

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

Blue Sheet No. 20051670

1. ACTION REQUESTED/PURPOSE: Authorize Chairman to execute a lease amendment with City of Fort Myers for the expansion of the fire station at Terry Park. Lease cost is \$1.00 annually for 50 years.

2. WHAT ACTION ACCOMPLISHES: Fulfills an operational need for secure, protected space to house its personnel and emergency vehicles.

3. MANAGEMENT RECOMMENDATION: Staff recommends approval.

4. Departmental Category: Public Safety (07)

C7B

5. Meeting Date:

11-29-2005

6. Agenda:

- Consent
- Administrative Appeals
- Public Walk-On

7. Requirement/Purpose: (specify)

- Statute
- Ordinance
- Admin. Code
- Other

8. Request Initiated:

Commissioner _____
 Department Public Safety
 Division Emergency Medical Services
 By: John D. Wilson, Director
[Signature]

9. Background:

The amendment provides for the expansion of the Terry Park Fire Station to include housing for Emergency Medical Services Personnel, which requires movement of the boundary lines of the structure by ten feet and extends the lease term for 50 years, beginning August 17, 2027 to the year 2077.

Funds are available: Funds are available: KF5260100100.504410.733

Attachment 1 – Lease Agreement (2)

10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
					Analyst	Risk	Grants	Mgr.	
<i>11-15-05</i> <i>[Signature]</i>	<i>[Signature]</i>			<i>[Signature]</i>	<i>11/17/05</i>	<i>11/17/05</i>	<i>11/17/05</i>	<i>11/17/05</i>	<i>11/17/05</i>

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

Rec. by CoAtty
Date: <i>11/17/05</i>
Time: <i>11:30 AM</i>
Forwarded To: <i>Admin</i>

RECEIVED BY
COUNTY ADMIN:
<i>11-17-05</i>
<i>3:00pm</i>
COUNTY ADMIN
FORWARDED TO: <i>PLC</i>
<i>11-17-05</i>
<i>4:40pm</i>

**AMENDMENT
TO LEASE AGREEMENT**

THIS AMENDMENT TO THE LEASE AGREEMENT, is entered into this ____ day of _____, 2005, between **LEE COUNTY**, a political subdivision and charter county of the State of Florida, (hereinafter "Lessor") and the **CITY OF FORT MYERS**, a municipal corporation of the State of Florida, (hereinafter "Lessee"), collectively, the "Parties", hereto.

WHEREAS, on August 17, 1977, the Parties entered into that certain Lease Agreement for the construction of a fire station at Terry Park; and

WHEREAS, on February 10, 1920, "Terry Park" was conveyed to Lee County to be used as a park and public grounds; and

WHEREAS, Lee County has consistently used the property as expressed in the deed of conveyance which included allowing the construction of the present fire station on the property in February 1926, providing for the fairgrounds public safety, and;

WHEREAS, the Board finds that the fire station has been a benefit to Terry Park and with continued growth of Lee County and in the community surrounding Terry Park there is a need to expand the fire station to include housing of Emergency Services Medical personnel; and

WHEREAS, this expansion of the fire station requires movement of the boundary lines ten (10) feet; and

WHEREAS, the Parties now desire to amend that certain Lease Agreement regarding the fire station.

NOW, THEREFORE, IN CONSIDERATION OF THE ABOVE PREMISES AND OF THE COVENANTS HEREIN CONTAINED, the Lessor and Lessee hereby agree as follows:

1. The Recitals set forth above are hereby incorporated into the terms of this Lease as if set out here at length.
2. The Lessor agrees to lease to the Lessee the following described property located in Terry Park:

(See Description, Attached hereto as Exhibit "A" and made a part hereof)
3. The Lease is extended an additional fifty (50) years from the original end date of August 2027, at an agreed total rental of ONE DOLLAR (\$1.00) per year with the payment to be made to Lessor on/or before the fifteenth (15th) day of January each year during the term of the lease.
4. All of the remaining terms in the Lease dated August 17, 1977, (Attached hereto as Exhibit "B"), remain the same.

