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Doc # 1992-057279 #17
8/20/92
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RESOLUTION NO. 92-100

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF EL PASO DE ROBLES RESCINDING
RESOLUTION NO. 92-06 AND AUTHORIZING THE MAYOR
TO EXECUTE AN ADDENDUM TO LEASE BETWEEN THE CITY OF
EL PASO de ROBLES AND WALTER E. MCKINLEY AND DWIGHT SAWYER

WHEREAS, the City approved Airport Parcel Map #PRAL 88-207 which changed the specific parcel configurations of Airport Parcels 18 and 19 of Parcel Map #PR 77-469, and renumbered said parcels as 12 and 13, respectively, and

WHEREAS, the City has leased Parcels 12 and 13 of Parcel Map #PRAL 88-207 to Walter E. McKinley and Dwight Sawyer, and

WHEREAS, the current development of Parcel 12 (formerly known as Parcel 18 of Parcel Map #PR 77-469, and as Parcel 18-A of Parcel Map PRAL 90-225), as approved and built, is consistent with Parcel Map PRAL #88-207, and

WHEREAS, the City approved Resolution No. 92-06 amending the lease between the City and Walter E. McKinley and Dwight Sawyer to reference PRAL 88-207, and

WHEREAS, that Amendment was determined to be unacceptable to Cuesta Title Guaranty Company, which has issued title insurance on the Lease, and

WHEREAS, Walter E. McKinley and Dwight Sawyer claim they were unable to develop parcel 19 (now Parcel 13) and have requested a rent reduction for the period of time the City was amending the parcel map due,

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of El Paso de Robles rescinds Resolution No. 92-06 and authorizes the Mayor to execute the amendment to the City/McKinley and Sawyer Lease attached to this resolution as Exhibit "A".

PASSED AND ADOPTED THIS 16th day of June 1992 by the following roll call vote:

AYES: Martin, Picanco, Reneau, Russell, & Iversen
NOES: None
ABSENT: None
ABSTAIN: None


MAYOR CHRISTIAN E. IVERSEN

ATTEST:

RICHARD J. RAMIREZ, CITY CLERK

**CITY OF EL PASO de ROBLES
MUNICIPAL AIRPORT
ADDENDUM TO LEASE**

THIS ADDENDUM TO LEASE is herewith incorporated into and as part of the Master Lease made and entered into the 1st day of May 1987 by and between the CITY OF EL PASO de ROBLES, a political subdivision and one of the Cities of the State of California, hereinafter called "CITY," and WALTER E. MCKINLEY AND DWIGHT SAWYER, hereinafter called "LESSEE."

RECITALS:

WHEREAS, CITY AND AIR CAPITAL CORPORATION entered into a long-term lease dated May 1, 1987 for Parcels 18 and 19 of Parcel Map 77-469 of the Airport Industrial Park; and

WHEREAS, CITY agreed to the assignment of the Lease from AIR CAPITAL CORPORATION to LESSEE on the 7th day of August, 1990; and

WHEREAS, CITY approved Parcel Map #PRAL 88-207, which changed the specific parcel configurations of Airport Parcels 18 and 19 of Parcel Map #PR 77-469, and renumbered said parcels as Parcels 12 and 13, respectively; and

WHEREAS, LESSEE has requested rent relief for Parcel 13 during the time the parcel map was being developed; and

WHEREAS, CITY agrees to a short term rent reduction,

NOW, THEREFORE, IT IS AGREED BETWEEN BOTH PARTIES AS FOLLOWS:

1. Parcels 12 and 13 of Parcel Map #PRAL 88-207 (formerly known as Parcels 18 and 19 of Parcel Map #PR 77-469, and as Parcels 18-A and 19-A of Parcel Map PRAL 90-225) accurately reflect the current lease site. Therefore, the description as contained in the original Lease dated May 1, 1987, and the Memorandum thereof which was recorded November 10, 1988 in Book 3228, Page 83 of Official Records, is hereby amended to read as follows:

Parcels 12 and 13 of Parcel Map PRAL 88-207, in the City of El Paso de Robles, County of San Luis Obispo, State of California, according to the map recorded June 4, 1991 in Book 48, Page 23 of Parcel Maps.

2. Rent currently in arrears for Parcel 13 will be forgiven and no rent charges will be incurred on Parcel 13 until June 30, 1993, except as noted below in Paragraph 3.
3. Should LESSEE submit and CITY approve a development plan prior to June 30, 1993, then rent payments will become due commencing the first day of the month following the date of approval, and the first day of each month following said commencement date.
4. Rental payments shall continue to be escalated (even during the period no rent is due) as specified in the Master Lease, Exhibit "A", Section II, paragraph 2, and that the rental rate, when continued for Parcel 13, shall reflect said escalation.
5. Except as specified above, it is agreed that all other terms and conditions of the lease agreement dated May 1, 1987 and amended August 1, 1988, shall remain in full force and effect and continue to be binding upon both parties as specified.

