

THIRD AMENDMENT TO AGREEMENT FOR ALTERATION AND LEASE OF PREMISES

This Third Amendment to County Agreement No. 19988 is entered into on _____, 2019, by and between LTJ PORTERVILLE DELAWARE, LLC, a Delaware Limited Liability Company, hereinafter referred to as “Lessor,” and the County of Tulare, a political subdivision of the State of California hereinafter referred to as “Lessee,” (together, the “Parties”) with respect to the following:

WHEREAS, Lessor became owner of the property on November 8, 2016; and

WHEREAS, Stapleton Group, Plan Administrator for Ennis Commercial Properties, LLC became Liquidation Plan Administrator for Ennis Commercial Properties on May 30, 2013, by order of the United States Bankruptcy Court, Eastern District; and

WHEREAS, Lessee and Ennis Commercial Properties entered into Tulare County Agreement No. 19988 (hereinafter “the Agreement”) on January 11, 2000 for the alteration and lease of the real property commonly known as the K-Mart building (hereinafter “the Building”), located at 1055-1061 West Henderson in the City of Porterville, County of Tulare, California, hereinafter referred to as “the Property”; and

WHEREAS, Lessee took possession of the Property on February 10, 2001; and

WHEREAS, on October 15, 2002 Ennis Commercial Properties and Lessee amended the lease provision of the Agreement to provide for the giving of notices of default to lienholders; and

WHEREAS, the Parties desire to extend the term of the agreement for five years in lieu Lessor updating all interior and exterior lighting to energy efficient LED lighting and remodel of the restrooms to be ADA compliant:

ACCORDINGLY IT IS AGREED as follows:

1. Paragraph 3.3 of the Agreement is amended to add, as of the date of this Third Amendment, to read:

3.3 TERM/OPTION TO RENEW: In exchange for upgrades as reflected in Exhibit E (LED lighting) and F (ADA bathrooms) of this lease, both Parties agree to extend the term of the lease an additional five years commencing January 10, 2026. All work completed will be at Lessor cost.

2. Paragraph 18.3 of the Agreement is replaced and amended, as of the date of this Third amendment, to read:

18.3 REMODEL OF RESTROOM AND INTERIOR/EXTERIOR

LIGHTING UPGRADES: At Lessor cost, Lessor will complete all work necessary to address all identified Americans with Disabilities Act (“ADA”) non-compliant bathrooms per the size of the building. The plan is listing twelve restrooms that will be remodeled, eleven single stall units located throughout the building and one multi stall unit located in the Workforce Investment Board (WIB) area as listed in Exhibit F. Upon completion of the ADA work Lessor will provide Lessee with a copy of the updated plans. Lessor will also replace all interior and exterior lighting with cost efficient LED lighting as reflected in Exhibit E. Lessor, at Lessor cost, will be responsible to complete all future ADA non-compliant repairs as required.

Upon completion of the above outlined work, Section 18.3 of the SECOND AMENDMENT TO AGREEMENT FOR ALTERATIONS AND LEASE OF PREMISES, entered into on NOV. 3rd, 2015, by and between Stapleton Group, Plan Administrator for Ennis Commercial Properties, LLC, a Limited Liability Company, and the County of Tulare, shall be of no force or effect and shall be deleted in its entirety.

3. Paragraph 15.19 of the agreement is amended as of the date of this amendment to read:

NOTICES: Any notice, demand, request, consent, approval or other communication required or permitted under this Agreement shall be in writing and must be either delivered in person or sent certified mail, postage prepaid to the following addresses:

LESSEE: Board of Supervisors
County of Tulare Administration Building
2800 W. Burrel Ave.
Visalia, CA 93291

w/Copy to: Tulare County General Services
Attn: Property Management
2637 W. Burrel Ave., Ste. 200
Visalia, CA 93291

