

CITY COUNCIL

For City Clerk's Use:

☐ **APPROVED** ☐ **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 8
Date: January 11, 2012

TO: Honorable Mayor and Members of the City Council

FROM: Edward N. Domingue, Director of Engineering Services

SUBJECT: First Amendment to Lease Agreement with the Escondido Fish and Game Association

RECOMMENDATION:

It is requested that Council adopt Resolution No. 2012-03 authorizing execution of the First Amendment to the Lease Agreement with the Escondido Fish and Game Association.

PREVIOUS ACTION:

A lease extension was approved by City Council on January 24, 2007, for an additional 30 years, taking the lease term through February 1, 2037.

BACKGROUND:

The Escondido Fish and Game Association has leased City land at this location since 1993. The current lease term expires in 2037 and covers 12.23 acres. Located at the east end of Lake Wohlford, with frontage on Guejito Road, the property is improved with various improvements required for a pistol and rifle shooting range. This facility services the Association membership and provides civic services such as Hunter Safety Classes and Rifle Safety Classes.

Section 14 of the existing Lease includes certain improvements that the Lessee is to substantially complete by February 1, 2012. Lessee has completed all of these improvements, with the exception of item 14(a), which involves demolition and rebuilding of the Trap Ramada. Lessee is requesting a Lease Amendment to remove item 14(a). Rather than demolish and rebuild the Trap Ramada, Lessee wants to keep the existing structure and make certain upgrades. All upgrades will be in conformance with current codes. Lessee is also requesting that a surveyed drawing completed by Melchior Land Surveying, Inc. be included as Exhibit "A", identifying the boundaries of its leased area.

Staff inspected the property on September 15, 2011, and confirmed the completion of the improvements other than item 14(a), and is comfortable eliminating 14(a) from the agreement since this item was originally initiated by Lessee and since the existing structure poses no health or safety issues to its members.

Respectfully submitted,



Edward N. Domingue, P.E.
Director of Engineering Services

Agenda Item No. 8
January 11, 2012

RESOLUTION NO. 2012-03

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
AUTHORIZING THE REAL PROPERTY
MANAGER AND CITY CLERK TO EXECUTE,
ON BEHALF OF THE CITY, A FIRST
AMENDMENT TO THE LEASE AGREEMENT
WITH THE ESCONDIDO FISH AND GAME
ASSOCIATION

WHEREAS, the City of Escondido owns certain real property located along Guejito Road and identified as Assessor Parcel No. 760-182-04; and

WHEREAS, the City has leased a portion of real property located along Guejito Road for \$1.00 per year to the Escondido Fish and Game Association since 1993 pursuant to a lease agreement (the "Lease"); and

WHEREAS, City Council approved a thirty (30) year extension to the Lease on January 24, 2007, which expires on February 1, 2037, for 12.23 +/- acres along Guijito Road and includes requirements that certain improvements to the property be substantially completed by February 1, 2012 (the "Extension"); and

WHEREAS, the Escondido Fish and Game Association has completed all of the improvements with the exception of the demolition and rebuilding of the Trap Ramada (Section 14(a) of the Extension), and now desires to execute a First Amendment to the Lease Agreement (the "First Amendment") to remove the demolition and rebuilding of the Trap Ramada (Section 14(a) of the Extension) from the Lease and attach Exhibit "A", a surveyed drawing of its leased area, to the Lease; and

WHEREAS, the Escondido Fish and Game desires instead to keep the existing Trap Ramada and make certain upgrades to the existing structure, which upgrades shall comply with current code; and

WHEREAS, this City Council desires at this time and deems it to be in the best public interest to approve of the First Amendment to the Lease Agreement.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Escondido, California, as follows:

1. That the above recitations are true.
2. The Real Property Manager and City Clerk are authorized to execute, on behalf of the City, the First Amendment to the Lease Agreement, which is attached hereto as Exhibit "1" and incorporated by this reference, with the Escondido Fish and Game Association.

FIRST AMENDMENT TO LEASE AGREEMENT

(Guejito Road, APN 760-182-04)

This FIRST AMENDMENT TO LEASE AGREEMENT is made as of this _____ day of _____, 2012.

