



**BOARD OF SUPERVISORS AGENDA ITEM REPORT
CONTRACTS / AWARDS / GRANTS**

Requested Board Meeting Date: October 18, 2016

or Procurement Director Award

Contractor/Vendor Name (DBA): The Fairfax Companies, LLC

Project Title/Description:

Amendment to Ground Lease - File LCP-0022

Purpose:

On August 2, 2016 the Pima County Regional Flood Control District Board of Directors (Landlord) approved a Ground Lease ("Lease") to The Fairfax Companies, LLC ("Tenant") contract number CTN-PW-17-006. The City of Tucson has requested, prior to issuing permits, that the Lease be amended to clarify the governmental purposes that the Lease will fulfill, including reclamation of the Leased Premises after filling in the Leased Premises is completed. All other terms and provisions of the Lease will remain the same.

Procurement Method:

Exempt pursuant to Pima County Code 11.04.020

Program Goals/Predicted Outcomes:

The Tenant will be able to obtain permits to fill the Leased Premises, and the public purpose of the Lease will be clarified.

Public Benefit:

Flood hazard reduction; additional usable public open space adjacent to the Pantano; establishment of a nodal park; land available for compatible uses including linear park and passive recreation.

Metrics Available to Measure Performance:

Tenant to maintain the Premises consistent with Pima County Regional Flood Control District's standards per the Lease

Retroactive:

N/A

OCT 13 16 AM 11:55 PM CLK OF BD



To: COB 10-13-16 (2)
Pgs 5
Addendum

Procure Dept 10/13/16 PM 08:55

Original Information

Document Type: _____ Department Code: _____ Contract Number (i.e.,15-123): _____
Effective Date: _____ Termination Date: _____ Prior Contract Number (Synergen/CMS): _____
 Expense Amount: \$ _____ Revenue Amount: \$ _____
Funding Source(s): _____

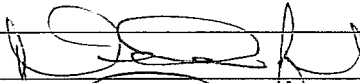
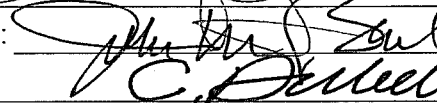
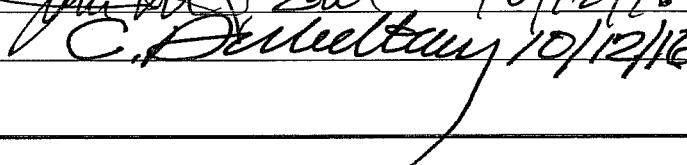
Cost to Pima County General Fund: _____

Contract is fully or partially funded with Federal Funds? Yes No Not Applicable to Grant Awards
Were insurance or indemnity clauses modified? Yes No Not Applicable to Grant Awards
Vendor is using a Social Security Number? Yes No Not Applicable to Grant Awards
If Yes, attach the required form per Administrative Procedure 22-73.

Amendment Information

Document Type: CTN Department Code: PW Contract Number (i.e.,15-123): 17*006
Amendment No.: One (1) AMS Version No.: 2
Effective Date: 10/18/2016 New Termination Date: _____
 Expense Revenue Increase Decrease Amount This Amendment: \$ Same as original
Funding Source(s): Regional Flood Control District general Fund 2005

Cost to Pima County General Fund: N/A

Contact: Rita Leon
Department: Real Property Services Telephone: 724-6462
Department Director Signature/Date:  10-11-16
Deputy County Administrator Signature/Date:  10/12/16
County Administrator Signature/Date:  10/12/16
(Required for Board Agenda/Addendum Items)



PIMA COUNTY
REAL PROPERTY

PIMA COUNTY DEPARTMENT OF: FACILITIES MANAGEMENT	
LEASE: Pima County Regional Flood Control District	CONTRACT NO. <u>CTN-PW-17-006</u>
TENANT: The Fairfax Companies, LLC	AMENDMENT NO. <u>01</u>
LEASE NO.: CTN-PW-17-006	This number must appear on all invoices, correspondence and documents pertaining to this contract.
LEASE AMENDMENT NO.: One (1)	

