be responsible for any trespass onto private property which may result from the performance by "COUNTY" under the terms of this agreement.

L. POSSESSORY INTEREST

Parties to this lease agreement recognize that certain rights to property may create a possessory interest as those words are used in the California Revenue and Taxation Code. For all purposes of compliance by "OWNER" with Section §107.6 of the California Revenue and Taxation Code, this recital shall be deemed full compliance by the County of Sierra. All questions of initial determination of possessory interest and evaluation of such interest, if any, shall be the responsibility of the Sierra County Assessor and the parties hereto. A taxable possessory interest may be created

by this lease agreement. Such an interest may be subject to property taxation, if created; and the party in whom such an interest is vested shall be subject to the payment of property taxes levied on such an interest.

- M. The following persons shall be contact persons during the term of this lease agreement and all notices, correspondence and demands shall be given to:

"COUNTY"

Office of the Director  
Sierra County Department of Public Works  
P. O. Box 98  
Downieville, California 95936

"OWNER"

Donald E. Bowling, JT and  
Richard Nathan Bowling, JT  
P. O. Box 282  
Loyalton, California 96118

N. TRANSFERABILITY

This lease agreement shall be binding on all successors in interest as it may relate to the parcel which is affected by this lease.

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Executed on this 2nd day of June, 1987 at  
Downieville, Sierra County, California.

IN WITNESS WHEREOF the parties hereto have caused this agreement to be  
executed by their respective officers, duly authorized, the provisions of  
which agreement are effective as of the day, month and year herein above  
written.

BY: (OWNER)/S/

BY: (COUNTY)

Richard Bowling  
Richard Bowling

J. McCaffrey  
CHAIRMAN, BOARD OF SUPERVISORS

Subscribed and sworn to before me on  
FEBRUARY 16, 1988 Mr. Donald E. Bowling  
and Richard Nathan Bowling.

Sandra Loving  
Sandra Loving, Sierra County Clerk Recorder

Approved as to form:

William Abbott

Legal Advisor  
William Abbott

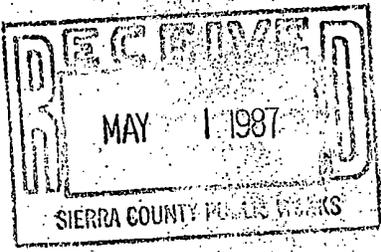
for

ATTEST:

Sandra Loving  
SANDRA LOVING  
CLERK OF THE BOARD OF SUPERVISORS

BOARD OF SUPERVISORS, COUNTY OF SIERRA, STATE OF CALIFORNIA

IN THE MATTER OF  
AUTHORIZING THE  
EXECUTION OF A LEASE  
FOR PARKING PURPOSES  
IN LOYALTON



RESOLUTION NO. 87-034

RECITALS:

