

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

**Blue Sheet No. 20060734**

**1. ACTION REQUESTED/PURPOSE:** Authorize Notice of Termination of a land lease "lease back" agreement with the Lee County School Board for two (2) acres at 3920 Michigan Avenue (Health Department site).

**2. WHAT ACTION ACCOMPLISHES:** Notifies the School Board of Lee County's intent to use two (2) acres within the six (6) acre tract and terminates the "lease back" agreement on July 1, 2007.

**3. MANAGEMENT RECOMMENDATION:** Recommend approval.

<b>4. Departmental Category:</b> 02 <span style="margin-left: 100px;"><b>CLA</b></span>		<b>5. Meeting Date:</b> <b>06-20-2006</b>
<b>6. Agenda:</b> <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Administrative <input type="checkbox"/> Appeals <input type="checkbox"/> Public <input type="checkbox"/> Walk-On	<b>7. Requirement/Purpose: (specify)</b>	
	<input type="checkbox"/> Statute	<b>8. Request Initiated:</b> <b>Commissioner</b> <b>Department</b> Construction & Design <b>Division</b> <b>By:</b> <b>Jim Lavender, Director</b>
	<input type="checkbox"/> Ordinance	
	<input type="checkbox"/> Admin. Code	
	<input type="checkbox"/> Other	

**9. Background:** In 1974 the School Board leased six (6) acres to Lee County for use by the Health Department. In 1994 two (2) acres was leased back to the School Board by Lee County. The 1994 addendum to the original 1974 agreement requires a written notice twelve (12) months prior to the termination. This action precludes the School Board from construction on the two (2) acre portion of the site.

**Attachments:**

Letter from Dr. Judith Hartner dated 5/17/06  
Notice of Demand for Possession of Leased Non residential premises

**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>Jamie</i> 6-1-06				<i>LJC</i> 6/5/06	<i>T. W. W.</i>	<i>J. W.</i>	<i>6/4/06</i>	<i>Jamie</i> 6-1-06

**11. Commission Action:**

- Approved
- Deferred
- Denied
- Other

RECEIVED BY  
COUNTY ADMIN: *CA*  
*6/5/06 11:06 AM*

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COUNTY ADMIN  
FORWARDED TO: *PL*  
*6/8/06*  
*4:30 PM*

Rec. by CoAtty

Date: *6/2/06*

Time: *4:05 PM*

Forwarded To:  
*4:45 AM*  
*6/5/06*

Bob Janes  
District One

Douglas R. St. Cerny  
District Two

Ray Judah  
District Three

Tammy Hall  
District Four

John E. Albion  
District Five

Donald D. Stilwell  
County Manager

David M. Owen  
County Attorney

Diana M. Parker  
County Hearing  
Examiner

**NOTICE OF DEMAND FOR POSSESSION OF LEASED  
(NONRESIDENTIAL) PREMISES**

Sent by Certified Mail

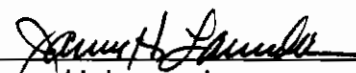
**TO:** School District of Lee County  
3308 Canal Street  
Fort Myers, Florida 33916  
Attention: Mr. William J. Moore, School Support

**RE: TWO ACRES OF LAND AT 3920 MICHIGAN AVENUE  
1994 ADDENDUM TO LEASE AGREEMENT**

*By this means, you are notified that:*

1. Lee County intends to use the two (2) acres [within the six (6) acre tract] that was originally part of the 1974 Lease Agreement, but was leased back from Lee County to the School Board in 1994. As such, the School Board's "lease back" agreement for the two (2) acres located at 3920 Michigan Avenue, Fort Myers, Florida will terminate on **July 1, 2007**.
2. The "Addendum to the Lease Agreement" dated September 7, 1994, requires that "the County shall serve written notice upon [the] Board at least twelve (12) months prior to the termination of this addendum."
3. This letter constitutes the required "Written Notice of Termination."
4. The School Board should remove all temporary structures, equipment and materials placed upon the above-referenced premises at or prior to the expiration of the term on July 1, 2007. However, the School Board may continue to use the presently existing jogging trail located on the back perimeter of the property.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

  
James H. Lavender  
Public Works Director



Jeb Bush  
Governor

M. Rony François, M.D., M.S.P.H., Ph.D.  
Secretary

May 17, 2006

The Honorable Tammara Hall  
Chairwoman  
Lee County Board of County Commissioners  
PO Box 398  
Fort Myers, Florida 33902

2006 MAY 19 AM 8:09  
RECEIVED BY  
LEE CO. ATTORNEY

Re: Michigan Avenue Health Department Land Lease

Dear Chairwoman Hall:

In 1974, the Lee County Board of County Commissioners ("Lee County") entered into a 99 year Lease Agreement to lease six (6) acres of land located at 3920 Michigan Avenue from the School Board for the construction of the Lee County Health Department facility. In 1994, two acres of this property were leased back from Lee County to the School Board. Under terms of that "lease back" agreement, the Board of County Commissioners retained the right to request the return of the two acres of land from the School Board (if Health Department needs required it) by the giving of one year written notice.

The Lee County Health Department respectfully requests that Lee County give the School Board the required one year notice to vacate the two acres of land by July 1, 2007 for the following reasons:

- (1) Due to rapid growth in this area, the Lee County Health Department ("Health Department") needs to replace or expand its present existing facilities. Funding from the State Legislature for county health department facilities is contingent upon the county having control of the land proposed for new construction. The Health Department is requesting fixed capital outlay funds for the replacement of the Michigan Avenue building. The replacement plans require the use of the additional two acres by the Health Department.
- (2) Recently, the School Board started clearing the two acre parcel for the construction of a fire training facility, which will include a concrete fire tower. The terms of the "lease back" agreement are such that the School Board can place only modular classrooms on the property and that no permanent structures shall be built. The proposed fire tower is not a use of the land that was contemplated by the "lease back" agreement.

Based on the above, the Lee County Health Department is requesting that Lee County send written notice to the School Board that it requires the return of the two acres of land so that the Health Department may

LEE COUNTY HEALTH DEPARTMENT  
Judith Hartner, M.D., M.P.H.  
Director

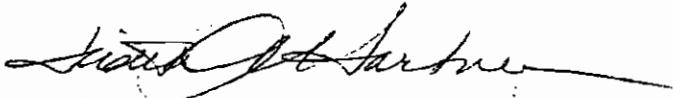
 **LEE COUNTY**  
SOUTHWEST FLORIDA

Main Office  
3920 Michigan Avenue  
Fort Myers, FL 33916  
<http://www.lee-county.com/healthdept>

expand its current facilities. Further, the Health Department requests that the County notify the School Board that a permanent, concrete fire tower was not a use of the land contemplated by the "lease back" agreement and that such construction should not commence.

Thank you for your consideration.

Sincerely,



Judith Hartner, M.D., M.P.H.  
Director  
Lee County Health Department

Copy to: Jayne Elwell, Lee County Facilities/Lease  
Jim Lavender, Lee County Public Works  
Bill Mallett, Health Department  
Susan Scott, Health Department