

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT General Services	(2) MEETING DATE February 7, 2006	(3) CONTACT/PHONE Duane P. Leib (805)781-5200	
(4) SUBJECT Request to approve Amendment No. 1 to Agreement between the County of San Luis Obispo and the American Legion, Arroyo Grande Post 136, to add the ancillary building at 417 ½ Orchard Avenue, Arroyo Grande to their current lease at 417 Orchard Avenue, also known as the Arroyo Grande Veterans Memorial Building.			
(5) SUMMARY OF REQUEST Approval of the attached Amendment No. 1 shall permit the American Legion to add the ancillary building at the rear of the Arroyo Grande Veterans Memorial Building property to their leased premises effective March 1, 2006 or upon vacation of the building by the previous tenant. The ancillary building will be used for storage purposes only, and no public use of the building will be permitted.			
(6) RECOMMENDED ACTION The Department of General Services recommends your Board approve the attached Amendment No. 1 and authorize the Chairperson to sign the document.			
(7) FUNDING SOURCE(S) n/a	(8) CURRENT YEAR COST n/a	(9) ANNUAL COST n/a	(10) BUDGETED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> N/A <input type="checkbox"/> NO
(11) OTHER AGENCY/ADVISORY GROUP INVOLVEMENT (LIST): County Counsel			
(12) WILL REQUEST REQUIRE ADDITIONAL STAFF? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, How Many? _____ <input type="checkbox"/> Permanent _____ <input type="checkbox"/> Limited Term _____ <input type="checkbox"/> Contract _____ <input type="checkbox"/> Temporary Help _____			
(13) SUPERVISOR DISTRICT(S) 1st, 2nd, 3rd, 4th, 5th, All		(14) LOCATION MAP <input checked="" type="checkbox"/> Attached <input type="checkbox"/> N/A	
(15) AGENDA PLACEMENT <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Hearing (Time Est. _____) <input type="checkbox"/> Presentation <input type="checkbox"/> Board Business (Time Est. _____)		(16) EXECUTED DOCUMENTS <input type="checkbox"/> Resolutions (Orig + 4 copies) <input checked="" type="checkbox"/> Contracts (Orig + 4 copies) <input type="checkbox"/> Ordinances (Orig + 4 copies) <input type="checkbox"/> N/A	
(17) NEED EXTRA EXECUTED COPIES? Number: _____ <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A		(18) APPROPRIATION TRANSFER REQUIRED? <input type="checkbox"/> Submitted <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A	

(19) ADMINISTRATIVE OFFICE REVIEW

Robert Schmitt

*B.A.
(2-7-06)*



COUNTY OF SAN LUIS OBISPO

Department of general services

COUNTY GOVERNMENT CENTER • SAN LUIS OBISPO, CALIFORNIA 93408 • (805) 781-5200

DUANE P. LEIB, DIRECTOR

TO: BOARD OF SUPERVISORS

FROM: *D. Leib*
DUANE P. LEIB, GENERAL SERVICES DIRECTOR

DATE: FEBRUARY 7, 2006

SUBJECT: REQUEST TO APPROVE AMENDMENT NO. 1 TO AGREEMENT BETWEEN THE COUNTY OF SAN LUIS OBISPO AND THE AMERICAN LEGION, ARROYO GRANDE POST 136, TO ADD THE ANCILLARY BUILDING LOCATED AT 417 ½ ORCHARD AVENUE, ARROYO GRANDE TO THEIR CURRENT LEASE AT 417 ORCHARD AVENUE, COMMONLY KNOWN AS THE ARROYO GRANDE VETERANS MEMORIAL BUILDING.

RECOMMENDATION

The Department of General Services recommends your Board approve the attached Amendment No. 1 and authorize the Chairperson to sign the document.

DISCUSSION

The American Legion, Arroyo Grande Post 136, has leased the Arroyo Grande Veterans Memorial Building continuously from the County of San Luis Obispo since 1960. For many years the lease also included the ancillary building of approximately 900 square feet located on the rear of the property. In 1986, the American Legion subleased the ancillary building to the Natoma Council of Campfire, Inc., which became the Camp Fire Council of the Central Coast in 1991.

In 1992, the County of San Luis Obispo separated the one lease into two separate leases to create direct relationships between the County and each tenant. In September 2005, the County gave notice to Camp Fire terminating the lease effective February 28, 2006. This action was taken based on the recommendation of County Counsel due to concerns regarding the building's lack of ADA improvements and the unavailability of the building for use by the general community.

In November 2005, the Department of General Services received a letter from the American Legion, Arroyo Grande Post 136, requesting that the ancillary building be added to their leased premises. In the letter, the American Legion acknowledged that the building would be used for storage purposes only and stated their willingness to remove their storage buildings from the parking lot once their belongings could be stored in the ancillary building.

