

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

**Blue Sheet No. 20051243**

**1. ACTION REQUESTED/PURPOSE:** Authorize Chairman to execute amendment to lease agreement with the YMCA of Collier County and the City of Bonita Springs to use the YMCA facility in Bonita Springs as a hurricane shelter and staging area for emergency response equipment during emergencies.

**2. WHAT ACTION ACCOMPLISHES:** Reduces Lee County's improvement costs share from \$115,000 to \$108,018.00

**3. MANAGEMENT RECOMMENDATION:** Staff recommends signing amendment to lease agreement.

**4. Departmental Category:** 7

**A7A**

**5. Meeting Date:**

**09-27-2005**

**6. Agenda:**  
 Consent  
 **Administrative**  
 Appeals  
 Public  
 Walk-On

**7. Requirement/Purpose: (specify)**  
 Statute  
 Ordinance  
 Admin. Code  
 **Other**

**8. Request Initiated:**

**Commissioner** \_\_\_\_\_

**Department** \_\_\_\_\_

Independent

**Division** \_\_\_\_\_

Public Safety

**By:** John D. Wilson, Director *[Signature]*

**9. Background:** On April 8, 2003, Lee County entered into a lease agreement with the City of Bonita Springs and the owner of the YMCA facility under construction in Bonita Springs for an emergency shelter usage. In consideration, the City and County agreed to reimburse the owner for additional design and improvement costs necessitated to enhance the facility to withstand hurricane forces. During the course of construction, the scope of the facility was downsized from 29,720 square feet to 23,300 square feet, resulting the lease agreement to be reduced from \$306,947.00 to \$288,047.00. The County's responsible share of costs is \$108,018.00 (.374% of the total costs).

Funds are available: 40899218200.503490, in the amount of \$84,254.04 (78%)  
 40899200100.503490, in the amount of \$23,763.96 (22%)

Attachment 1 – Amendment to Lease Agreement (2)

**10. Review for Scheduling:**

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
<i>[Signature]</i> 8/31/05	<i>[Signature]</i>	N/A		<i>[Signature]</i>	Analyst 9/7/05	Risk 9/16/05	Grants RK for Rq 9/7	Mgr 9/7/05	HS 9/8/05

**11. Commission Action:**

Approved  
 Deferred  
 Denied  
 Other

RECEIVED BY COUNTY ADMIN: *[Signature]*  
 9-7-05  
 9:35  
 COUNTY ADMIN FORWARDED TO:  
 9-8-05  
 4pm

RECEIVED by CO. ADM. 9/8/05

**AMENDMENT TO LEASE AGREEMENT  
FOR THE USE OF THE  
BONITA SPRINGS YMCA FACILITIES  
FOR PUBLIC EMERGENCY PURPOSES**

This Amendment to Lease Agreement is entered into this \_\_\_\_ day of \_\_\_\_\_, 2005, by and between the CITY OF BONITA SPRINGS, a Florida municipal corporation, hereinafter called the "City", LEE COUNTY BOARD OF COUNTY COMMISSIONERS, a political subdivision of the State of Florida, hereinafter called the "County", and the YMCA OF COLLIER COUNTY, INC., a Florida non-profit corporation, owner controlling real estate or other premises, hereinafter called "Owner".

WHEREAS, the City of Bonita Springs, County and Owner entered into a Lease Agreement dated April 8, 2003, wherein Owner agreed to lease to City and County, under the terms and conditions described therein, the YMCA facility located in Bonita Springs, which was under construction, for emergency shelter usage. In consideration for which, City and County agreed to reimburse Owner for additional design and improvement costs necessitated because of the need to enhance the facility to withstand hurricane forces.

WHEREAS, the facility that is the subject of the Lease Agreement, is now completed and open for operation.

WHEREAS, during the course of construction, the scope of the facility was downsized, resulting in a reduction of square footage from the anticipated 29,720 square feet to **23,300** square feet of space under air, resulting in a decrease in the consideration owed by City and County to Owner under Paragraph 4 of the Lease Agreement, from \$306,947.00 to **\$288,047.00**.

WHEREAS, the Owner, City and County are desirous of amending the Lease Agreement and agree to the reduced square footage and consideration.

**NOW, THEREFORE, it is mutually agreed by the parties as follows:**

1. **Consideration**: Design and Improvement costs set forth in Paragraph 4 of the Lease Agreement shall be reduced from \$306,947.00 to **\$288,047.00**, for which the City will pay \$180,029.00 (.625% of the total cost) and County will pay \$108,018.00 (.375% of the total cost) to the Owner. Agreed upon Hurricane Shelter Calculation Worksheet dated August 6, 2004, is attached hereto.
2. **Square Footage**: The agreed upon square footage of the facility is reduced from 29,720 to **23,300** square feet.
3. **All Other Respects**: The terms and conditions of the remainder of the Lease Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the Owner has caused this Amendment to Lease Agreement to be executed, the City has caused this Amendment to Lease Agreement to be executed by the Mayor of the City of Bonita Springs and the County has caused this Amendment to Lease Agreement to be executed by the Chairman of the Board of County Commissioners of Lee County, Florida. Said Agreement is to become effective and operative with the fixing of the last signature hereto.

[Signature]  
Witness

YMCA OF COLLIER COUNTY, INC., a  
Florida non-profit corporation

[Signature]  
Witness

By: [Signature]  
Print Name: Carleton Case  
Title: Chief Volunteer Officer

STATE OF FLORIDA  
COUNTY OF COLLIER

The foregoing instrument was acknowledged before me this \_\_\_\_ day of June, 2005, by Carleton Case, on behalf of YMCA OF COLLIER COUNTY, INC., a Florida non-profit corporation, it's Chief Volunteer Officer, He/she is personally known to me or has produced \_\_\_\_\_ as identification.

[Signature]  
Notary Public  
(Print Name) Robin Siewers  
My Commission Expires: June 6, 2008



ATTEST:  
\_\_\_\_\_, CLERK

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

By: \_\_\_\_\_  
Print Name

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

APPROVED AS TO FORM BY:

\_\_\_\_\_  
Office of the County Attorney

AUTHENTICATION:

**CITY OF BONITA SPRINGS, FLORIDA**

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

Date filed with City Clerk: 8-25-05

Hurricane Shelter Calculation  
Revise 8-6-04

Exhibit "A"

Original space:	29,721 square feet
Revised space:	23,300 square feet
Difference:	6,421 square feet
6,421 of 29,721 =	.216 percent
Special Construction	\$82,500 (original cost)
.216 X \$82,500 =	\$17,820
Original subtotal	\$274,407 - \$17,820 = \$256,587
Revised subtotal	\$256,587
Fee @ 3%	\$7,698
Subtotal	\$264,284
Contingency @ 3%	\$7,929
Subtotal	\$272,213
Bond	\$2,329*
Total Upgrade Estimate	\$274,547 (Revised)
Architectural fees	\$13,500 (Original Cost)
Total	\$288,047
City @.625%	\$180,029
County @.375%	\$108,018