LESSOR: LTJ Porterville Delaware, LLC
Attn: Jonathan Marin
1534 2nd Street
Manhattan Beach, CA 90266


w/Copy to: LTJ Porterville Delaware, LLC
Attn: John A. Stirek
2685 Coeur D’Alene Dr.
West Linn, OR 97068

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

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

LESSOR
LTJ PORTERVILLE DELAWARE, LLC

Date: July 16, 2019

By 
John A. Stirek
managing member

Date: _____

By _____

[Note: Contracts with a limited liability company shall conform to Corporations Code Section 17703.01, i.e., they shall 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 OF TULARE

LESSEE

Date: _____

By _____
Chairman, Board of Supervisors

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

By _____
Deputy

Approved as to form: County Counsel

By 
Deputy
2019240

EXHIBIT E

PROJECT NAME	Porterville	QUOTE NUMBER	345298
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Location: 1055 – 1061 W. Henderson Ave. Porterville, CA 93257,

Job Description: LED Upgrade - Interior Lighting

SCOPE OF WORK

- 1) 2X4 2-LAMP T8 FIXTURES: Remove (252) 32W 2 Lamp T8 Fixture(s) and install (252) 14.5W NATURA LED Lamp(s).
- 2) 2X4 3-LAMP T8 FIXTURES: Remove (2328) 32W 3 Lamp T8 Fixture(s) and install (2328) 14.5W NATURA LED Lamp(s).
- 3) 2X4 4-LAMP T8 FIXTURES: Remove (68) 32W 4 Lamp T8 Fixture(s) and install (68) 14.5W NATURA LED Lamp(s).
- 4) SURFACE WRAP FIXTURE: Remove (42) 32W 2 Lamp T8 Fixture(s) and Install (42) 20W NATURALED LED Fixture(s).
- 5) 6" RECESSED CANS: Remove (57) 13W 2 Lamp Compact Fluorescent Lamp(s)/Fixture(s) and install (57) 6W NATURALED LED Fixture(s).
- 6) ROUND SURFACE MOUNT FIXTURE: Remove (3) 13W 2 Lamp Compact Fluorescent Lamp(s)/Fixture(s) and Install (3) 12W NATURALED LED Fixture(s).
- 7) 8" RECESSED CANS: Remove (2) 100W Metal Halide Fixture(s) and install (2) 19.5W GREEN CREATIVE LED Lamp(s)/Fixture(s).
- 8) LINEAR STRIP FIXTURES: Remove (4) 95W 2 Lamp T12 Fixture(s) and install (4) 32W HOWARD LIGHTING FSR LED Strip Retrofit Kit(s).
- 9)
- 10)
- 11)
- 12)
- 13)
- 14)
- 15)
- 16)
- 17)
- 18)
- 19)
- 20)

Project Name: Podenville
 Project Address:
 Job Description: LED Upgrade - Interior Lighting
 Quote Number: 345298

EXISTING LIGHTING FIXTURES										PROPOSED LIGHTING FIXTURES									
LOCATION	FIXTURE	QTY	WATTS	KW	ANNUAL HOURS	KWH	ENERGY DOLLARS	LOCATION	FIXTURE	QTY	WATTS	KW	ANNUAL HOURS	KWH	ENERGY DOLLARS				
1	2X4 2-LAMP TB FIXTUR	252	65	16.38	2860	46,867	\$8,432.46	1	2X4 2-LAMP TB FIXTUR	252	15	0	3.78	0	\$0.00				
2	2X4 3-LAMP TB FIXTUR	333A	91	22.75	2860	64,867	\$11,454.20	2	2X4 3-LAMP TB FIXTUR	333A	15	0	3.78	0	\$0.00				
3	2X4 4-LAMP TB FIXTUR	68	133	33.25	2860	29,744	\$5,351.92	3	2X4 4-LAMP TB FIXTUR	68	15	0	3.78	0	\$0.00				
4	SURFACE WRAP FIXTUR	42	65	1.63	2860	4,681	\$861.34	4	SURFACE WRAP FIXTUR	42	20	0	0.84	0	\$0.00				
5	6" RECESSED CANS	57	26	1.48	2860	4,233	\$781.94	5	6" RECESSED CANS	57	16	0	0.34	0	\$0.00				
6	ROUND SURFACE MOD	3	26	0.08	2860	229	\$41.32	6	ROUND SURFACE MOD	3	12	0	0.04	0	\$0.00				
7	6" RECESSED CANS	2	129	0.26	2860	744	\$133.92	7	6" RECESSED CANS	2	20	0	0.04	0	\$0.00				
8	LINEAR STRIP FIXTURES	4	207	0.83	2860	2,374	\$427.32	8	LINEAR STRIP FIXTURES	4	32	0	0.13	0	\$0.00				
9								9											
10								10											
11								11											
12								12											
13								13											
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15								15											
16								16											
17								17											
18								18											
19								19											
20								20											
TOTALS:							711,169	TOTALS:							117,573	\$21,163.14			

