SUBJECT: AMENDMENT TO SUBLEASE AGREEMENT AT 259 N. MAIN STREET

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

SUBJECT: On March 7, 2000, Council executed a sublease agreement with the County of Tulare for the purposes of establishing a Porterville branch office of the Tulare County Family Support Services program at 259 N. Main Street, Porterville. This document is a sublease to the master lease executed between the City and Ennis Commercial Properties, LLC, which specifies rent to be paid monthly, on the first day of each month.

The County of Tulare has requested an amendment to the sublease agreement to allow for the prepayment of monthly rent for the period of July 1, 2002 through June 30, 2003, or to an earlier period. It is the intent of the County of Tulare to make one annual rent payment for fiscal year 2002-2003. It is anticipated that future payments will be made monthly in accordance with the sublease agreement. In addition, the County has requested a Memorandum of Lease be executed to allow for the recordation of the document, if so desired by either the County or the City.

RECOMMENDATION: That City Council:

1. Approve the amendment to the sublease agreement for the property located at 259 N. Main Street to allow for the prepayment of rent for the period of July 1, 2002 through June 30, 2003; and

2. Authorize the Mayor to sign the Amended Agreement to Sublease Premises and Memorandum of Sublease.

ATTACHMENTS: A) Amended Agreement to Sublease Premises
B) Memorandum of Sublease

Item No. ______
AMENDED AGREEMENT TO SUBLEASE PREMISES

This AMENDMENT TO LEASE is entered into on __________, 2002, between the City of Porterville, a Municipal Corporation, hereinafter referred to as "LESSOR", and the COUNTY OF TULARE, hereinafter referred to as "LESSEE".

Whereas, LESSOR holds a lease (the Master Lease) with Ennis Commercial Properties, LLC, a limited Liability Company for the office building located at 259 North Main Street in the City of Porterville, and;

Whereas, LESSOR and LESSEE entered into an Agreement to Sub-Lease said office building on March 14, 2000, which has been designated as Tulare County Agreement No. 20044, and;

Whereas the parties desire to amend said Agreement to allow for the Lessee to Prepay rent for a period of one year.

ACCORDINGLY IT IS AGREED:

A. Paragraph 6.1 is hereby added to Tulare County Agreement No. 20044 to read as follows:

Prepayment of Rent: Lessee may prepay the rents specified in Paragraph 6 for the time period of July 1, 2002 through June 30, 2003 or to an earlier date. In the event this Sublease is terminated for any reason by either party, all unused rents paid in advance will be promptly reimbursed by Lessor to Lessee.

B. Paragraph 32 is hereby added to Tulare County Agreement No. 20044 to read as follows:

Lessor and Lessee will sign a Memorandum of Lease in the form set forth in Exhibit A, and cause their signatures to the Memorandum to be acknowledged before a Notary Public, and either party may thereafter record the Memorandum, and give the other party notice of such recording. Upon the expiration or earlier termination of the term, either party upon request will execute a document for recordation to terminate such memorandum.

TULARE COUNTY AGREEMENT No. 20044-A

Attachment A
C. All other terms and conditions of said Agreement No. 20044, shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this AMENDMENT TO SUB-LEASE as of the day and year first above written.

CITY OF PORTERVILLE

Date: _______________________

By _______________________

Gordon T. Woods, Mayor
LESSEE

COUNTY OF TULARE

Date: _______________________

By _______________________

Chairman, Board of Supervisors
LESSEE

ATTEST: JANET HOGAN
County Administrative Officer
Clerk of the Board of Supervisors

By _______________________

Deputy Clerk

Approved as to form:
County Counsel

By _______________________

Deputy County Counsel

COSII/6/14/02/2002-06-18 Item 11.wpd
This Memorandum of Sublease ("Memorandum") dated as of June 18, 2002 is entered into between the City of Porterville ("Lessor") and County of Tulare("Tenant").

A. On or about March 14, 2000, Lessor and Tenant entered into Agreement to Sublease Premises (“Agreement”) on file with the Clerk of the Board of Supervisors of the County of Tulare as Agreement No. 20044, pursuant to which Lessor leased to Tenant and Tenant leased from Lessor real property, more particularly described in attached Exhibit A and incorporated by reference (“Premises”).

B. On or about June 18, 2002, Lessor and Tenant entered into Amended Agreement to Sublease Premises (“Amended Agreement”) on file with the Clerk of the Board of Supervisors of the County of Tulare as Agreement No. 20044.

C. Lessor and Tenant desire to execute this Memorandum to provide constructive notice of Tenant’s rights under the Agreement to all third parties.

For good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the parties agree as follows:

1. Term

Lessor leases the Premises to Tenant for the term set forth in the Agreement and the Amended Agreement.

2. Lease Terms

This lease of the Premises to Tenant is pursuant to the terms of the Agreement and Amended Agreement, which is incorporated in this Memorandum by reference, as amended from time to time.
3. Successors and Assigns

This Memorandum and Agreement and Amended Agreement shall bind and inure to the benefit of the parties and their respective heirs, successors, and assigns, subject, however, to the provisions of said Agreement on assignment.

Executed as of the date first above written.

_______________________________
Gordon T. Woods, Mayor
Lessor

_______________________________
Tenant- Tulare County