*BA
By*

The American Legion Hall lacks sufficient parking for their normal events and the overflow from the parking lot impacts the neighboring residential community. The City of Arroyo Grande has refused to issue permits for some events proposed by the American Legion at this location due to the lack of parking and related complaints from the neighborhood. The removal of the American Legion's three storage units would improve the parking situation and would also improve the look of the parking lot. The American Legion's request for additional space is consistent with the California Military and Veterans Code Sections 1260-1266 as it pertains to a dedicated Veteran's Building.

The Amendment No. 1 presented today adds 417 ½ Orchard Avenue to the current lease with the American Legion for 417 Orchard Avenue, Arroyo Grande, California, under the same terms and conditions as the current lease, with the exception that 417 ½ Orchard Avenue may not be used for any public or club meeting place or for any purpose aside from storage. The Amendment also requires the American Legion to remove their storage units from the parking lot within 60 days from the effective date of the agreement and to place a sign on the ancillary building stating that it must be used for storage only.

OTHER AGENCY INVOLVEMENT

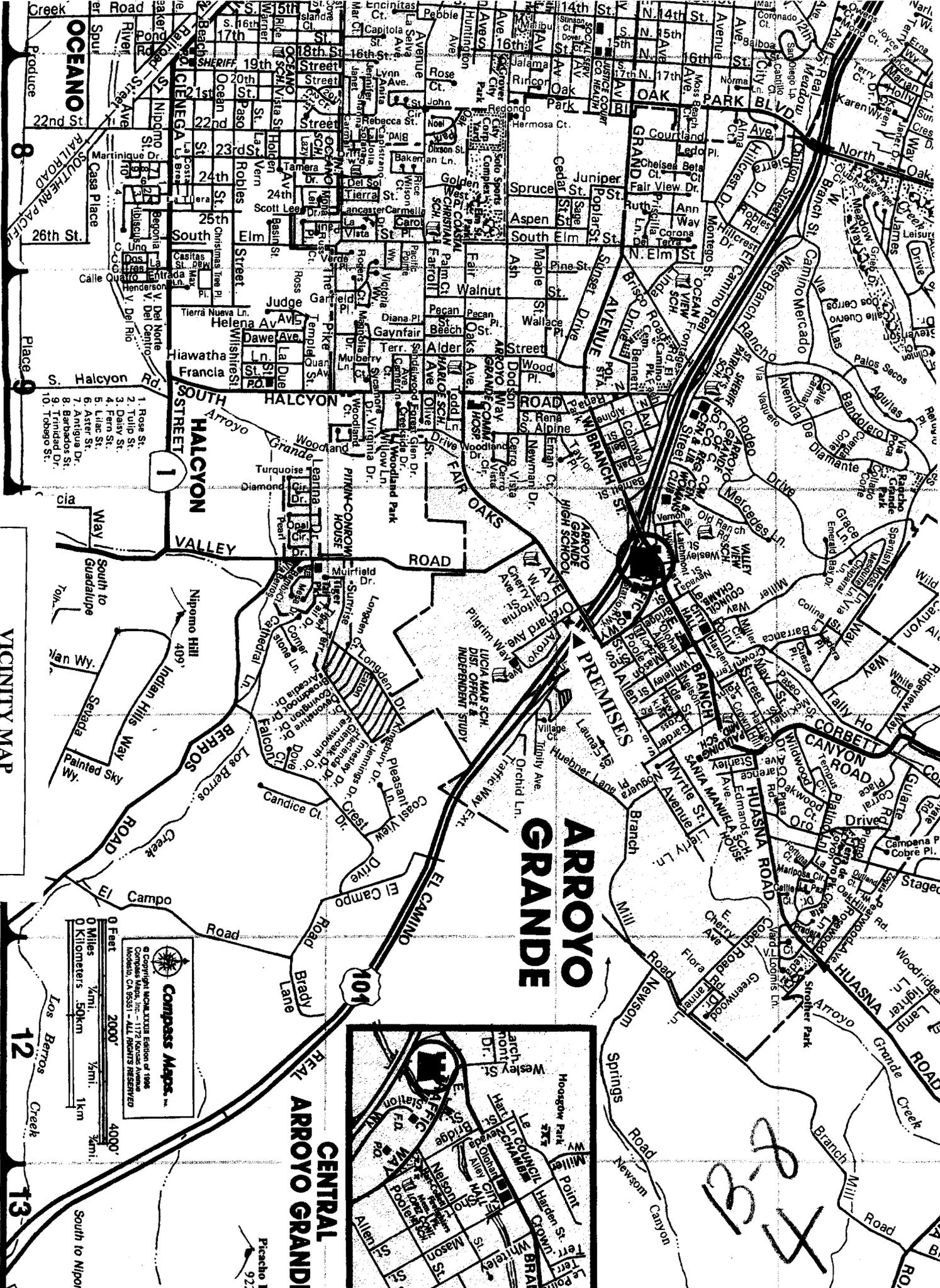
County Counsel has reviewed and approved the form and legal content of this agreement.