(Balance of Page, Left Intentionally Blank)

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

ATTEST: CHARLIE GREEN
CLERK OF COURTS

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Deputy Clerk

BY: _____
Chair

APPROVED AS TO FORM:

BY: _____
Office of the County Attorney

ATTEST:

CITY OF FORT MYERS

BY: Marie Adams
City Clerk Marie Adams, CMC

BY: James Humphrey
James Humphrey, Mayor

APPROVED AS TO FORM:

BY: Grant W. Alley 11/16/05
City Attorney Grant W. Alley

EXHIBIT "A"



Bean, Whitaker, Lutz & Kareh, Inc.

13041 McGregor Boulevard
Fort Myers, Florida 33919-5910
email - fmooffice@bwk.net
(Ph) 239-481-1331 (Fax) 239-481-1073

A Parcel of Land
Lying in
Section 7, Township 44 South, Range 25 East
City of Fort Myers, Lee County, Florida
(East Fort Myers Fire Station Site at Terry Park)

A tract or parcel of land lying in the Northwest Quarter (NW 1/4) of the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4), Section 7, Township 44 South, Range 25 East, City of Fort Myers, Lee County, Florida, which tract or parcel is described as follows:

Commencing at the intersection of the east line of Terry Street (50 feet wide) and the southeasterly line of Palm Beach Boulevard (State Road No. 80) (80 feet wide); thence S01°21'45"E along said east line of Terry Street for 141.63 feet to a concrete monument and the Point of Beginning; thence N88°38'15"E perpendicular to said east line of Terry Street for 120.00 feet to a concrete monument; thence S46°21'45"E for 70.71 feet to a concrete monument; thence S01°21'45"E parallel with said east line of Terry Street for 151.52 feet to a concrete monument; thence continue S01°21'45"E for 10.00 feet to an iron rod with cap stamped LB4919; thence S89°06'05"W for 170.01 feet to an iron rod with cap stamped LB4919 on said east line of Terry Street; thence N01°21'45"W along said east line of Terry Street for 10.00 feet to a concrete monument; thence continue N01°21'45"W along said east line of Terry Street for 200.14 feet to the Point of Beginning.

Containing 34,591 square feet (0.79 acres), more or less.

Subject to easements, restrictions, reservations and rights-of-way (recorded and unrecorded, written and unwritten).

Bearings are based on the east line of Terry Street as bearing S01°21'45"E.

Bean, Whitaker, Lutz & Kareh, Inc. (LB 4919)



Scott C. Whitaker, P.S.M. 4324

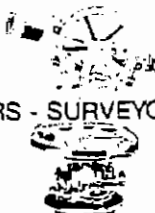
37176DESC1

7/19/05

PRINCIPALS:

WILIAM E. BEAN, PSM, CHAIRMAN
SCOTT C. WHITAKER, PSM, PRESIDENT
JOSEPH L. LUTZ, PSM
AHMAO R. KAREH, PE, MSCE, VICE PRESIDENT

CONSULTING ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS



ASSOCIATES:

TRACY N. BEAN, ACP
CHARLES D. KNIGHT, PSM
W. BRITT POMEROY, JR., PSM
STEPHEN H. SKORUPSKI, PSM
ELWOOD FINEFIELD, PSM
JAMES A. HESSLER, PSM
JAMES R. COLEMAN, PSM
RUDOLPH A. NORVAN, PE

EXHIBIT "B"

54H/SW
8-16-77

THIS AGREEMENT, entered into this 17th day of August, 1977, between LEE COUNTY, a political subdivision of the State of Florida (hereinafter called "Lessor") and the CITY OF FORT MYERS, a Florida municipal corporation (hereinafter called "Lessee").

WHEREAS, on February 10, 1920, "Terry Park" was conveyed to Lee County to be used as a park and public grounds; and,

WHEREAS, Lee County has used the property as expressed in the deed of conveyance which included allowing the construction in February, 1926 of a fire station on the property believing that said station would benefit the fairgrounds; and,

WHEREAS, this Board finds that the fire station has in fact been of a benefit to Terry Park and there is presently a need to enlarge the existing fire station.