Estimated Annual Cost	(KWH 0.16 @ per kwh)	Existing	\$128,010.42	Proposed	\$21,163.14	Energy Savings	\$106,847.28	/ YR.
Estimated Monthly Cost	(Annual / 12 months)	Existing	\$10,667.54	Proposed	\$1,763.60	Energy Savings	\$8,903.94	/ MO.

Energy Savings

■ Existing ■ Proposed

Lighting Energy Cost

Existing Proposed

Project Value: \$126,848.00

Estimated Rebate Value: \$0.00

Cost after Utility Rebate: \$126,848.00

* Estimated Maintenance Avoidance: \$88,260.00

** Payback In Months: 12

** Payback In Years: 1.02

ROI: 98%

*Note: Estimated Maintenance Avoidance is for 60 Months. These are estimated savings only and are based on a number of variables and assumptions that could change over time. Actual savings may vary.
 ** Note: Payback and ROI includes only the first year of Estimated Maintenance Savings.

Century Commercial Service

PROJECT NAME	Porterville	QUOTE NUMBER	345363
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Location: 1055 – 1061 W. Henderson Ave. Porterville, CA 93257,
Job Description: LED Upgrade - Exterior Lighting

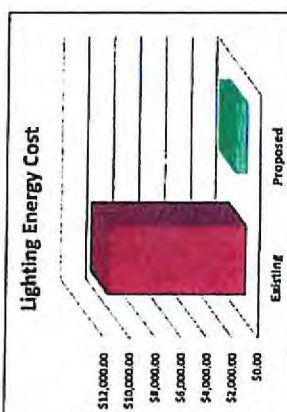
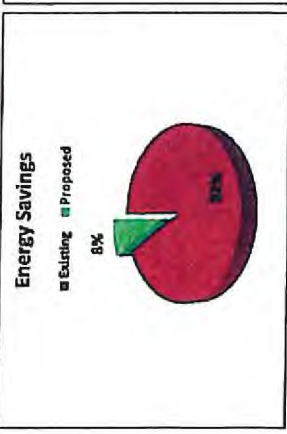
SCOPE OF WORK

<p>1) Wallpack Fixtures: Remove (9) 250W Metal Halide Fixture(s) and install (9) 60W NATURA LED Fixture(s). Installed fixtures will be dimmed by 70% for 80% night time hours.</p> <p>2) Recessed Cans: Remove (8) 100W Metal Halide Fixture(s) and install (8) 24.5W GREEN CREATIVE LED Lamp(s)/Fixture(s).</p> <p>3) Pole Fixtures: Remove (30) 400W Metal Halide Fixture(s) and Install (30) 75W LINMORE LED Site Lighter Exterior Pole Lighting Fixture(s). Installed fixtures will be dimmed by 70% for 80% night time hours.</p> <p>4)</p> <p>5)</p> <p>6)</p> <p>7)</p> <p>8)</p> <p>9)</p> <p>10)</p> <p>11)</p> <p>12)</p> <p>13)</p> <p>14)</p> <p>15)</p> <p>16)</p> <p>17)</p> <p>18)</p> <p>19)</p> <p>20)</p>

