



# CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE: 04/27/10

**SUBJECT:** DAYTONA BEACH ELECTRICAL JOINT APPRENTICESHIP AND TRAINING COMMITTEE D/B/A DON MORGAN ELECTRICAL ACADEMY LEASE EXTENSION

**DEPARTMENT:** CITY MANAGER

**RECOMMENDED MOTION:**

To approve Amendment No. 1 to the lease agreement between the City of Port Orange and the Daytona Beach Electrical Joint Apprenticeship and Training Committee d/b/a Don Morgan Electrical Academy for a five-year lease extension and authorize the Mayor and City Manager to execute all necessary documents.

**SUMMARY:**

In accordance with the terms and conditions of the existing lease agreement for 790 Commonwealth Blvd., the Don Morgan Electrical Academy has requested a five-year lease extension. In consideration for use of the property, they will provide in-kind services equal to the lease payment of \$67,825. A portion of the in-kind services will be performed on the softball fields at Coraci Park as previously approved.

Staff recommends approval of the lease extension under Amendment No. 1 and the continuation of all other terms and conditions under the Lease Agreement.

**ATTACHMENTS:**  Ordinance  Resolution  Budget Resolution  
 Other  Support Documents/Contracts Available for Review in Manager's Office

<b>DEPARTMENT HEAD</b>	Shannon M. Lewis	<i>[Signature]</i>	Date 04/13/2010
<b>FINANCE DEPARTMENT</b>	Approved as to Budget Requirements	<i>[Signature]</i>	Date 4/16/2010
<b>CITY ATTORNEY</b>	Approved as to Form and Legality	<i>[Signature]</i>	Date 4-19-10
<b>CITY MANAGER</b>	Approved Agenda Item For:	<i>[Signature]</i>	4/27/10

**COUNCIL ACTION:**  Approved as Recommended  Disapproved  Tabled Indefinitely  
 Continued to Date Certain  Approved with Modification:

AMENDMENT NO. 1

TO THE LEASE AGREEMENT BETWEEN THE CITY OF PORT  
ORANGE AND THE DAYTONA BEACH ELECTRICAL JOINT  
APPRENTICESHIP AND TRAINING COMMITTEE, D/B/A DON  
MORGAN ELECTRICAL ACADEMY

THIS FIRST AMENDMENT to the Lease Agreement is made and entered into by and between the CITY OF PORT ORANGE, FLORIDA, a Florida municipal corporation, whose address is 1000 City Center Circle, Port Orange, Florida 32129 (hereinafter the "CITY or LESSOR"), and the DAYTONA BEACH ELECTRICAL JOINT APPRENTICESHIP AND TRAINING COMMITTEE, a Trust Fund dated May 6, 1968, D/B/A DON MORGAN ELECTRICAL ACADEMY, whose address is 790 Commonwealth Blvd., Port Orange, Florida 32127 (hereinafter the "LESSEE").

WHEREAS, the CITY and the LESSEE entered into the Lease Agreement on October 26, 2004 (the "Lease"); and

WHEREAS, the LESSEE desires to renew the term of the Lease for an additional five-year period expiring on October 25, 2014.

NOW, THEREFORE, in consideration of the mutual understandings and agreements set forth herein, constituting good and valuable consideration, and with the intent to be legally bound, the CITY and the LESSEE agree as follows:

1. The terms and conditions of the Lease are hereby restated and incorporated as if fully set forth herein.
2. The premises set forth above are true and correct and form a material part of this First Amendment to the Lease.
3. The Lease is hereby renewed for a five-year term that shall expire on October 25, 2014.
4. The rent shall be Sixty-Seven Thousand Eight Hundred Twenty-Five and no/100 Dollars (\$67,825.00) due and payable in full with in-kind services of commensurate value for projects and services as determined by the City Manager and which may include up to \$10,000 in property maintenance services. LESSEE shall complete the in-kind services totaling \$67,825.00 on or before June 1, 2014. In-kind services not performed under the initial lease agreement shall carry forward into this Lease. LESSEE's failure to complete all in-kind services within the prescribed time shall constitute a default by LESSEE.

5. This First Amendment to the Lease shall become effective upon being signed by the CITY and LESSEE.

6. All other terms and conditions of the Lease, as amended, shall remain in full force and effect except as modified by this First Amendment.

IN WITNESS WHEREOF, the CITY and LESSEE, by and through the undersigned, have entered into this First Amendment to the Lease on the date and year hereafter written for the purpose stated above.

WITNESSES:

**LESSEE:**

DAYTONA BEACH ELECTRICAL JOINT APPRENTICESHIP AND TRAINING COMMITTEE, a Trust Fund dated May 6, 1968, D/B/A DON MORGAN ELECTRICAL ACADEMY

Daniel P. Hunt  
Printed Name: Daniel P. Hunt

By: [Signature]  
Title: Chairman

Carl Scott Jarvis  
Printed Name: CARL SCOTT JARVIS

Attest: [Signature]  
Title: SECRETARY

(Witnesses as to Both)

Date: 4-16-10

STATE OF FLORIDA  
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 16<sup>th</sup> day of April, 2010, by FRANK DUDLEY JR and KEITH WENRICH as CHAIRMAN and SECRETARY, respectively, of DAYTONA BEACH ELECTRICAL JOINT APPRENTICESHIP AND TRAINING COMMITTEE, a Trust Fund dated May 6, 1968, D/B/A DON MORGAN ELECTRICAL ACADEMY and who  are personally known to me, or  have produced \_\_\_\_\_ as identification.



Candice Hampton  
Notary Public, State of Florida at Large  
Seal, Term Expiration and Commission Number

WITNESSES:

**LESSOR:**  
CITY OF PORT ORANGE,  
a Florida municipal corporation

\_\_\_\_\_  
Printed Name: \_\_\_\_\_

By: \_\_\_\_\_  
Allen Green, Mayor

\_\_\_\_\_  
Printed Name: \_\_\_\_\_

Attest: \_\_\_\_\_  
Kenneth W. Parker, City Manager

(Witnesses as to Both)

Date: \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2010, by Allen Green and Kenneth W. Parker, as Mayor and City Manager, respectively, of the City of Port Orange, a Florida municipal corporation, on behalf of the City, and who  are personally known to me, or  have produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
Notary Public, State of Florida at Large  
*Seal, Term Expiration and Commission Number*