ORIGINAL LEASE TERM: 08/02/2016 – 08/01/2026 **ORIG. LEASE AMOUNT:** \$1,700.00, a month
TERMINATION THIS AMENDMENT: 08/01/2026

AMENDMENT TO LEASE

1. **DEFINED TERMS.** For purposes of this Amendment, the following terms have the meanings set forth below:
 - 1.1. Landlord: Pima County Regional Flood Control District, a special taxing District of the State of Arizona (hereinafter referred to as "Landlord")
 - 1.2. Tenant: The Fairfax Companies, LLC, an Arizona limited liability company
 - 1.3. Leased Premises: property depicted on Exhibit "A"
 - 1.4. Lease: The lease for the Leased Premises naming Tenant as tenant, dated August 2, 2016.
 - 1.5. Effective Date: The date this Amendment is executed by all of the parties hereto.

2. **MODIFICATION OF LEASE.** Landlord and Tenant hereby agree to modify the terms of the Lease as follows: New section 2.4 shall be added as follows:

2.4 This lease, and specifically the use of the Leased Premises by Tenant, will serve the following governmental purposes, each of which is a fundamentally inherent governmental function of Landlord in promoting and protecting public health, safety and welfare; and each of which is within the scope of Landlord's statutory authority, including as established in A.R.S. Sections 48-3601 *et seq.*, relating to the operation of the District and performance of its functions that are in the interests of the District:

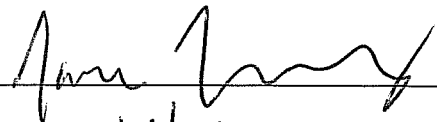
- A. Flood Hazard reduction that is accomplished through Tenant's use, including through Tenant's activities associated with filling in the pit and the associated diversion of floodwaters;
- B. Flood control accomplished through increased conveyance in the Pantano by removal of relic berms that can and will be used as cap for the material;
- C. Provision of additional publicly usable open space adjacent to the Pantano; and
- D. Establishment of a suitable park node for public use at such future time when the Pantano River Park is extended, as envisioned in the approved Houghton Area Master Plan;
- E. Reclamation of the Leased Premises for the purpose of creating public open space and compatible uses, such as linear park and passive recreation.

3. **REMAINING LEASE TERMS UNCHANGED.** Except as modified as provided in this Amendment, all of the terms and conditions of the Lease shall remain in full force and effect.

4. **EFFECTIVE DATE.** This Amendment shall be effective as of the Effective Date.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment on the day, month and year written below.

TENANT: The Fairfax Companies, LLC,
an Arizona limited liability company

BY: 
Date: 10/5/14

**LANDLORD: Pima County Regional Flood Control District,
a special taxing district of the State of Arizona**

Sharon Bronson, Chair of the Board of Directors

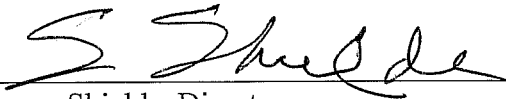
Date _____

ATTEST:

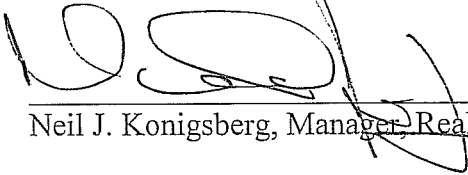
Robin Brigode, Clerk of Board

Date _____

APPROVED AS TO CONTENT:



Suzanne Shields, Director
Pima County Regional Flood Control District



Neil J. Konigsberg, Manager, Real Property Services

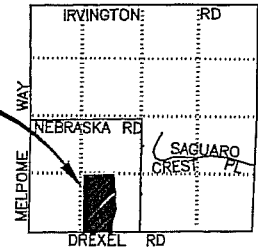
APPROVED AS TO FORM:

