

Polk County Resolution 76-10  
Corporate Resolution \_\_\_\_\_

Joint Resolution To Amend Polk County Resolution 14-09:  
Modification of Terms To Lease Agreement on the Adult Development Center

WHEREAS, the County of Polk and the Polk County Adult Development Center, Inc., did enter into a two year Lease Agreement, a copy of which is attached, commencing January 1, 2009 and expiring on December 31, 2010, for the purpose of providing facilities, programs and services for disabled persons of Polk County.

WHEREAS, Polk County Adult Development Center, Inc. has changed its corporate name to Endeavors Adult Development Center, Inc.

WHEREAS, Endeavors Adult Development Center, Inc. has exercised the option available to renew the lease term of two years, commencing January 1, 2011 and expiring December 31, 2012; and

WHEREAS, in the course of adopting the 2011 county budget the Polk County Board of Supervisors agreed and adopted a reduced annual rental amount in the sum of \$30,000.00; which is one-half of the rental payment of \$60,000 initially agreed to in the lease.

WHEREAS, it is appropriate and in the interest of the County of Polk and Endeavors Adult Development Center, Inc., to memorialize certain mutually agreed upon terms that modify the lease for the Extended Term, commencing January 1, 2011.

NOW THEREFORE BE IT RESOLVED that the Polk County Board of Supervisors, on behalf of the County of Polk, and Landlord, and Endeavors Adult Development Center, Inc., formerly named Polk Adult Development Center, Inc., as Tenant, agree and consent to a modification of the terms to the Lease Agreement authorized and adopted pursuant to Resolution 14-09, as follows:

1. As a result of the change in corporate name, Endeavors Adult Development Center, Inc., shall be recognized as the proper name of the Tenant, and said entity shall have all of the same rights and responsibilities of Polk County Adult Development Center, Inc., as set forth in the Lease Agreement adopted by Polk County Resolution 14-09 and as modified by mutual agreement pursuant to this joint resolution.
2. Tenant designates the following representative for the purpose of receiving notices pursuant to the Lease Agreement and to administer and act on behalf of Tenant in performing and carrying out the terms and conditions of the Lease Agreement, initially adopted and modified herein:

Diana B. Manning, MSW  
Executive Director

Endeavors Adult Development Center, Inc.  
101 150<sup>th</sup> Street  
Balsam Lake, WI 54810  
Tel: 715-485-8771  
Fax: 715-485-8740

3. Landlord and Tenant agree to one Extended Term of two-years that shall commence on January 1, 2011 and terminate on December 31, 2012.
4. As and for rent, Tenant shall pay to Landlord for the year of 2011 the annual rent in the sum of \$30,000. The parties agree and acknowledge that said rental amount is a one-time and non precedential reduction from the annual rental payment of \$60,000 as agreed to in the Lease Agreement.
5. Tenant shall make the 2011 annual rental payment of \$30,000 in monthly payments of One-Thousand (\$1,000.00) Dollars for each month of January through June 2010 and Four-Thousand (\$4,000.00) for each month of July through December. Each said monthly payment shall be due and payable on the first of each month. Tenant shall pay to Landlord the monthly payments commencing on the 1<sup>st</sup> of January, 2011 and on or before the 1<sup>st</sup> of each successive month thereafter.
6. The amount of the annual rental payment and payment for 2012 will be the rental amount of \$60,000 and schedule as set forth in the Lease Agreement adopted pursuant to Polk County Resolution 14-09. In November 2011, the Polk County Board of Supervisors will determine, if any, reduction in rental payment and schedule for 2012.
7. No later than February 1, 2011, Tenant shall provide to the Polk County Administrator its budget for 2011, its year-end financial statements for year 2009 and 2010, and its strategic plan/comprehensive plan. Tenant shall provide the Polk County Department of Administration on a monthly basis, commencing on February 1, 2011 and on the first day of each month thereafter, financial documentation as the Polk County Department of Administration may require that reasonably demonstrates the financial position of Tenant as a going concern.
8. Landlord may unilaterally terminate the Lease Agreement at any time in which the Polk County Board of Supervisors determines that such termination is in the interests of the County. Said termination shall become effective upon 90-days written notice served upon Tenant.

BE IT FURTHER RESOLVED that the remaining terms and provisions of the Lease Agreement, which is attached hereto and incorporated herein, shall remain in effect and are unchanged by this resolution.

For Polk County (Landlord):

The Polk County Board of Supervisors adopted this resolution, Resolution 76-10: Joint Resolution To Amend Polk County Resolution 14-09: Modification of Terms To Lease Agreement on the Adult Development Center, at its regular business meeting held on the 21<sup>st</sup> day of December 2010 by a simple majority vote of 18 in favor and 1 against.

By: William Johnson Dated: 12.06.2010  
William Johnson, Chairperson  
Polk County Board of Supervisors

Attest: Carole Wondra Dated: 12.20-10  
Carole Wondra, County Clerk

With Respect to Polk County

Funding Amount: \$30,000 Rental Revenue  
Funding Source: Endeavors Adult Development Center, Inc.  
Finance Committee Recommendation: Passage as Recommended in the 2011 County Budget Process

Effective Date: Upon Passage  
Approved as to form: Jeffrey B. Fuge  
Jeffrey B. Fuge, Corporation Counsel

Dated Submitted to County Board: December 21, 2010 *adopted*

Submitted at the Recommendation of Property Polk County Property, Forestry and Recreation Committee.

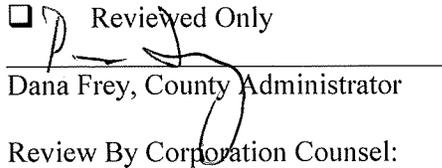
William Johnson  
Carole Wondra

Article 3, ¶ 1. b., of the Polk County Board of Supervisors Rules of Order, as amended by Resolution 65-10, provides:

“The County Administrator and Corporation Counsel shall review all resolutions and ordinances prior to introduction before the County Board and shall initial on each resolution or ordinance one of the following: Recommended, Not Recommended, or Reviewed Only.”

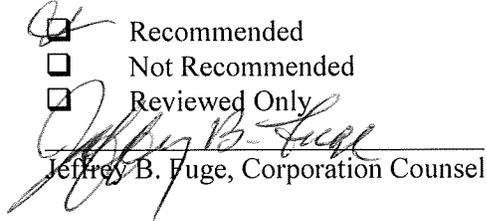
Review By County Administrator:

- Recommended
- Not Recommended
- Reviewed Only

  
\_\_\_\_\_  
Dana Frey, County Administrator

Review By Corporation Counsel:

- Recommended
- Not Recommended
- Reviewed Only

  
\_\_\_\_\_  
Jeffrey B. Fuge, Corporation Counsel

For Endeavors Adult Development Center, Inc. (Tenant):

The Board of Directors of Endeavors Development Center, Inc. adopted this resolution, Corporate Resolution 76 -10: Joint Resolution To Amend Polk County Resolution 14-09: Modification of Terms To Lease Agreement on the Adult Development Center, at its regular business meeting held on the 21<sup>st</sup> day of December 2010 by a simple majority vote of 18 in favor and 1 against.

By: \_\_\_\_\_ Dated: \_\_\_\_\_  
Joan Lillie, Chairperson

Attest: \_\_\_\_\_ Dated: \_\_\_\_\_  
Name: \_\_\_\_\_, Secretary