Project Name: Porterville
 Project Address:
 Job Description: LED Upgrade - Exterior Lighting
 Quota Number: 345363

EXISTING LIGHTING FIXTURES										KWH RATE					PROPOSED LIGHTING FIXTURES					KWH RATE						
LOCATION	FIXTURE	QTY	WATTS	KW	ANNUAL HOURS	KWH	ENERGY DOLLARS	LOCATION	FIXTURE	QTY	WATTS	KW	ANNUAL HOURS	KWH	ENERGY DOLLARS	LOCATION	FIXTURE	QTY	WATTS	KW	ANNUAL HOURS	KWH	ENERGY DOLLARS			
1	Wallpack Fixtures	9	255	3.66	4100	10,906	\$7,655.90	1	Wallpack Fixtures	9	60	18	0.54	0.15	820	968	1	Wallpack Fixtures	9	60	18	0.54	0.15	820	968	
2	Recessed Cans	8	129	1.03	4100	4,223	\$633.45	2	Recessed Cans	8	25	0	0.2	0	4100	0	0.00	2	Recessed Cans	8	25	0	0.2	0	4100	0
3	Pole Fixtures	30	460	33.8	4100	96,580	\$9,487.00	3	Pole Fixtures	30	75	23	2.25	0.69	820	3280	4,108	4	Pole Fixtures	30	75	23	2.25	0.69	820	3280
4								4								5										
5								5								6										
6								6								7										
7								7								8										
8								8								9										
9								9								10										
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16								16								17										
17								17								18										
18								18								19										
19								19								20										
20								20								TOTALS:			47		2.99		5,896	\$884.40		

Estimated Annual Cost	(KWH 0.15 ¢ per kwh)	Existing	Proposed	Energy Savings	/ YR.
Estimated Monthly Cost	(Annual / 12 months)	\$10,766.35	\$884.40	\$9,871.95	
		\$896.36	\$74.70	\$822.66	/ MO.



Project Value:	\$21,985.00
Estimated Rebate Value:	\$0.00
Cost after Utility Rebate:	\$21,985.00
* Estimated Maintenance Avoidance:	\$20,100.00
** Payback In Months:	19
** Payback In Years:	1.58
ROI:	63%

* Note: Estimated Maintenance Avoidance is for 60 Months. These are estimated savings only and are based on a number of variables and assumptions that could change over time. Actual savings may vary.
 ** Note: Payback and ROI includes only the first year of Estimated Maintenance Savings.

Exhibit F
1055-1061 Henderson - Porterville



WMB
ARCHITECTS

2127 Piedra Avenue
Stockton, CA 95207
3000 L Street
Box 125
Sacramento, CA 95811
T 916 444-8110
F 916 444-2711
www.wmbarchitects.com

Tulare County Social
Services Accessibility
Upgrades
Project No. 1055-1061
Porterville, CA 95227