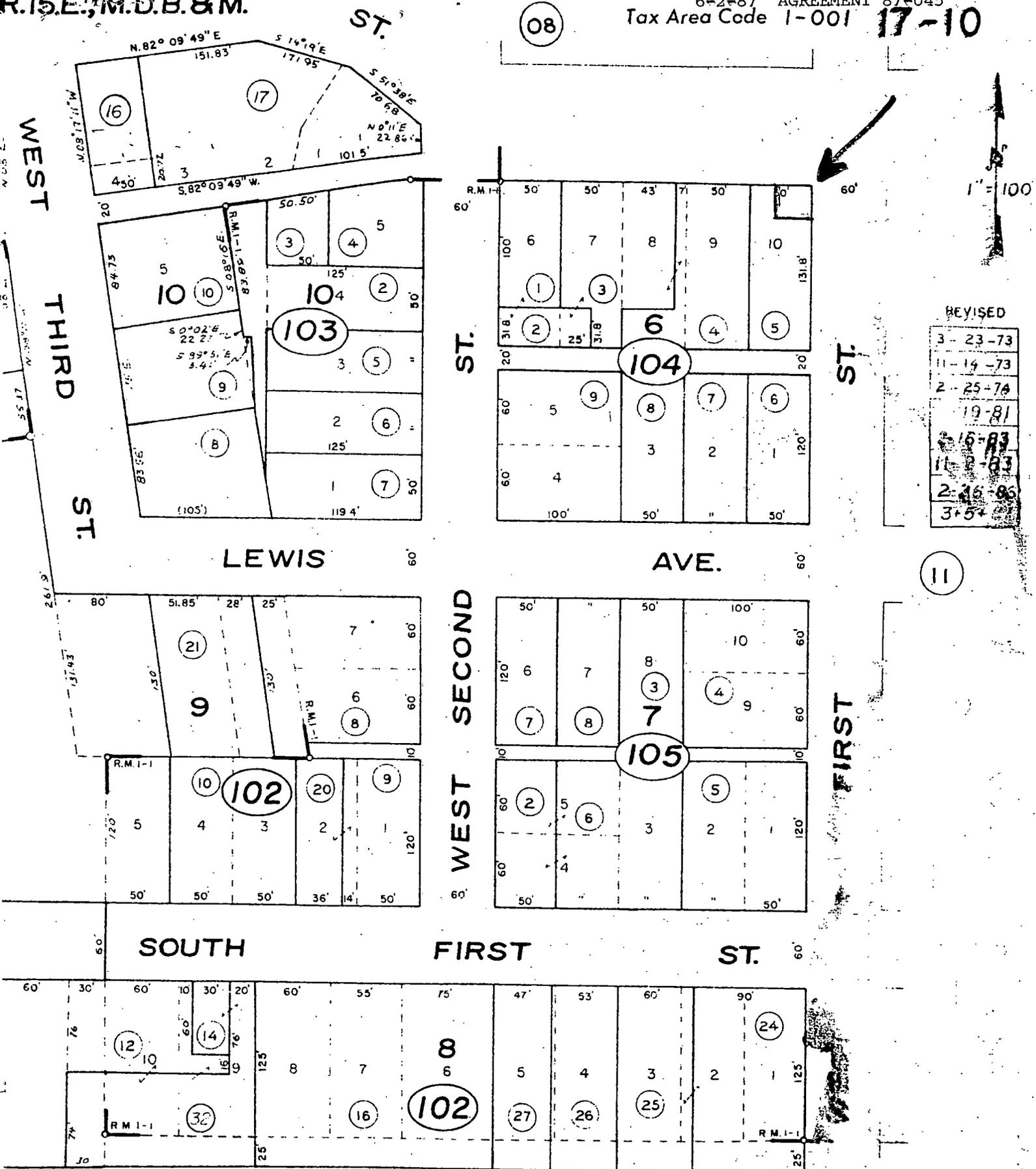
1. The County of Sierra, Service Area V, wishes to execute a lease for the use of a certain parcel of land in Loyalton (map attached as Exhibit "A") for a public bus stop area; and
2. The record owner of this parcel has favorably expressed an intent to offer for lease said parcel of land for specific parking purposes and for an acceptable term; and
3. The County Planning Department has found that the intended use of public parking is consistent with the County General Plan.

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF SIERRA RESOLVES AND DECLARES that the execution of the lease agreement attached hereto as Exhibit "B" and made a part hereof between the County of Sierra, Service Area V and Mr. Don Bowling for establishment of a public bus stop area is in the public interest and for general welfare of the Loyalton area and is hereby authorized for approval and execution and the Clerk is directed to record the lease agreement with the County Recorder upon execution of both parties.

Adopted the 21st day of April, by the following vote:

- AYES: Supervisors Hayes, Lewis, McCaffrey, Marin, and McHenry
- NOES: None
- ABSTAINED: None
- ABSENT: None

*J. McCaffrey*  
CHAIRMAN, BOARD OF SUPERVISORS



(12)

97604

Assessor's Map Bk 17 Pg. 10

County of Sierra, Calif.

NOTE—Assessor's Block Numbers Shown in Ellipses.  
Assessor's Parcel Numbers Shown in Circles.

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