NOW, THEREFORE, IN CONSIDERATION OF THE PREMISES AND OF THE COVENANTS HEREIN CONTAINED, THE LESSOR AND LESSEE HEREBY AGREE AS FOLLOWS:

1. The Lessor agrees to lease to the Lessee the following described property, located in Terry Park:

(SEE DESCRIPTION ATTACHED HERETO
AND MADE A PART HEREOF)

2. The lease is to be for a term of fifty (50) years at an agreed total rental of ONE (\$1.00) DOLLAR per annum with the payment to be made to Lessor on/or before the 15th day of January of each year during the term of this lease.

3. This lease is for the specific purpose of allowing Lessee to construct and operate a fire station to the benefit of Terry Park and its users and Lessee agrees to provide fire protection for the park at all times.

4. Lessee shall not assign this Lease or sublet the premises or any part thereof nor use the same or any part thereof, nor permit the same on any part thereof to be

used for any other purposes than as a fire station, nor make any alterations therein and any additions thereto without the expressed written consent of the Lessor. All improvements or additions to said property shall be done only after receipt of written consent from the Lessor.

5. Lessee agrees to vacate the premises that is presently utilizing the fire station immediately subsequent to the completion of the new facility and agrees to release this property back to the county to be used under the terms as set forth in the conveyance to Lee County.

6. Lessee assumes the responsibility of insuring any of its employees, agents, or assigns for injury or loss of property. All property of whatsoever kind and nature which may be on the premises of Lessee shall be the sole risk of Lessee and the Lessor shall not be liable to any person whatsoever for any injury, loss or damage to any person or property in or upon the demised premises. The Lessor shall not be deemed to assume any liability for the acts, omissions and negligence of the Lessee, its employees or agents.

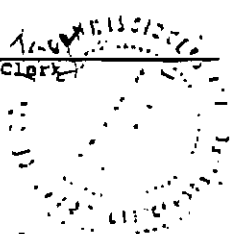
IN WITNESS WHEREOF, the parties hereto have hereunto executed this instrument for the purposes herein expressed the day and year first above written.

ATTEST:
SAL GERACI, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: [Signature]
Deputy Clerk

By: [Signature]
L.H. "Bob" Whan,
Chairman



ATTEST:

CITY OF FORT MYERS

By: [Signature]
Approved as to form & legal sufficiency
Office of the County Attorney

[Signature]
Mayor

JOHNSON ENGINEERING, INC.

CIVIL ENGINEERS AND LAND SURVEYORS

2100 JOHNSON STREET
TALLAHASSEE, FLORIDA 32304
FORT MYERS, FLORIDA
33901

July 6, 1977

CARL E. JOHNSON
TALLAHASSEE

REVISED DESCRIPTION
EAST FORT MYERS FIRE STATION SITE
SECTION 7, T. 44 S., R. 23 E.
CITY OF FORT MYERS, LEE COUNTY, FLORIDA

A tract or parcel of land lying in the northwest quarter (NW¹/₄) of the southeast quarter (SE¹/₄) of the southeast quarter (SE¹/₄), Section 7, Township 44 South, Range 23 East, City of Fort Myers, Lee County, Florida which tract or parcel is described as follows:

From the intersection of the east line of Terry Street (50 feet wide) and the southeasterly line of Palm Beach Boulevard (State Road No. 80) (80 feet wide) run S 01° 71' 45" E along said east line of Terry Street for 141.63 feet to a concrete monument and the Point of Beginning.

From said Point of Beginning run N 88° 38' 15" E, perpendicular to said east line of Terry Street, for 120 feet to a concrete monument; thence run S 46° 21' 45" E for 70.71 feet to a concrete monument; thence run E 01° 21' 45" E, parallel with said east line of Terry Street, for 151.52 feet to a concrete monument; thence run S 89° 06' 05" W for 170.01 feet to a concrete monument on said east line of Terry Street; thence run N 01° 21' 45" W along said east line of Terry Street for 200.14 feet to the Point of Beginning.

Containing 32,900 square feet or 0.76 acre more or less.

Bearings hereinabove mentioned are derived from the right-of-way survey for said State Road No. 80.

APPROVED
ARCHE T. GRANT, JR.
FORREST M. BARRS
CARL E. JOHNSON
LARRY L. BULSON
RELIAT A. O'BRIEN
DAN W. DICKAY
DEAN C. THREAS
JOSEPH W. EHRER

LEJ/ds

7920