Between: City of Escondido,
201 North Broadway
Escondido, California 92025
("City")

And: Escondido Fish & Game Association, Inc.
P.O. Box 460506
Escondido, California 92046
("Lessee")

WITNESSES THAT WHEREAS:

- A. City and Lessee entered into a Lease Agreement dated January 24, 2007, ("ORIGINAL AGREEMENT") for the lease of real property for the purpose of operating and maintaining rifle, pistol, archery and trap shooting ranges and associated club activities, at Guejito Road, Escondido, California, on property more specifically identified as Assessor's Parcel Number 760-182-04; and
- B. The ORIGINAL AGREEMENT includes certain improvements to be undertaken by the Lessee, identified in Section 14(a) through 14(m), which are to be substantially completed no later than February 1, 2012 and Exhibit "A" (Leased Area) of the ORIGINAL AGREEMENT is a blank page; and
- C. Lessee has completed all of the improvements with the exception of Section 14(a): "[d]emolish Wood Framed corrugated metal building. Rebuild with wood framed building wrapped with stucco to match existing structures;" Lessee has also provided a Surveyed Drawing of its lease area; and
- D. Lessee has requested the removal of Section 14(a) from the ORIGINAL AGREEMENT with the intention of keeping the existing Trap Ramada and performing any upgrades that may be necessary to continue utilizing it in full compliance with code requirements and also requested the addition of the above referenced Surveyed Drawing delineating its lease area as Exhibit "A"; and
- E. City is agreeable to removing Section 14(a) from the list of improvements required under the ORIGINAL AGREEMENT and including the above

referenced Surveyed Drawing as Exhibit "A". The existing Trap Ramada shall be at all times maintained in full compliance with code requirements.

- F. City and Lessee desire to amend the ORIGINAL AGREEMENT to accommodate the changes and to recognize the Lessee's continued obligations to the City under the ORIGINAL AGREEMENT.

NOW THEREFORE, it is mutually agreed by and between City and Lessee as follows:

1. Section 14(a) of the ORIGINAL AGREEMENT which reads: "[d]emolish Wood Framed corrugated metal building. Rebuild with wood framed building wrapped with stucco to match existing structures."

SHALL be deleted in its entirety and replaced with:

"The existing Trap Ramada shall at all times be maintained in full compliance with code requirements. Any upgrades that are undertaken by Lessee shall be completed according to the current codes."

2. The Exhibit "A" (Leased Area) in the ORIGINAL AGREEMENT be replaced by the attached Exhibit "A" (Leased Area).
3. All other terms and conditions of Section 14 and the ORIGINAL AGREEMENT shall remain in full force and effect.
4. This FIRST AMENDMENT and the ORIGINAL AGREEMENT, together with their respective attachments, are the entire understanding of the parties, and there are no other terms or conditions, written or oral, controlling this matter.

IN WITNESS WHEREOF, the parties have executed this agreement as of the day and year first above written.

