

DEPARTMENT: County Counsel BY: Jeffrey G. Green PHONE: 966-3222

RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes ___ No X)

The existing Lease Agreement for County-owned grazing property, which is located in the Lake Don Pedro 1M area, terminates on April 30, 1996. A copy of the existing Agreement is included in this package. Counsel recommends that the Board authorize staff to publicize the re-solicitation of bids for the lease of this property.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

- On March 9, 1993, the Board considered two proposals for the lease of the subject property and accepted the high bid from Lyle Converse. Counsel was directed to bring a Lease Agreement back to the Board for approval.
- On May 25, 1993, the Board approved and authorized the Chairman to sign a Lease Agreement with Mr. Converse for the period of May 1, 1993 through and including April 30, 1996

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

1. Direct staff to proceed with publicizing the Board's intent to lease the subject property to the highest bidder.
2. Do not direct staff to proceed with the resolicitation; renew the Lease Agreement with Lyle Converse.

COSTS: () Not Applicable

A. Budgeted current FY \$ _____

B. Total anticipated costs \$ _____

C. Required additional funding \$ _____

D. Internal transfers \$ _____

SOURCE: () 4/5ths Vote Required

A. Unanticipated revenues \$ _____

B. Reserve for contingencies \$ _____

C. Source description: _____

Balance in Reserve for Contingencies, if approved: \$ _____

SPECIAL INSTRUCTIONS:
List the attachments and number the pages consecutively:
Lease Agreement.

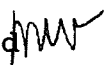
CLERK'S USE ONLY:
Res. No.: 96-3 Ord. No. _____
Vote - Ayes: _____ Noes: _____
Absent: _____ Abstained: _____
() Approved () Denied
() Minute Order Attached () No Action Necessary

The foregoing instrument is a correct copy of the original on file in this office.
Date: _____
ATTEST: MARGIE WILLIAMS, Clerk of the Board
County of Mariposa, State of California
By: _____
Deputy

ADMINISTRATIVE OFFICER'S RECOMMENDATION:
This item on agenda as:
 Recommended
 Not Recommended
 For Policy Determination
 Submitted with Comment
 Returned for Further Action
Comment: _____
A.O. Initials: W

MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: JEFF GREEN, County Counsel
FROM: MARGIE WILLIAMS, Clerk of the Board 
SUBJECT: DISCUSSION AND RECOMMENDATION DIRECTING STAFF TO
PROCEED WITH RE-PUBLICIZING THE BOARD'S INTENT TO LEASE
GRAZING PROPERTY IN THE LAKE DON PEDRO 1M AREA.
RESOLUTION NO. 96-3

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on January 2, 1996

ACTION AND VOTE:

Discussion and Recommendation Directing Staff to Proceed with Republicizing the Board's Intent to Lease Grazing Property in the Lake Don Pedro 1M Area (County Counsel)

BOARD ACTION: Discussion was held. (M)Taber, (S)Parker, Res. 96-3 adopted directing staff to proceed with republicizing the grazing lease. Following further discussion, motion was amended, agreeable with maker and second, to include direction that the lease be advertised for a three (3) year contact with a minimum bid at the current price/Ayes: Unanimous.

cc: Ken Hawkins, Auditor
File

LEASE AGREEMENT

THIS LEASE AGREEMENT, made and entered into this 27th day of May, 1993, by and between the COMMUNITY SERVICE AREA No. 1M (DON PEDRO), hereinafter referred to as "LESSOR", and LYLE CONVERSE, hereinafter referred to as "LESSEE".

WITNESSETH:

I. DESCRIPTION OF PREMISES

LESSOR leases to LESSEE, and LESSEE hires from LESSOR, as herein provided, that property located in the County of Mariposa, State of California, and described as follows:

Parcel 1 in Area 1-M of Lake Don Pedro designated as a proposed sanitary landfill site.

II. TERM

The term of this LEASE AGREEMENT is three (3) years beginning the 1st day of May, 1993 and ending the 30th day of April, 1996.

III. CONSIDERATION

The consideration for this LEASE AGREEMENT shall be EIGHT HUNDRED SIXTY-ONE DOLLARS (\$861.00) per year to be paid on or before May 1st of each year.

IV. USE OF PREMISES

The PREMISES are leased to be solely used for grazing purposes, and LESSEE agrees to restrict use to such purpose and not to permit the use of the PREMISES for any other purpose without first obtaining the consent in writing of LESSOR.

V. NO WASTE, NUISANCE, OR UNLAWFUL USE

LESSEE shall not commit or allow to be committed any waste on the premises, or nuisance, nor shall he use or allow to be used the PREMISES for an unlawful purpose. The LESSEE further agrees to maintain complete fencing around the above-described property.

**VI. NON-LIABILITY OF LESSOR FOR DAMAGES;
INDEMNITY AND SAVE HARMLESS CLAUSE**

LESSOR shall not be liable for liability or damage claims for injury to persons, including LESSEE and his agents or employees, or for property damage from any cause related to LESSEE'S occupancy of the above-described premises. LESSEE hereby covenants and agrees to indemnify LESSOR and save him harmless from all liabilities, losses, or other claims or obligations because of, or arising out of, such injury or loss.

VII. PROHIBIT AGAINST ASSIGNMENT OR SUBLEASE OF THE PREMISES

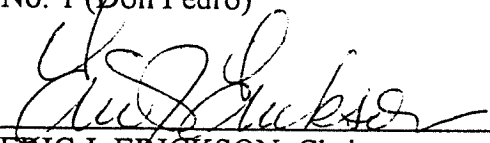
LESSEE agrees not to assign or sublease the PREMISES leased, or any part thereof, without first obtaining LESSOR'S written consent, or to allow any other persons, except LESSEE'S agents or employees, to occupy the PREMISES or any part thereof, without first obtaining LESSOR'S written consent.

VIII. TERMINATION

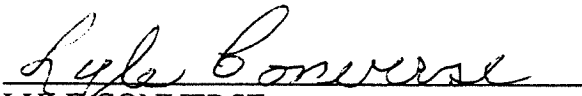
Either the LESSOR or the LESSEE may terminate the LEASE AGREEMENT within sixty (60) days should it become necessary for the LESSOR to develop the above- described property for a sanitary landfill site.

IN WITNESS WHEREOF, the PARTIES hereto have executed this LEASE AGREEMENT on the day and year first above-written.


LESSOR:
COMMUNITY SERVICE AREA
No. 1 (Don Pedro)

x 
ERIC J. ERICKSON, Chairman
Board of Directors

LESSEE:
LYLE CONVERSE


LYLE CONVERSE

ATTEST:


MARGIE WILLIAMS
Clerk of the Board

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:


JEFFREY G. GREEN
County Counsel