



## Legislation Text

**File #:** 09-1276, **Version:** 4

Chief Administrative Office, Parks Division, recommending the Board:

1) Terminate the current Lease Agreements 230-L0511, parcel APN 90-040-32 and 231-L0511, parcel APN 90-040-31, between the County of El Dorado "lessor" and Shingle Springs Station, LLC in accordance with Paragraph 7 - Termination of the original Lease, effective December 31, 2015; and

2) Waive three (3) months, October 2015 through December 2015, of lease payments, \$564 per month for Lease Agreement 230-L0511, parcel APN 90-040-32 and \$137 per month for Lease Agreement 231-L0511, parcel APN 90--040-31 for a total of \$2,107 in lease payments.

### **DEPARTMENT RECOMMENDATION**

The Parks Division recommends that the Board terminate the current Lease Agreements, #230-L0511 and #231-L0511, effective December 31, 2015, between the County of El Dorado "lessor" and Shingle Springs Station, LLC "lessee" per request letter dated December 17, 2015 and waive three (3) months of lease payments, October 2015 through December 2015 for a total of \$2,107.17.

### **DISCUSSION/BACKGROUND**

In 1996, the Sacramento-Placerville Transportation Joint Powers Authority (SPTC-JPA) acquired title to the Southern Pacific Railroad right of way (transportation) corridor. The SPTC JPA by written agreement, delegated the management of the portion of the right of way located within El Dorado County's jurisdiction to the County. The responsibility for the management of the corridor was originally with the General Services Department until its dissolution, upon which time it transferred to the Department of Transportation. In 2012, the Chief Administrative Office, Facilities Division/Parks Division assumed the responsibilities of managing the corridor. The Lessee has leased the subject properties since the 1980's.

On November 9, 2004, Item #6, the Board approved Lease Agreement 230-L0511 at a monthly rate of \$512.09, and Lease Agreement 231-L0511 at a monthly rate of \$125.00. On November 3, 2009, the Board approved the exercise of the first option to extend Lease Agreement 230-L0511 and Lease Agreement 231-L0511 for an additional five year term at a combined monthly rate of \$668.94, per annum \$8,027.28, subject to expire on October 31, 2014 with provisions for an additional five (5) year extension at a 5 % increase. The Lessee's requested the five (5) year extension to commence on November 1, 2014 and end on October 31, 2019, which was approved by the Board on January 27, 2015. The lease payments were combined in the total amount of \$702.39 per month, \$8,428.68 per annum in additional revenues.

In September of 2015, Marlon Ginney, representing Shingle Springs Station, LLC, approached the El Dorado Western Railway Foundation, a California Public Benefit Corporation, about donating the Shingle Springs Depot building, located on parcel APN#90-040-31, to the El Dorado Western Railroad, a program of the County Museum. The El Dorado Western Railway Foundation Board voted to accept Mr. Ginney's donation and the transfer title to the depot building was filed with the County Recorder's office on December 14, 2015. The County notified Mr. Ginney that, in accordance with Paragraph 7 - Termination of the original lease, written notification was required to terminate the

leases. On December 17, 2015, the County received a letter from Shingle Springs Station, LLC terminating Lease Agreements #230-L0511, parcel APN#90-040-32 and #231-L0511, parcel APN#90-040-31 stating the lessee no longer has interest in the Shingle Springs Station building. Both of these parcels APN90-040-31 and APN90-040-32, are located in Shingle Springs, California.

### **ALTERNATIVES**

The County could choose to not agree to the lease termination.

### **OTHER DEPARTMENT/AGENCY INVOLVEMENT**

Assessor

### **CAO RECOMMENDATION**

Chief Administrative Office concurs with the recommendation.

### **FINANCIAL IMPACT**

General Fund revenues will be reduced by the amount of the monthly lease payments, totaling \$702.39 each month, \$8,428.68 annually, resulting in an increase in Net County Cost for the Chief Administrative Office, Facilities division. Revenue lost in FY 2015-16 can be absorbed with department savings.

### **CLERK OF THE BOARD FOLLOW UP ACTIONS**

Clerk of the Board will provide Parks Division staff with a Minute Order of the meeting in which the Board voted to approve the termination of both leases.

### **STRATEGIC PLAN COMPONENT**

N/A

### **CONTACT**

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