

# Memorandum

To: CHAIR AND COMMISSIONERS  
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: January 8, 2013

Reference No.: 2.4c.(1)  
Action Item

From: NORMA ORTEGA  
Chief Financial Officer

Prepared by: Brent L. Green  
Chief  
Division of Right of Way  
and Land Surveys

Subject: **AIRSPACE LEASE - REQUEST TO EXTEND APPROVAL FOR DIRECT  
NEGOTIATIONS WITH LEE PUBLISHING PUBLISHING COMPANY**

## **RECOMMENDATION:**

The California Department of Transportation (Department) recommends that the California Transportation Commission (Commission) approve a request to extend the approval to directly negotiate a 20-year lease with Lee Publishing Company (Lee Publishing). The lease would include options to extend the lease-term for two additional five-year terms. It is in the Department's best interest to lease this site by direct negotiations rather than utilize the competitive bid process because there is only one viable lessee for this parcel. The Commission had approved direct negotiations for the above terms on July 1, 2010. The lease was not executed within the 12-month time frame.

## **BACKGROUND:**

The subject property is currently under lease for parking purposes with Lee Publishing and consists of 38,096 square feet. It is located adjacent to X and Alhambra Streets in downtown Sacramento. The parcel is triangular in shape and is located behind the Lee Publishing building at the corner of 'X' and Alhambra Streets and Highway 50. See attached Airspace map (Exhibit A), Assessor's Parcel Map (Exhibit B), and aerial map (Exhibit C) for depiction of subject parcel's layout.

This parcel was competitively bid in May 2004 with a five-year lease term and the only bidder was Lee Publishing. The lack of market interest in this site is directly related to the parcel's configuration, which makes Lee Publishing the only viable lessee.

After the approval from the Commission in July 2010, negotiations ceased for the following reasons:

- It was discovered that a possible Department construction project may impact Lee Publishing. As a result, an investigation to determine what impacts, if any, the proposed project would have on Lee Publishing and/or the subject property. Once the investigation was complete (took several months), it was determined that there would be no impacts to Lee Publishing or the subject property.

- An appraisal of the subject parcel had to be completed in lieu of the public sale estimate that was previously prepared. Due to the work load at that time the appraisal was delayed for several months.

### **BEST INTEREST**

As discussed in 2010, it continues to be in the Department's best interest to negotiate this lease directly with Lee Publishing as it is the Department's expert opinion that Lee Publishing is the only viable lessee due to the configuration of the subject property. Additionally, direct negotiations for a longer-term lease would result in a higher lease rate and an optimal return to the Department as an appraisal would consider the plottage value to Lee Publishing's property in addition to the value as a parking lot. If the Department was to utilize the competitive bid process, plottage value would not be considered as part of the public sale estimate most likely resulting in a lower value.

Lee Publishing has been an excellent tenant for many years. They have always paid their rent on time and consistently maintain the subject parcel in excellent condition. See attached photo (Exhibit D) of the subject parcel that demonstrate the conscientiousness and pride of "ownership" that this lessee has exhibited as a tenant.