FINANCIAL CONSIDERATIONS

This lease does not alter income or expenditures as budgeted for the Department of General Services. The addition of the ancillary building to the Premises is under the same terms and conditions as the underlying lease for the Arroyo Grande Veterans Building whereby the American Legion maintains and manages the building for the benefit of the community in lieu of payment of monetary rent.

RESULTS

Approval of the attached Amendment No. 1 shall permit the American Legion, Arroyo Grande Post 136, to add the premises located at 417 ½ Orchard Avenue to their leased premises at 417 Orchard Avenue, Arroyo Grande.



ARROYO GRANDE

CENTRAL ARROYO GRANDE

78-73

1. Rose St.
2. Tulip St.
3. Dairy St.
4. Fern St.
5. Lilac St.
6. Aster St.
7. Antigua Dr.
8. Barabados St.
9. Trinidad Dr.
10. Tobago St.

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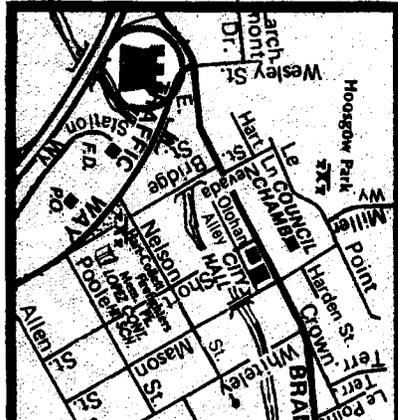
 Complete Maps, Inc. - 1172 Kucenas Avenue

 Modesto, CA 95351 - ALL RIGHTS RESERVED

0 Feet 2000' 4000'

 0 Miles 1/4mi. 1/2mi. 3/4mi. 1km

 0 Kilometers 50km



VICINITY MAP

South to Nipomo

Prescho P 922

AMENDMENT NO. 1

**AGREEMENT BETWEEN THE COUNTY OF SAN LUIS OBISPO
AND THE AMERICAN LEGION, ARROYO GRANDE POST 136
TO MAINTAIN AND OPERATE THE ARROYO GRANDE
VETERAN'S MEMORIAL BUILDING**

WHEREAS, on March 10, 1992, the American Legion, Arroyo Grande Post 136, entered into an Agreement with the County of San Luis Obispo to maintain and operate the Arroyo Grande Veteran's Memorial Building located at 417 Orchard Avenue, Arroyo Grande, California; and

WHEREAS, the Agreement excluded the detached ancillary building located on the rear of the property, also known as 417 ½ Orchard Avenue; and

WHEREAS, the County has terminated the lease with the current tenant of the ancillary building effective February 28, 2006; and

WHEREAS, the ancillary building may not be open to the public because it does not meet ADA requirements; and

WHEREAS, the American Legion has requested that the ancillary building be added to their premises to be used for American Legion storage needs only; and

WHEREAS, the parking area servicing the property is frequently filled to capacity, with overflow parking affecting the neighboring residential community; and

WHEREAS, the American Legion has agreed to remove their storage sheds so that the parking area may be increased;

NOW, THEREFORE, in consideration of the mutual promises, covenants, agreements, and conditions herein set forth, County and American Legion mutually covenant and agree as follows:

1. The ancillary building located at 417 ½ Orchard Avenue, Arroyo Grande, California, shall be added to the Premises as described in Agreement to maintain and operate the Arroyo Grande Veteran's Memorial Building dated March 10, 1992 between the County of San Luis Obispo and the American Legion, Arroyo Grande Post 136.
2. The effective date of this amendment is March 1, 2006 or upon the complete vacation of the property by the current tenant, whichever date is later.

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3. The ancillary building shall be used strictly for storage of items belonging to the American Legion, Arroyo Grande Post 136 and shall not be used for meetings or events or for any public purpose whatsoever.
4. The American Legion agrees to post a permanent sign on the door of the ancillary building stating, "This building may be used for storage only and may not be used for any public or club gathering."
5. On or before the effective date of this agreement, the American Legion agrees to provide County with evidence that the ancillary building has been added to their policy of General Liability Insurance.
6. The American Legion agrees to remove American Legion's storage units and all associated debris from the parking area within 60 days from effective date of this Amendment No. 1 and to keep the parking area clear of other obstructions that may reduce available parking.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment No. 1.

COUNTY OF SAN LUIS OBISPO

AMERICAN LEGION, ARROYO
GRANDE POST 136

By: _____
Chairperson of the Board of Supervisors

By: Alvin E. Evenson
Alvin Evenson, Commander

Approved by the Board of Supervisors on
_____, 2006

Date: January 10, 2006

ATTEST:

Clerk of the Board of Supervisors

APPROVED AS TO FORM AND LEGAL
EFFECT:

JAMES B. LINDHOLM,
County Counsel

By: [Signature]
Deputy County Counsel

Date: 1/24/06

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