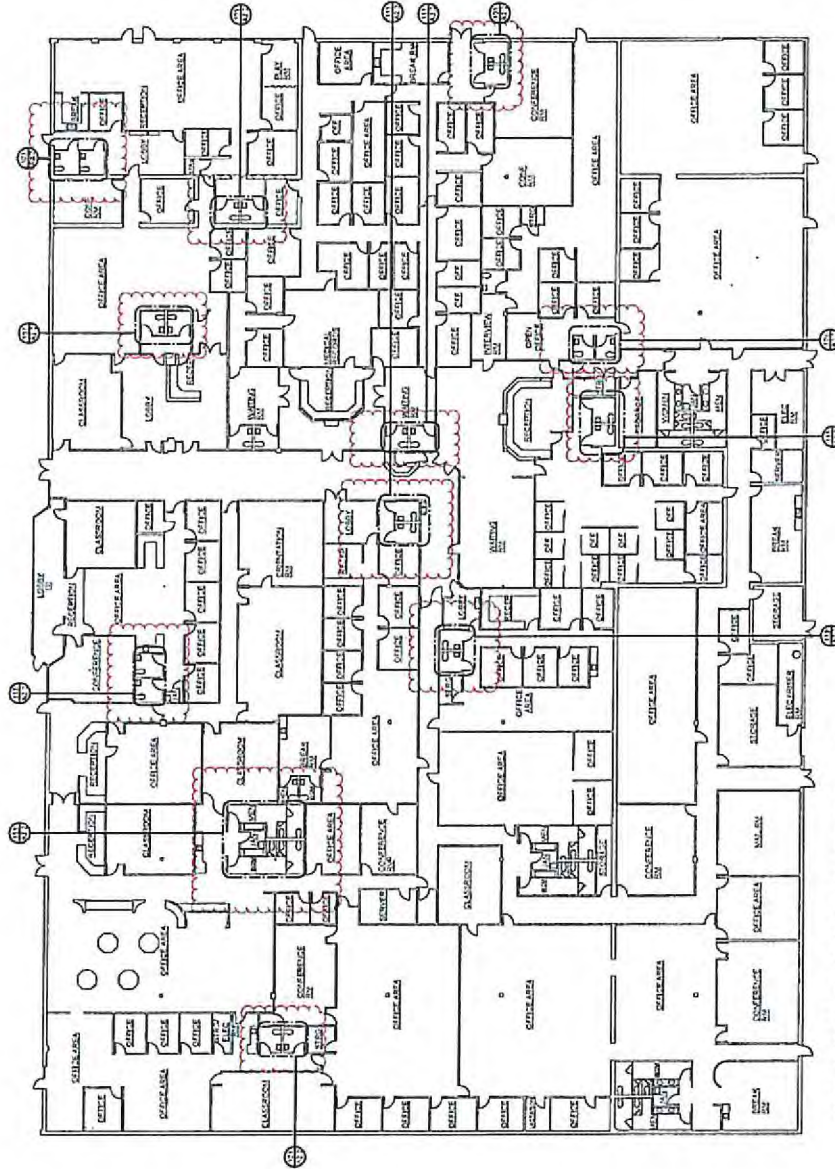
RESTROOM LOCATION
PLAN - PROPOSED



08/01/19 100% CD SET
PUBLISH HISTORY:
△ DATE REVISION
01/11/19 PORTVILLE

WMB PROJECT
18-127

A2.1



RESTROOM LOCATION PLAN - PROPOSED
SCALE: 1/16" = 1'-0"



**WMB
ARCHITECTS**

515 Pacific Avenue
San Francisco, CA 94107
415.774.1135
www.wmbarchitects.com

Tulare County Social
Services Accessibility
Upgrades
Project No. 19-001
Fresno, CA 93721

