

**Lee County Board of County Commissioners  
Agenda Item Summary**

Blue Sheet No. 20040733

**1. REQUESTED MOTION:**

**ACTION REQUESTED:** Consider, approve and authorize the Chairman on behalf of the Board, to execute a First Amendment to Lease Agreement with the Lee County Fisherman's Cooperative for the rental, use and occupancy of certain space and facilities at the Fisherman's Cooperative, 6001 Maria Drive, St. James City, adding a new Figure 1. to Exhibit A (diagram for leased premises).

**WHY ACTION IS NECESSARY:** Provides a First Amendment to the Lease Agreement for the relocation of the storage space for the project, the County's use and a new Figure 1. to Exhibit A (diagram).

**WHAT ACTION ACCOMPLISHES:** Provides for a revised diagram for the leased premises (Figure 1. to Exhibit A) for occupancy at the Lee County Fisherman's Cooperative.

**2. DEPARTMENTAL CATEGORY:**  
COMMISSION DISTRICT #

*C12A*

**3. MEETING DATE:**

*08-03-2004*

**4. AGENDA:**

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON
- TIME REQUIRED:

**5. REQUIREMENT/PURPOSE:**

(Specify)

- STATUTE §125.01, F.S.
- ORDINANCE
- ADMIN. CODE
- OTHER

**6. REQUESTOR OF INFORMATION:**

A. COMMISSIONER

B. DEPARTMENT County Attorney

C. DIVISION General Services

BY: *[Signature]* David M. Owen

Chief Assistant County Attorney

**7. BACKGROUND:**

On June 24, 2003, the County entered into a Lease Agreement with the Lee County Fisherman's Cooperative for the County's use of certain leased space for the receiving and further disposition of solid waste from the "Outer Islands" of Lee County.

(BACKGROUND CONTINUED - NEXT PAGE)

**8. MANAGEMENT RECOMMENDATIONS:**

**9. RECOMMENDED APPROVAL:**

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services				G County Manager
N/A	N/A	N/A	N/A	<i>[Signature]</i>	OA	OM	RISK	GC	<i>[Signature]</i>
				<i>6/27/04</i>	<i>6/25/04</i>	<i>6/28/04</i>	<i>6/28/04</i>	<i>6/28/04</i>	<i>7-1-04</i>

**10. COMMISSION ACTION:**

- APPROVED
- DENIED
- DEFERRED
- OTHER

CO. ATTY. *[Signature]*  
FORWARDED  
TO CO. ADMIN.  
*7:30pm*

RECEIVED BY  
COUNTY ADMIN: *[Signature]*  
*6/24/04*  
*3:40pm*  
COUNTY ADMIN  
FORWARDED TO:  
*7/1/04*  
*1230*

**BACKGROUND:** (Continued)

The Lease described the leased premises to include a "storage area" for inert solid waste prior to pick-up by the County's franchisee, which storage area was shown on a diagram (Figure 1. to Exhibit A).

On March 19, 2004, the Lee County Hearing Examiner granted the County its requested Special Exception (SEZ 2003-00029) and Variances (VAR 2003-00055) for the County's use of the Cooperative's leased premises, which included an agreed upon relocation of the "storage area" to the northeast quadrant of the Cooperative's property.

As the result, a new diagram for the "storage area" at the leased premises is necessary to correctly depict the new, fixed location of that area, in the Lease.

*This First Amendment incorporates a new Figure 1. to Exhibit A of the Lease, which correctly shows the permanent location of the "storage area".*

The Amendment has been executed by the representatives of the Fisherman's Cooperative and is being recommended for execution by County staff.

**PAVESE, HAVERFIELD, DALTON, HARRISON & JENSEN, L.L.P.**

A FLORIDA LIMITED LIABILITY PARTNERSHIP

ATTORNEYS AND COUNSELORS AT LAW

<http://paveselaw.com>

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2004 JUN 23 AM 7:50  
RECEIVED BY  
LEE CO. ATTORNEY

STEPHEN E. DALTON  
(941) 334-2195

PLEASE REPLY TO  
FORT MYERS OFFICE

June 22, 2004

David M. Owen, Esq.  
Chief Assistant County Attorney  
P.O. Box 398  
fort Myers, Florida 33902-0398

Re: Lee County Fisherman's Cooperative, Inc.  
File No. 66768.003 (Lease)

Dear David:

Enclosed is a signed Amendment to Lease executed in four (4) copies. If you have any questions, please let me know.

Very truly yours,



Stephen E. Dalton

SED:bal

Enclosures

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**FIRST AMENDMENT**  
**TO**  
**LEASE AGREEMENT**

**THIS FIRST AMENDMENT TO LEASE AGREEMENT**, is entered into on this \_\_\_ day of \_\_\_\_\_, 2004, by and between the **LEE COUNTY FISHERMAN'S COOPERATIVE, INC.**, a Florida Corporation ("Co-op"), party of the first part, hereinafter called the Lessor, and **LEE COUNTY**, a political subdivision and charter county of the State of Florida ("County"), party of the second part, hereinafter called the Lessee, collectively, the "Parties", hereto.

**WITNESSETH:**

THAT on June 24, 2004, the Parties entered into that certain Lease Agreement for the County's lease of certain described space at the Co-op property; and,

THAT the Parties now desire to amend that certain Lease Agreement to reflect the correct location of the "Storage Area" for "bulky goods" per the approved Special Exception in Case No. SEZ 2003-00029; and,

THAT, the Parties now enter into this First Amendment To Lease for the purpose of establishing and illustrating the correct location for the County's "Storage Area" at the Co-op by adopting a new Figure 1. to Exhibit A. of the Lease Agreement.

*The following amendment to the June 24, 2003 Lease Agreement is hereby made:*

1. A revised Figure 1. to Exhibit A. is attached hereto and hereby replaces Figure 1. of the June 24, 2003 Lease, in its entirety.
2. All other terms, conditions, obligations and requirements of the June 24, 2003 Lease will remain in full force and effect for the term of the Lease unless otherwise amended by the Parties.

**IN WITNESS WHEREOF**, the Lessor and Lessee have caused this First Amendment to Lease Agreement to be executed by their respective and duly authorized officers the day and year first written above.

**LESSOR,**  
LEE COUNTY FISHERMAN'S  
COOPERATIVE, INC.

Donna M. Pavese  
Witness

By: John Peth

Title: PRESIDENT

Barbara Libertelli  
Witness

APPROVED AS TO LEGAL FORM:

By: [Signature]  
Counsel

ATTEST: CHARLIE GREEN  
CLERK OF COURTS

**LESSEE,**  
BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Chairman

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Office of the County Attorney