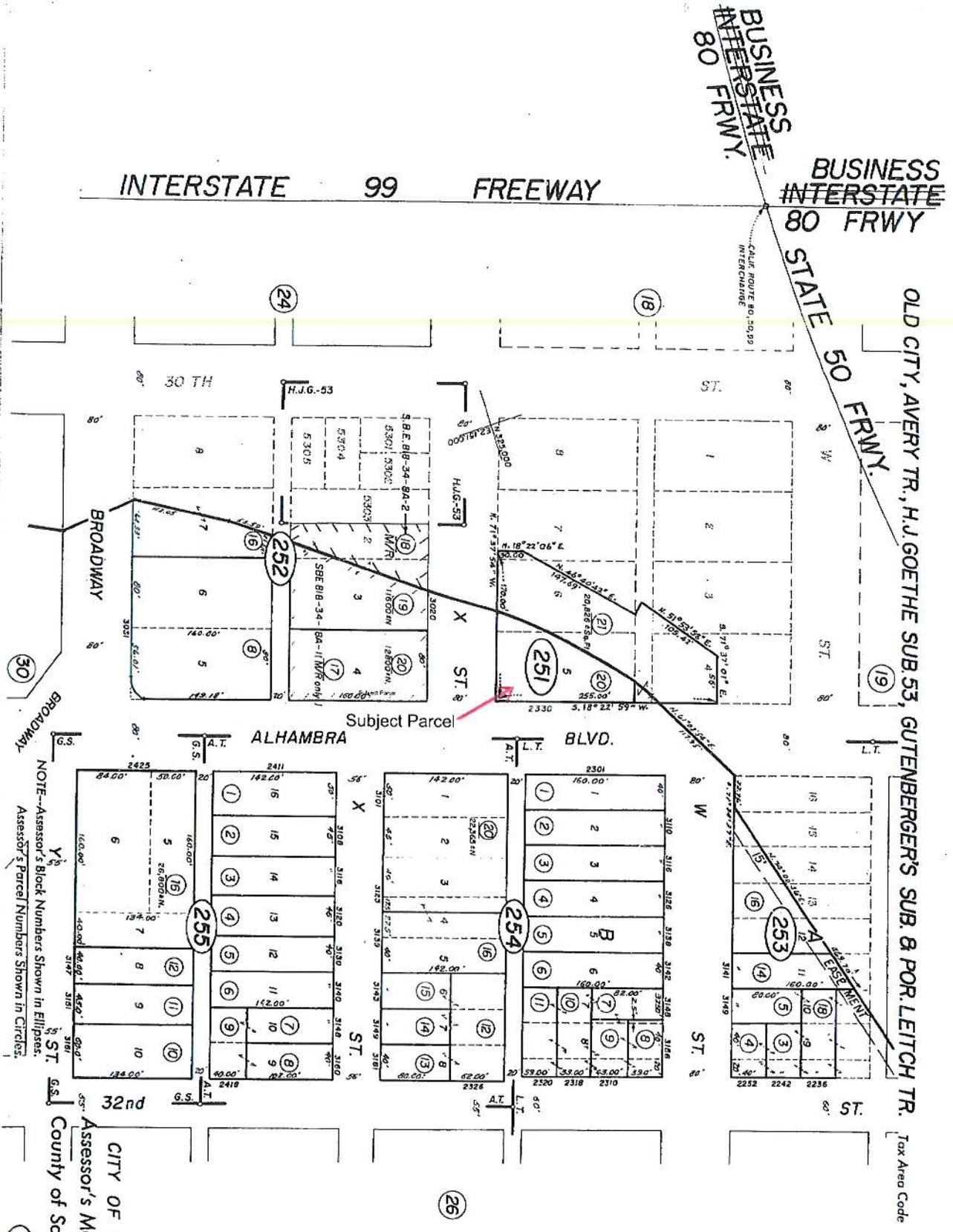
### **SUMMARY:**

It is in the Department's best interest to directly negotiate a new lease with Lee Publishing for all the reasons stated above. Lee Publishing has been an excellent tenant for many years and would continue to be an excellent tenant.

The Department requests an extension for permission to negotiate directly with Lee Publishing for lease of the subject property.

Attachments:





NOTE--Assessor's Block Numbers Shown in Ellipses.  
Assessor's Parcel Numbers Shown in Circles.

