

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

MEETING DATE: April 7, 2020	TYPE OF AGENDA ITEM: <input type="checkbox"/> Regular <input type="checkbox"/> Timed <input checked="" type="checkbox"/> Consent
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DEPARTMENT: Public Works and Transportation
APPROVING PARTY: Tim H. Beals, Director
PHONE NUMBER: 530-289-3201

AGENDA ITEM: Resolution approving Lease Option Renewal, Fifth Amendment with Pacific Bell for use of property at Sierra City Community Park.

SUPPORTIVE DOCUMENTS ATTACHED: Memo Resolution Agreement Other

BACKGROUND INFORMATION: Please reference attached option for lease renewal.

FUNDING SOURCE: Revenue

GENERAL FUND IMPACT: No General Fund Impact

OTHER FUND:

AMOUNT: \$5065.20 N/A

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

BOARD ACTION: <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:

CLERK TO THE BOARD _____	DATE _____
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BOARD OF SUPERVISORS, COUNTY OF SIERRA, STATE OF CALIFORNIA

**IN THE MATTER OF AUTHORIZING
AND APPROVING OF FIFTH
MODIFICATION TO PACIFIC BELL LEASE**

RESOLUTION 2020-_____

Be It Resolved that the Fourth Modification to lease for the Pacific Bell Land Lease at the Sierra City Park authorizing Sierra County to take responsibility for water service and to charge Lessee a flat rate.

The Director of Transportation is hereby authorized to execute the renewal document on behalf of the County.

ADOPTED by the Board of Supervisors of the County of Sierra on the 7th day of April, 2020 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

COUNTY OF SIERRA

JAMES BEARD
CHAIRMAN, BOARD OF SUPERVISORS

ATTEST:

APPROVED AS TO FORM:

HEATHER FOSTER
CLERK OF THE BOARD

DAVID PRENTICE
COUNTY COUNSEL

FIFTH MODIFICATION TO LEASE

This Fifth Modification to Lease (“Modification”) is entered into as of May 1, 2020, by and between the County of Sierra; hereinafter called “Lessor”, and Pacific Bell Telephone Company, a California corporation, hereinafter called “Lessee”, with respect to the following facts:

RECITALS

A. Lessor, as successor in interest to Lorraine C. Brown and Lessee are parties to that certain Lease dated as of May 11, 1970, as amended by that certain First Modification of Lease dated December 26, 1978, and that certain Second Modification to Lease dated March 21, 1990 and that Third Modification to Lease dated January 24, 2000 (as amended and modified, the “Lease”) covering certain premises located in the City of Sierra City, County of Sierra, State of California and commonly known as 15 Busch St. Capitalized terms used but not defined herein shall have the meanings given them in the Lease.

B. The parties now desire to modify the Lease to make certain changes to the Lease all as set forth below.

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

1. **Rent.** Section 3(a) of the Lease is hereby revised to add the following:

Lessee shall pay rent to Lessor for the leased premises at the rental rate of five thousand sixty-five and twenty cents (5,065.20) per year, payable yearly in advance, subject to proportionate refund of advance-paid rent if this Lease should be terminated before the expiration of any year for which rent shall have been paid.

- Lessee will pay an annual cost of nine hundred ninety-seven and eight cents (997.08) for water service to Lessor, thereby increasing the rent payment from four thousand sixty-eight dollars and twelve cents (\$4,068.12) to five thousand sixty-five dollars and twenty cents (\$5,068.20) per year. Lessor has the ability to annually adjust, prospectively, this amount whether by increase or decrease, in accordance with any service water rate change.
2. **Authorization.** Each of the persons executing this Modification represents and warrants that he/she is duly authorized to execute and deliver these documents respectively on Lessor's and Lessee's behalf; and that Lessor and Lessee will respectively be bound thereby upon the full execution and delivery of the documents.
 3. **Miscellaneous.** Except as specifically amended herein, the Lease shall remain in full force and effect. This Modification may be executed in counterparts, each of which, taken together, shall constitute one fully executed original.

IN WITNESS WHEREOF, the parties have executed this Fifth Modification to Lease as of the date set forth above.

LESSOR:
County Of Sierra

LESSEE:
Pacific Bell Telephone Company,
a California corporation

By: _____
Tim H. Beals
Director of Transportation

By: _____
Kay La Roche
Its: Area Manager, Corporate Real Estate



Kay La Roche
5001 Executive Parkway
Room 4W000O
San Ramon, CA 94583

VIA UPS AND EMAIL

OPTION EXTENSION EXERCISE NOTICE

March 16, 2020

Bryan Davey
Sierra County Department of Transportation
101 Courthouse Square
Downieville, CA 95936

Re: 15 Busch Street, Sierra City, CA 96125 (the "Premises")

Dear Mr. Davey:

Reference is made to that certain Lease and Indenture dated May 11, 1970, as amended by those certain Lease Renewal Letters dated December 20, 1978, March 21, 1990, and March 23, 2010, and that certain Fourth Modification to Lease dated October 1, 2013 (collectively, the "Lease"), by and between County of Sierra, as Lessor, and Pacific Bell Telephone Company, a California corporation, as Lessee, covering the above referenced Premises.

As you know, the Lease expires on April 30, 2020. Pursuant to Section 2 (b) of the Lease, Lessee hereby exercises its option to extend the Lease for an additional ten (10) years commencing on May 1, 2020, to and including April 30, 2030 ("Fifth Extended Term"). All terms and conditions under the Lease will remain the same where applicable during the Fifth Extended Term, except the annual rental rate. In accordance with Section 2 (c) of the Lease, the annual rental rate shall be Four Thousand Sixty-Eight and 12/100 Dollars (\$4,068.12) per year during the entire Fifth Extended Term based on the PPI (Producer Price Indexes) adjustment between September 2009 through September 2019. In addition, Lessee shall pay an annual flat rate for water service in the amount of Nine Hundred Ninety-Seven and 08/100 Dollars (\$997.08), which shall be paid together with the annual rent payment referenced above.

Please note that this letter shall also serve as notification of Lessee's change of notice addresses. Lessee's new notice addresses shall be as follows:

Lessee Address for Notices:

AT&T Services, Inc.
CRE Lease Administration
Room 1B201, Contract Number: PC00/10001085
One AT&T Way
Bedminster, NJ 07921
Telephone (908) 234-3309

With a concurrent copy to:

AT&T Services, Inc.
Attn: Portfolio Management – Sierra City, CA
5001 Executive Parkway, Room 4W0000
San Ramon, CA 94583
Telephone: (925) 277-6714

And with a concurrent copy to:

AT&T Services, Inc.
AVP Senior Legal Counsel – Real Estate
208 S. Akard Street, Room 3137
Dallas, TX 75202

Please acknowledge your receipt of, and agreement with, this letter by executing one copy and returning it to the attention of:

Kay La Roche
5001 Executive Parkway
Room 4W0000
San Ramon, CA 94583

If you have any questions, please feel free to contact me at 925-277-6714 or email me at jr7575@att.com.

Sincerely,



Kay La Roche
Portfolio Manager
AT&T Corporate Real Estate

Acknowledged and Agreed by:

SIERRA COUNTY

BY: _____ DATE: _____
Duly Authorized Representative