

**AMENDMENT NO. 1 TO LEASE AGREEMENT DATED DECEMBER 28, 2005,
BETWEEN THE CITY OF DELRAY BEACH AND THE
DELRAY BEACH PUBLIC LIBRARY ASSOCIATION, INC.**

THIS AMENDMENT NO. 1 to the Lease Agreement is entered into by and between the CITY OF DELRAY BEACH, FLORIDA, ("Lessor") and DELRAY BEACH PUBLIC LIBRARY ASSOCIATION, INC. ("Lessee") on this 15th day of September, 2011.

WITNESSETH

WHEREAS, the parties desire to amend the Lease Agreement entered into on December 28, 2005, in order to provide that the Lessee shall be responsible for all non-exempt property taxes that result from any assignment or sublease of the property.

NOW, THEREFORE, in consideration of the mutual covenants, stipulations and agreements herein contained, the parties agree as follows:

1. The recitations referred to above are hereby incorporated herein.
2. The parties desire to amend Section 13.10, "Assignment and Subletting"

of the Lease Agreement to state as follows:

13.10. This Lease and the Term and estate granted by this Lease, or any part of this Lease or that Term and estate, may not be subleased or assigned, without Lessor's written consent which such consent may not be arbitrarily withheld.

(1) Lessee shall be responsible for payment of property taxes on any portion of the Leased Land which becomes non-exempt as a result of Lessee's assigning or subleasing same.

3. All other terms and conditions of the Lease Agreement of December 28, 2005 not in conflict with this Amendment shall remain in full force and effect and are incorporated herein.

IN WITNESS WHEREOF, **Lessor** and **Lessee** have executed and signed this Lease or have caused this Lease to be executed and signed on 8/18/11

WITNESSES:

Karen Evanson
KAREN EVANSON
M/B
MYKAL BANTA

ATTEST:

By: [Signature]
Secretary

LESSEE:

**DELRAY BEACH PUBLIC LIBRARY
ASSOCIATION, INC.**

By: Alan Kornblau
Print Name: Alan Kornblau
Title: Library Director

(Corporate Seal)

STATE OF FLORIDA
COUNTY OF PALM BEACH

I certify that on this 18th day of August, 2011, of the Delray Beach Public Library Association, Inc., ✓ who is personally known to me or who produced as identification and that he or she signed and delivered this instrument as the officer of the named corporation, and that this instrument is the voluntary act and deed of that corporation as authorized by its Board of Directors.

Karen Evanson
Notary Public-State of Florida



Memorandum

To: Terrill Pyburn, Assistant City Attorney

CC: Milena Walinski, Assistant Finance Director

File

From: Kimberly Wynn, Executive Assistant/Agenda Coordinator *KW*

Date: 9/19/2011

Re: Amendment No. 1 to the Lease Agreement/ Delray Beach Library Association, Inc.

Attached are two (2) Amendment No. 1 to the Lease Agreement with Delray Beach Library Association, Inc. This item was approved by Commission at the September 6, 2011 Regular Meeting; Item 8.M.

An original will be maintained on file with the City Clerk's Office and a copy sent to Milena Walinski, Assistant Finance Director.

Please call me at 243-7059 if you have any questions. Thanks.

KW

Attachments

CITY OF DELRAY BEACH



CITY ATTORNEY'S OFFICE

200 NW 1st AVENUE • DELRAY BEACH, FLORIDA 33444
TELEPHONE: 561/243-7090 • FACSIMILE: 561/278-4755

Writer's Direct Line: (561) 243-7092



MEMORANDUM

DATE: September 9, 2011
TO: Kimberly Wynn, Executive Assistant/Agenda Coordinator
FROM: Terrill Pyburn, Assistant City Attorney
SUBJECT: Amendment No. 1 to the Lease Agreement between the City of Delray Beach and the Delray Beach Public Library Association, Inc.

Attached please find three (3) partially executed originals of the above-referenced Amendment No. 1 which has been approved by our office for form and legal sufficiency. Please have the document signed by the Mayor and the City Clerk and provide a signed copy to me for my file.

Thank you.

TCP/smk
TCP:smk

Attachment

RECEIVED
SEP 09 2011
CITY CLERK