BATHROOM ENLARGED
PLANS



09.01.19 | 100% CD SET
PUBLISH HISTORY
DATE REVISION
1919 PERMIT SUBMITAL

WMB PROJECT
16-127

A2.2

LEGEND - FLOOR PLAN

- 1/4" = 1" TYPE - REF. SCHEDULE
- 1/4" = 1" TYPE - REF. SCHEDULE
- 1/4" = 1" TYPE - REF. SCHEDULE
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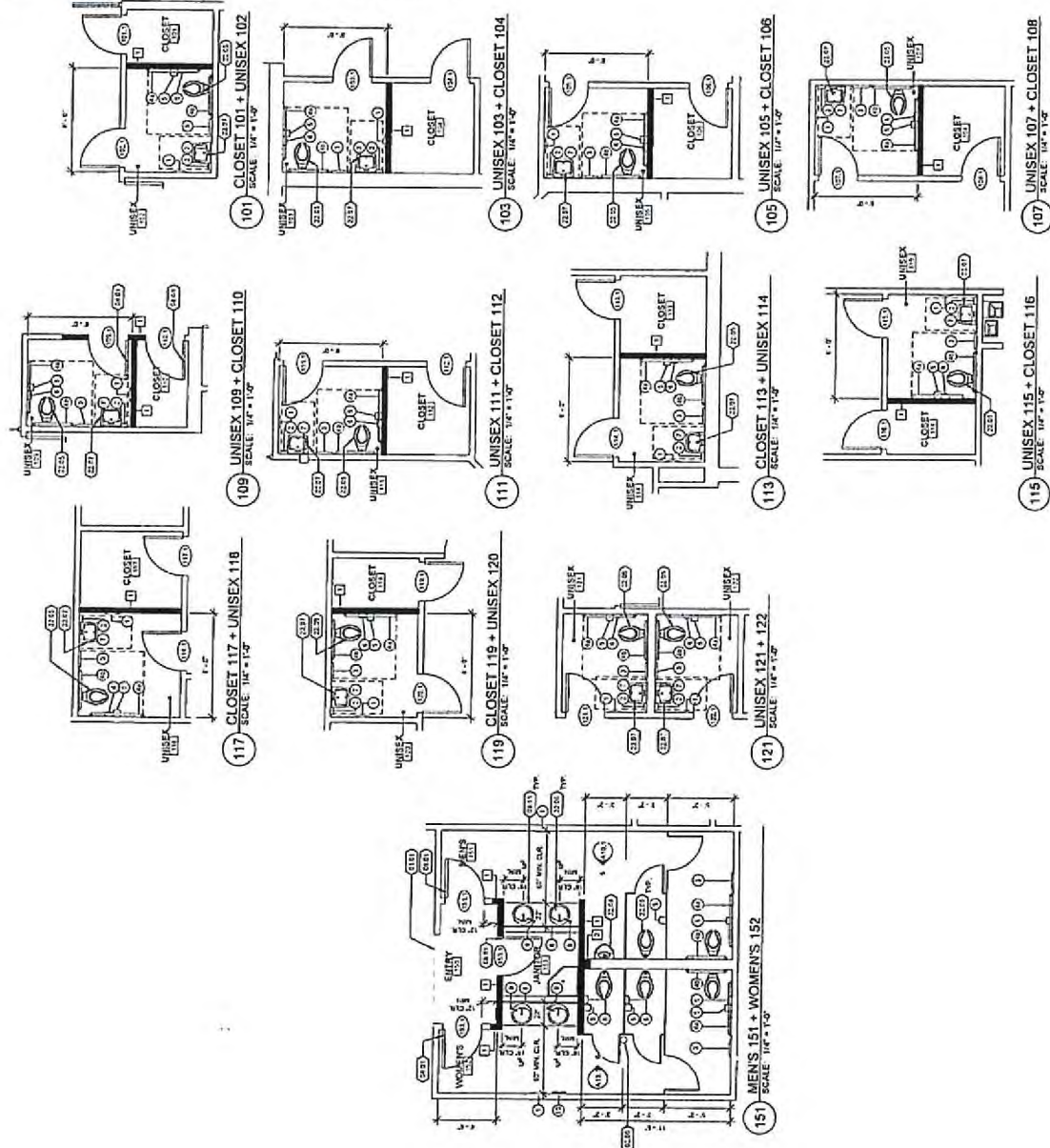
KEYNOTES