CITY OF ESCONDIDO

Date: _____

Debra Lundy
Real Property Manager

Date: _____

Diane Halverson
City Clerk

ESCONDIDO FISH & GAME

Date: _____

Kurt Nelson, President

Date: _____

Neil Pisk, Vice President

Date: _____

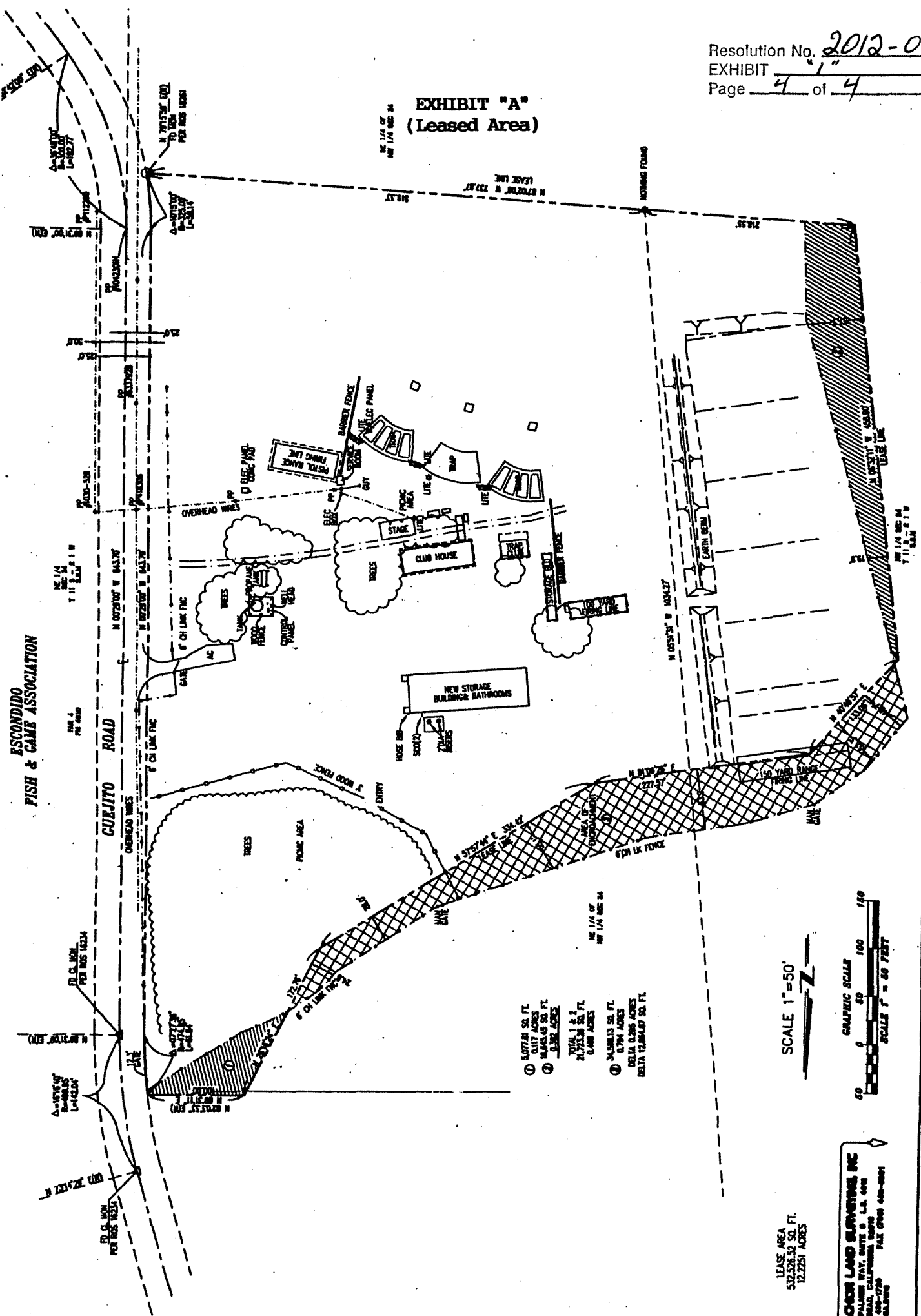
Geoff Orchin, Secretary

Approved as to Form:

Office of the City Attorney
JEFFREY R. EPP, City Attorney

By: _____
Deputy City Attorney

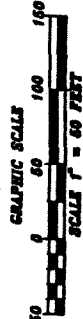
EXHIBIT "A"
(Leased Area)



**ESCONDIDO
 FISH & GAME ASSOCIATION**

CURBITO ROAD

SCALE 1"=50'

