

COUNTY OF TULARE
SECOND AMENDMENT TO TULARE COUNTY AGREEMENT NO. 23812 FOR DESIGN, ALTERATION, AND
LEASE OF PREMISES AT 1845 DINUBA BLVD, VISALIA, CALIFORNIA

THIS SECOND AMENDMENT TO AGREEMENT ("Amendment") is entered into as of June 26, 2021, 2021 between FAIRYWAY PROPERTIES, LLC, a California limited liability company, referred to as "LESSOR"; and the COUNTY OF TULARE, referred to as "COUNTY", who agree as follows: LESSOR and COUNTY are each a "Party" and together are the "Parties" to this Agreement, who agree as follows:

- A. WHEREAS, Lessor and County heretofore entered into Tulare County Agreement No. 23812 for the Alteration and Lease of real property at 1845 N. Dinuba Blvd., in the City of Visalia on November 19, 2008 to house the Health & Human Services Agency (HHS) for a term of seven (7) years, ending June 25, 2016; and
- B. WHEREAS, Tulare County Agreement No. 23812 was previously entered into with Joe & Cora Gong Family Limited Partnership and Tom and Sarah Gong Family Limited Partnership. Title of the real property was transferred to Fairway Properties, LLC on November 25, 2014. "LESSOR" therefore, refers to either owner; and
- C. WHEREAS, the Parties entered a First Amendment on June 14, 2016 to remove the 90-day notice requirement to extend the term; and
- D. WHEREAS, COUNTY exercised its option to renew the lease on June 20, 2016, extending the term through June 30, 2021; and
- E. WHEREAS, the Parties desire to extend the Agreement for a five (5) year term, ending June 25, 2026, with two (2), five (5) year options to renew.

THE PARTIES AGREE AS FOLLOWS:

1. Paragraph 2.2 of Tulare County Agreement No. 23812 is amended as of the date this amendment is entered into to read, in full, as follows:

2.2 COUNTY's Date of Possession and Term: This term of the Agreement is extended for five (5) years beginning on **June 26, 2021** (the "Extension Effective Date") and ending on **June 25, 2026** (the "Extension Expiration Date") altogether referred to as the "Extension Term". Provided County is not then in default of this Lease, County may extend this Lease for two (2) terms of five (5) years each from the expiration, or the extension thereof, under the same terms and conditions, by serving a written Notice of Election to Extend prior to the expiration of the term (the "Renewal Term").

- 3 Paragraph 3.1.2 of Tulare County Agreement No. 23812 is amended as of the date this amendment is entered into to read, in full, as follows:

3.1.2 Base Monthly Rent: Beginning on the Extension Effective Date and on the first day of each month thereafter the Base Monthly Rent shall be \$1.50 per sq ft or \$51,399 per month in advance.

- 4 Paragraph 14.26 is added to Tulare County Agreement No. 23812 to read, in full, as follows:

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14.26 Future Tenant Improvements: LESSOR agrees to cause the improvements delineated in Exhibit E (the "Work"), attached hereto, to be completed at a future date within the Extension Term or the Renewal Term upon COUNTY'S request. Lessor and County agree to negotiate and agree upon, in writing, an adjustment to the Rent for the cost of the Work. Upon completion of the negotiations Lessor and County agree to enter into an amendment to this Agreement, effective upon approval by the Tulare County Board of Supervisors.

5. Paragraph 14.27 is added to Tulare County Agreement No. 23812 to read, in full, as follows:

14.27 Lessor's Deferred Maintenance: LESSOR agrees to cause the deferred maintenance delineated in Exhibit G, attached hereto, to be completed in a timeframe to be negotiated by the Parties in a later Amendment to this Agreement.

Except as amended, all other terms and conditions of the Agreement shall remain in full force and effect.

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THE PARTIES, having read and considered the above provisions, indicate their agreement by their authorized signatures below.

LESSOR
FAIRWAY PROPERTIES, LLC

Date: 5/28/2021

By: [Signature]

Date: 5/28/2021

By: [Signature]

Note: Pursuant to California Corporations Code section 17703.01, County policy requires that contracts with a Limited Liability Company be signed by at least two managers, unless the contract is accompanied by a certified copy of the articles of organization stating that the LLC is managed by only one manager.

COUNTY
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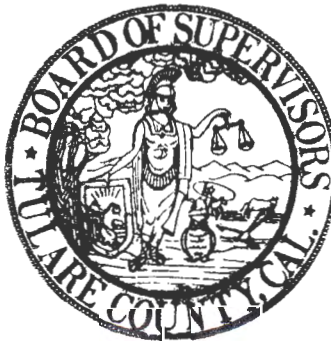
By: [Signature]
Chair, Board of Supervisors

ATTEST: JASON T. BRITT
County Administrative Office / Clerk of
the Board of Supervisors

By: [Signature]
Deputy Clerk

Approved as to form:
County Counsel

By: [Signature]
Deputy County Counsel
Matter ID: 2021592



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Exhibit E

Future Tenant Improvements at 1845 N. Dinuba Blvd., Visalia, CA to be completed at Lessor's sole cost.

- 1. Construct offices, conference rooms, and other miscellaneous rooms subject to County's space planning needs to be provided at a future date.**
- 2. Paint all interior walls. Color subject to County's approval**
- 3. Install new carpet in all office areas or other areas chosen by County.**
- 4. Install VCT flooring, or other like material, in all common area's including hallways and any other areas chosen by County.**
- 5. Any other tenant improvements subject to County's space planning needs to be provided at a future date.**

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Exhibit F

Lessor's deferred maintenance responsibilities to be completed at Lessor's sole cost.

- 1. Repair or replacement of roof.**

Exhibit 1

Vicinity Map

1845 N. Dinuba Blvd., Visalia, CA