 10/5/16

Tobin Rosen, Deputy County Attorney, Civil Division

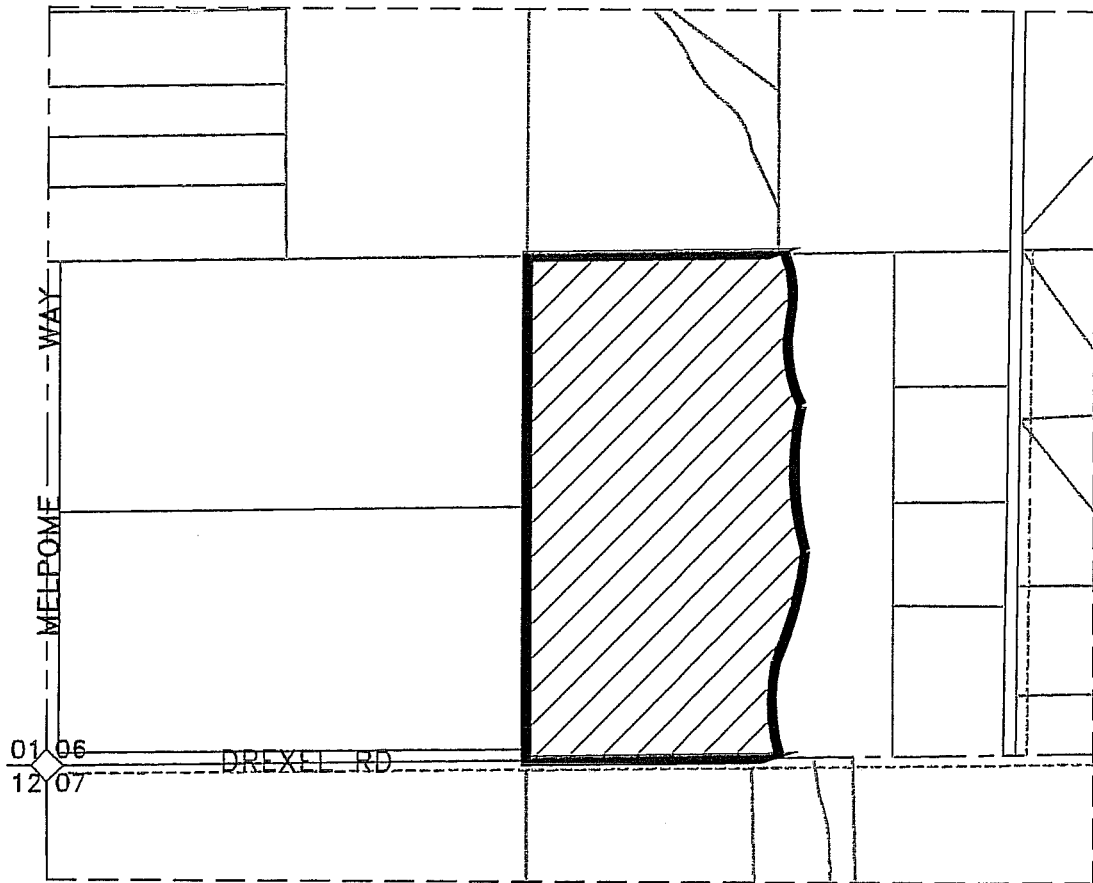
SECTION 06
TOWNSHIP 15 SOUTH
RANGE 16 EAST

SUBJECT AREA



SECTION 06
G&SRM
PIMA COUNTY, ARIZONA

EXHIBIT 'A'