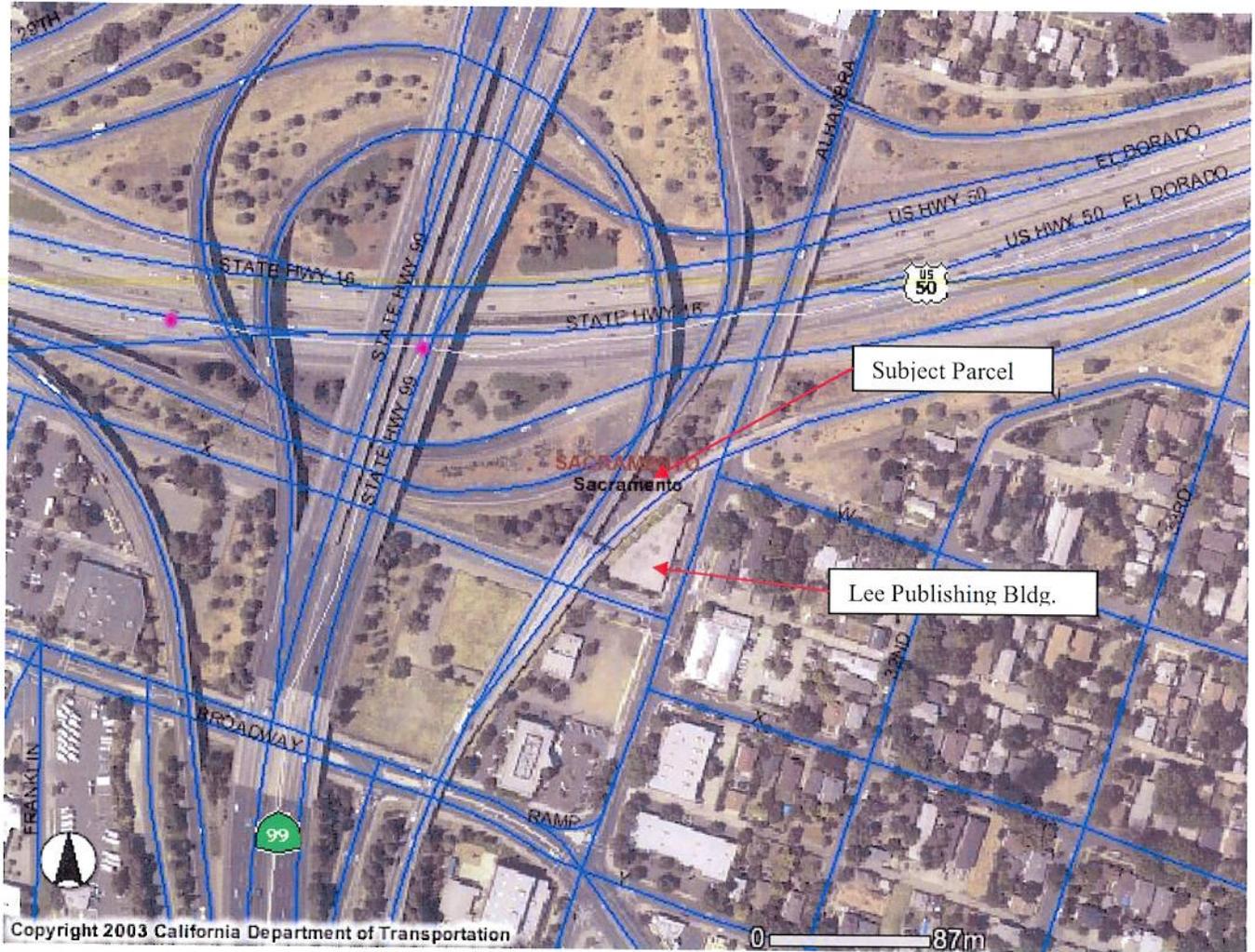
CITY OF SACRAMENTO  
Assessor's Map Bk. 10 -Pg. 25  
County of Sacramento, Calif.

EXHIBIT "B"

OLD CITY, AVERY TR., H.J GOETHE SUB 53, GUTENBERGER'S SUB. 8. POR. LEITCH TR.

Tax Area Code

10-25



Aerial Mapping, Parcel 03-SAC050-0017  
Lee Publishing

# EXHIBIT C



**Lee Publishing  
Airspace Parcel 03-SAC050-0017**

## **EXHIBIT D**

Exhibit D