

SECOND AMENDMENT TO USE PERMIT

This Second Amendment ("Second Amendment") to the Use Permit ("Use Permit") is entered into between the City of Needles ("City") and San Bernardino County ("County") effective as of the first day of September 2023 ("Second Amendment Effective Date").

WHEREAS, the City and the County entered into that certain Use Permit dated February 11, 2014, allowing the County to use a certain portion of the City owned building known as Building "C" ("Building") located at 1111 Bailey Avenue ("Property") in the City of Needles, as more specifically described in the Use Permit; and,

WHEREAS, the parties corrected the square footage of use area and clarified the permitted use by entering into that certain First Amendment ("First Amendment") to Use Permit dated October 25, 2022 (together the Use Permit and the First Amendment are referred to as the "Use Permit"); and,

WHEREAS, the County wishes to expand the area of the Use Permit to cover an additional area to be used as a multi-purpose room and gym.

NOW THEREFORE, in consideration of mutual covenants and conditions, the parties hereto agree the Use Permit, is amended as follows:

A. SECTION 1 OF THE USE PERMIT AND EXHIBIT "A" ARE DELETED IN THEIR ENTIRETY; SECTION 1 IS AMENDED TO READ AS FOLLOWS AND EXHIBIT "A" IS AMENDED AS ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE.

"1. **PARTIES:** The City of Needles, hereinafter referred to as CITY, hereby permits San Bernardino County, whose address is 385 N Arrowhead Avenue, San Bernardino, California, 92415-0180, hereinafter referred to as COUNTY; to use a portion of the CITY-owned building located at 1111 Bailey Avenue, Building "C" in the City of Needles ("Property"), comprising approximately 4,005 square feet of office and other space ("Use Area") as the Use Area is more particularly shown on Exhibit "A" attached hereto and made a part hereof by this reference,"

B. SECTION 2 OF THE USE PERMIT IS DELETED IN ITS ENTIRETY AND AMENDED TO READ AS FOLLOWS:

"2. **USE:** The County may use the Use Area for the following purposes: The Colorado River Station of the Sherriff/Coroner office, related business/administrative offices, multi-purpose room and gym and any other activities related to the conduct of Sheriff/Coroner business. No other uses are permissible."

C. SECTION 4 OF THE USE PERMIT IS DELETED IN ITS ENTIRETY AND AMENDED TO READ AS FOLLOWS:

"4. **RENT AND MAINTENANCE:** Commencing the Effective Date, County shall pay rent in the sum of \$4,405.50 which is payable to the City on or before the first day of each month in advance, Any partial month's rent shall be prorated based on a thirty day month. County shall regularly maintain the heating and ventilating system servicing said Building. Such maintenance shall include, but not be limited to, filters, electrical or mechanical repairs, and freon gas replacement due to leaks. COUNTY shall provide any unit replacement including, but not limited to, condenser coils, motors and full unit replacement. Except for any obligations of City, County shall maintain and repair the Use Area at all times in as good a condition as existed on the initial commencement date of this Use Permit,

including the plumbing, electrical, mechanical, windows, interior walls improvements and furnishings that are part of the Use Area, ordinary wear and tear excluded.”

Except as specifically amended by this Second Amendment, the Use Permit shall remain in full force and effect.

City of Needles, a California Charter City

San Bernardino County

By _____
Rick Daniels,
City Manager

By _____
Name: Dawn Rowe _____
Title: Chair of the Board of Supervisors

ATTEST:
City of Needles, a California Charter City

ATTEST:
San Bernardino County

By _____
Dale Jones, City Clerk

By _____
County Clerk

Date: _____

Date: _____

APPROVED TO FORM:

APPROVED TO FORM:

SLOVAK BARON & EMPEY, LLP

TOM BUNTON, County Counsel
San Bernardino County

By _____
John O. Pinkney, Esq.
City Attorney

By _____
John Tubbs II, Deputy County Counsel

Date:

Date: _____