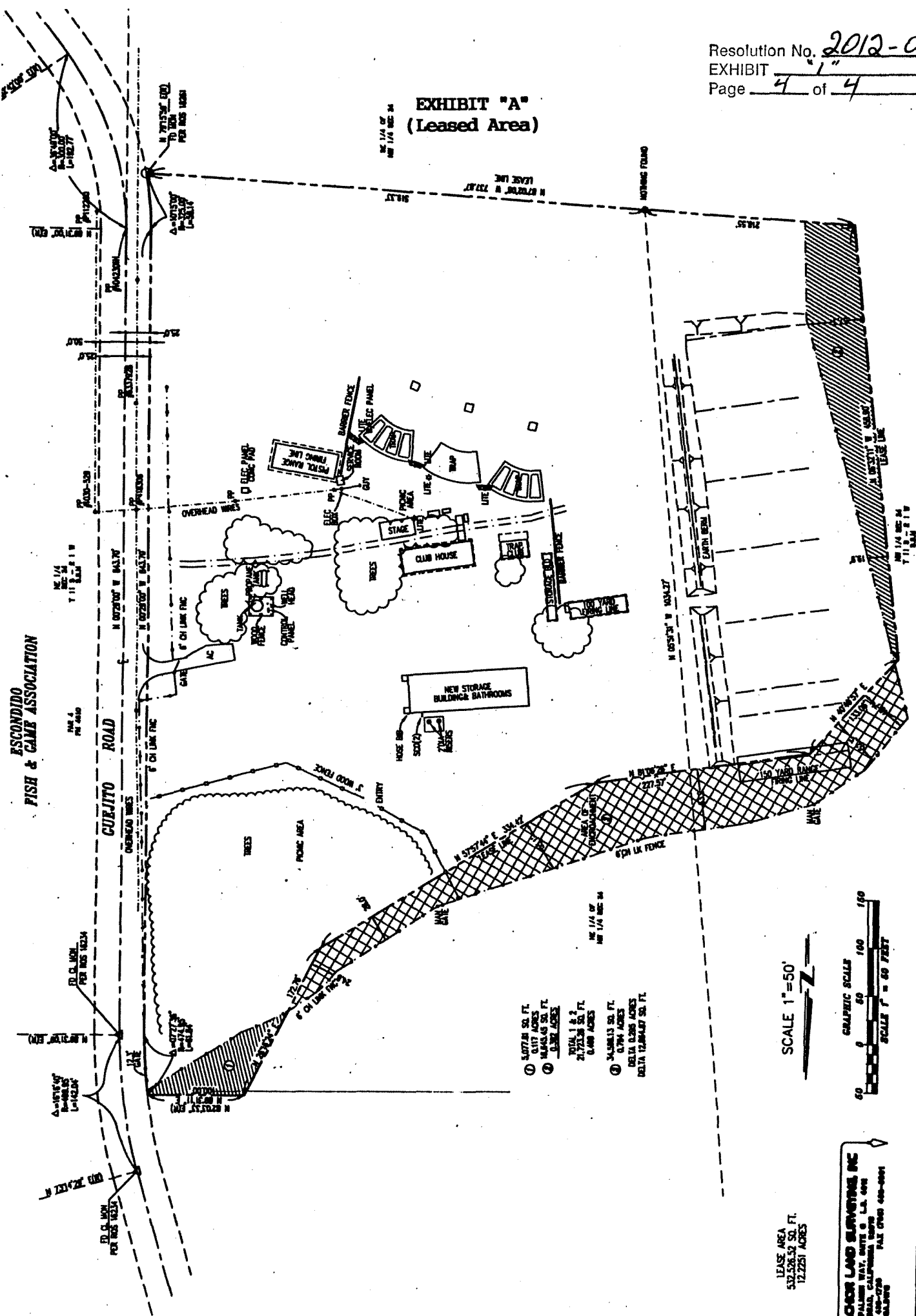


- ① 5,077.88 SQ. FT.
0.117 ACRES
- ② 14,845.45 SQ. FT.
0.337 ACRES
- ③ 21,725.51 SQ. FT.
0.498 ACRES
- ④ 34,981.13 SQ. FT.
0.794 ACRES
- ⑤ 12,225.12 SQ. FT.
0.280 ACRES

LEASE AREA
 532,526.52 SQ. FT.
 12,225.12 ACRES

CHICK LAND SURVING, INC.
 PALM BEACH, FLORIDA 33411
 407-850-0700 FAX 407-850-0001

EXHIBIT "A"
(Leased Area)



LEASE AREA
532,526.52 SQ. FT.
12.2251 ACRES

CHOR LAND SURVEYING, INC.
PALMER WAY, SUITE C L.A. 4094
BEAD, CALIFORNIA 92078
438-0726 FAX 760 438-0001
CALIF