1. REFER TO SHEET 19-001 FOR ADDITIONAL REQUIREMENTS
2. REFER TO SHEET 19-002 FOR ADDITIONAL REQUIREMENTS
3. REFER TO SHEET 19-003 FOR ADDITIONAL REQUIREMENTS
4. REFER TO SHEET 19-004 FOR ADDITIONAL REQUIREMENTS
5. REFER TO SHEET 19-005 FOR ADDITIONAL REQUIREMENTS
6. REFER TO SHEET 19-006 FOR ADDITIONAL REQUIREMENTS
7. REFER TO SHEET 19-007 FOR ADDITIONAL REQUIREMENTS
8. REFER TO SHEET 19-008 FOR ADDITIONAL REQUIREMENTS
9. REFER TO SHEET 19-009 FOR ADDITIONAL REQUIREMENTS
10. REFER TO SHEET 19-010 FOR ADDITIONAL REQUIREMENTS
11. REFER TO SHEET 19-011 FOR ADDITIONAL REQUIREMENTS
12. REFER TO SHEET 19-012 FOR ADDITIONAL REQUIREMENTS
13. REFER TO SHEET 19-013 FOR ADDITIONAL REQUIREMENTS
14. REFER TO SHEET 19-014 FOR ADDITIONAL REQUIREMENTS
15. REFER TO SHEET 19-015 FOR ADDITIONAL REQUIREMENTS
16. REFER TO SHEET 19-016 FOR ADDITIONAL REQUIREMENTS
17. REFER TO SHEET 19-017 FOR ADDITIONAL REQUIREMENTS
18. REFER TO SHEET 19-018 FOR ADDITIONAL REQUIREMENTS
19. REFER TO SHEET 19-019 FOR ADDITIONAL REQUIREMENTS
20. REFER TO SHEET 19-020 FOR ADDITIONAL REQUIREMENTS

GENERAL NOTES

1. REFER TO SHEET 19-001 FOR ADDITIONAL REQUIREMENTS
2. REFER TO SHEET 19-002 FOR ADDITIONAL REQUIREMENTS
3. REFER TO SHEET 19-003 FOR ADDITIONAL REQUIREMENTS
4. REFER TO SHEET 19-004 FOR ADDITIONAL REQUIREMENTS
5. REFER TO SHEET 19-005 FOR ADDITIONAL REQUIREMENTS
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18. REFER TO SHEET 19-018 FOR ADDITIONAL REQUIREMENTS
19. REFER TO SHEET 19-019 FOR ADDITIONAL REQUIREMENTS
20. REFER TO SHEET 19-020 FOR ADDITIONAL REQUIREMENTS

NO.	ITEM	TYPE	MANUF.	MODEL
1	1/4" = 1" TYPE - REF. SCHEDULE	TYPE		
2	1/4" = 1" TYPE - REF. SCHEDULE	TYPE		
3	1/4" = 1" TYPE - REF. SCHEDULE	TYPE		
4	1/4" = 1" TYPE - REF. SCHEDULE	TYPE		
5	1/4" = 1" TYPE - REF. SCHEDULE	TYPE		
6	1/4" = 1" TYPE - REF. SCHEDULE	TYPE		
7	1/4" = 1" TYPE - REF. SCHEDULE	TYPE		
8	1/4" = 1" TYPE - REF. SCHEDULE	TYPE		
9	1/4" = 1" TYPE - REF. SCHEDULE	TYPE		
10	1/4" = 1" TYPE - REF. SCHEDULE	TYPE		
11	1/4" = 1" TYPE - REF. SCHEDULE	TYPE		
12	1/4" = 1" TYPE - REF. SCHEDULE	TYPE		
13	1/4" = 1" TYPE - REF. SCHEDULE	TYPE		
14	1/4" = 1" TYPE - REF. SCHEDULE	TYPE		
15	1/4" = 1" TYPE - REF. SCHEDULE	TYPE		
16	1/4" = 1" TYPE - REF. SCHEDULE	TYPE		
17	1/4" = 1" TYPE - REF. SCHEDULE	TYPE		
18	1/4" = 1" TYPE - REF. SCHEDULE	TYPE		
19	1/4" = 1" TYPE - REF. SCHEDULE	TYPE		
20	1/4" = 1" TYPE - REF. SCHEDULE	TYPE		



NO.	DATE	DESCRIPTION	BY	CHKD.	APP'D.
1	09.01.19	100% CD SET			
2	10.01.19	PERMIT SUBMITAL			