

Resolution No. 63 -2011

Resolution to Adopt Amendment to Adult Development Center Lease Agreement for 2012

TO THE HONORABLE SUPERVISORS OF THE COUNTY BOARD OF THE COUNTY OF POLK:

Ladies and Gentlemen:

WHEREAS Polk County and Endeavors Adult Development Center, Inc. have entered into a Lease Agreement for the lease of the Polk County Adult Development Center building;

WHEREAS, the Lease Agreement provides for a two year term, commencing January 1, 2010 and consists presently of those terms and conditions mutually agreed upon and found in Polk County Resolutions 14-09 and 76-10;and

WHEREAS, the Polk County Board of Supervisors has set the annual rental amount for 2012 when approving the budget resolution for 2012; and

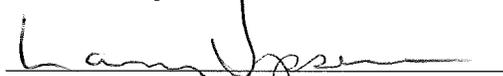
WHEREAS Endeavors Adult Development Center has requested additional modifications to the Lease Agreement; and

WHEREAS the Polk County Property, Forestry and Recreation Committee has recommended amendment of the Lease Agreement to incorporate the request of Endeavors Adult Development Center, Inc. and those modifications recommended by the committee.

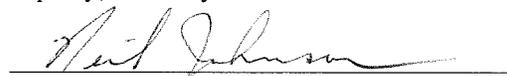
NOW THEREFORE BE IT RESOLVED that the Polk County Board of Supervisors, on behalf of Polk County, agrees to an amendment of the terms and conditions of the Lease Agreement as set forth on the attached document entitled "Amendment to Lease", which is incorporated in this resolution.

Funding Amount and Source: \$34,800 Rental Income
 Finance Committee Advised: 2012 Budget Process
 Finance Committee Recommendation: Adoption
 Date Submitted to County Board: December 20, 2011
 County Board Action: adopted
 Effective Date: Resolution is Effective upon Passage -
 Amendment to Lease is Effective January 1, 2012

Submitted upon recommendation of the Polk County Property, Forestry and Recreation Committee



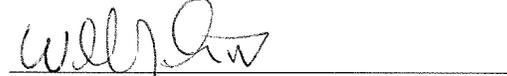
 Larry Jepsen



 Neil Johnson



 Ken Sample



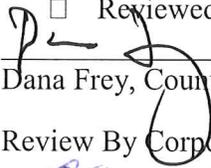
 William F. Johnson, IV



 George Stroebel

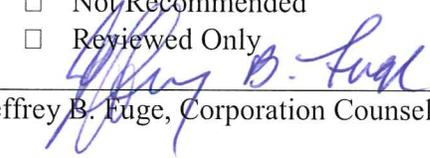
Review By County Administrator:

- Recommended
- Not Recommended
- Reviewed Only


 Dana Frey, County Administrator

Review By Corporation Counsel:

- Approved as to Form
- Recommended
- Not Recommended
- Reviewed Only


 Jeffrey B. Fuge, Corporation Counsel

On December 20, 2011, the Polk County Board of Supervisors adopted Resolution No. 63-11: Resolution to Adopt Amendment to Adult Development Center Lease Agreement for 2012, by a vote of ___ in favor and ___ against, in which the above Amendment to Lease was incorporated and attached thereto. *by unanimous voice vote*


 William F. Johnson, IV, Chairperson

Attest: 
 Carole T. Wondra, County Clerk

Amendment to Lease
Polk County – Endeavors Adult Development Center
Lease Agreement of the Polk County Adult Development Center Building
Term – 2010-2012
(Modified Terms and Conditions effective January 1, 2012)

This Amendment to Lease sets forth those amended terms and conditions to the above referenced Lease Agreement between Polk County (Landlord) and Endeavors Adult Development Center, Inc. (Tenant).

1. The Amendment to Lease recognizes that the Lease Agreement of the parties consists of the terms and conditions contained in the documents adopted and signed by Landlord and Tenant, and commonly referred to, as follows:
 - Polk County Resolution 14-09: Joint Resolution for the Lease Agreement on the Polk County Adult Development Center
 - Polk County Resolution 76-10: Joint Resolution to Amend Polk County resolution 14-09: Modification of Terms to Lease Agreement on the Adult Development Center
 - This Amendment to Lease.

2. EFFECT OF AMENDMENT OF LEASE:
 - a. The parties adopt and consider the Amendment of Lease as an incorporated document to the Lease Agreement.

 - b. Those terms and conditions of the Lease Agreement that are modified through this Amendment of Lease shall supersede and take precedent over those terms and conditions that are set forth in Resolution 14-09 and Resolution 76-09. The Landlord and the Tenant agree that the terms and conditions of the Lease Agreement set forth in Resolutions 14-09 and 76-10 shall remain in effect with full force and without change, unless modified in this Amendment of Lease.

3. AMOUNT OF RENTAL AND PERIODIC PAYMENT: Tenant shall pay Landlord an annual rent in the amount of Thirty-four Thousand Eight Hundred (\$34,800) Dollars. Tenant shall pay said rent in monthly payments of Two Thousand Nine Hundred (\$2,900) Dollars a month commencing on the 1st of January 2012 and on or before the 1st day of each successive month thereafter.

4. TERMINATION RIGHTS OF TENANT: Tenant may unilaterally terminate the Lease Agreement at any time in which the Endeavors Board of Directors determines that such termination is in the interest of Tenant. Such termination shall become effective upon 90-days advance written notice served upon Landlord.

5. RESPONSIBILITY OF TENANT UPON TERMINATION: Tenant shall be liable to Landlord for any and all periodic rental payments and other costs set forth in the Lease Agreement that are incurred or become due and payable before the date in which termination is effective. Tenant shall be liable to Landlord for the cost of repair to the premises for damage, wear and tear excluded.

FOR POLK COUNTY:

On December 20, 2011, the Polk County Board of Supervisors adopted Resolution No. 63-11
_____: Resolution to Adopt Amendment to Adult Development Center Lease Agreement
for 2012, by a vote of ___ in favor and ___ against, in which the above Amendment to Lease was
incorporated and attached thereto.



William F. Johnson, IV, Chairperson

Attest: 

Carole T. Wondra, County Clerk

FOR ENDEAVORS ADULT DEVELOPMENT CENTER, INC.:



Name/Title

Dated: 12/9/11