PARCEL 205-66-108B



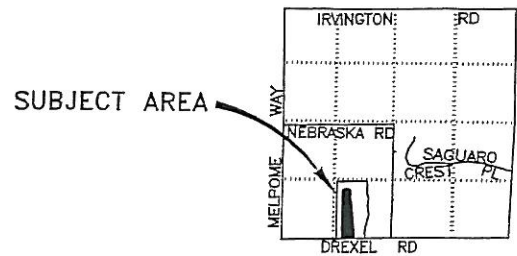
PIMA COUNTY DEPARTMENT OF TRANSPORTATION
ENGINEERING INFORMATION MANAGEMENT

DRAWING NOT TO SCALE

DRAWN BY: CPerez

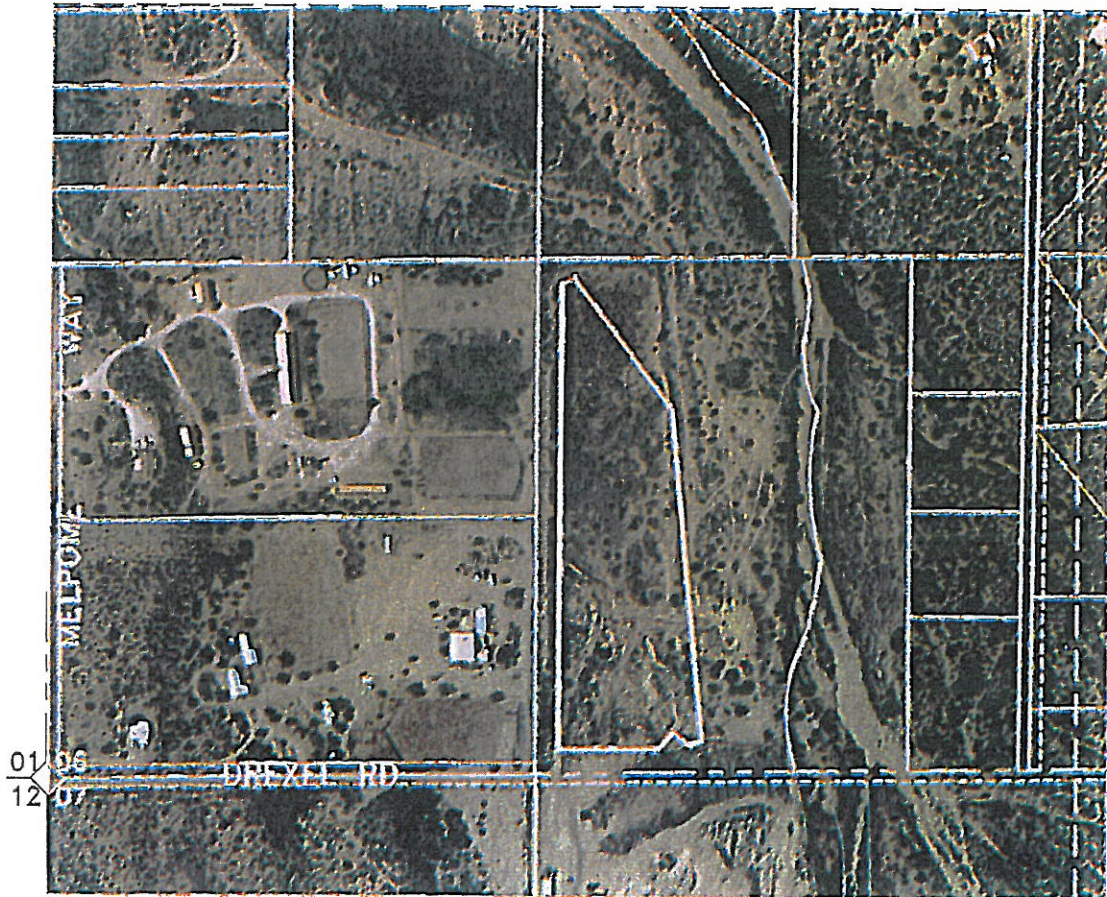
DATE: 06/20/2016

SECTION 06
TOWNSHIP 15 SOUTH
RANGE 16 EAST



SECTION 06
G&SRM
PIMA COUNTY, ARIZONA

Exhibit "A"
(Continued)



 FILL AREA



PIMA COUNTY DEPARTMENT OF TRANSPORTATION
ENGINEERING INFORMATION MANAGEMENT

DRAWING NOT TO SCALE

DRAWN BY: CPerez

DATE: 06/20/2016