

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: November 14, 2007

Division: Public Works

Bulk Item: Yes No

Department: Facilities Maintenance

Staff Contact Person: John W. King/292-4431

AGENDA ITEM WORDING: Approval to terminate the Lease Agreement with Nancy Curran d/b/a Yoga on the Beach concerning use of a platform at Higgs Beach for yoga classes.

ITEM BACKGROUND: Nancy Curran, d/b/a Yoga on the Beach has been using the platform at Higgs Beach to conduct yoga classes for a fee of \$100.00 for May 1 through October 31, and \$400.00 for November 1 through April 30. Earlier this year Mrs. Curran requested not paying rent during May through October with rent commencing again November 1. Instead, we received the request to terminate. Technically, the lease is in default as we have not received rent since May without BOCC approval. The agreement does provide for termination with 15 days' notice by either party, with or without cause.

PREVIOUS RELEVANT BOCC ACTION: The BOCC approved an Agreement with Yoga by the Sea on June 15, 2000 authorizing the use of a platform at Higgs Beach for yoga classes. On April 17, 2002, the BOCC approved amending the agreement to extend the hours of use. On July 14, 2004, the BOCC approved entering into a Facilities Use Agreement with Yoga by the Sea for use of the Higgs Beach platform. On July 20, 2005, the BOCC approved an Assignment of Lease from Yoga by the Sea to Yoga on the Beach, and on March 15, 2006, the BOCC approved a lease amendment to abate rent due to the closing of Higgs Beach because of hurricane activity during the months October, November and December 2005.

CONTRACT/AGREEMENT CHANGES: Agreement termination

STAFF RECOMMENDATIONS: Approval

TOTAL COST: _____

BUDGETED: Yes No

COST TO COUNTY: _____

SOURCE OF FUNDS: N/A

REVENUE PRODUCING: Yes No **AMOUNT PER MONTH** _____ **Year** _____

APPROVED BY: County Atty OMB/Purchasing _____ Risk Management _____

DOCUMENTATION: Included Not Required

DISPOSITION: _____

AGENDA ITEM # _____

From: Nancy Curran [mailto:n.curran@comcast.net]
Sent: Friday, October 26, 2007 11:00 AM
To: Carbonell-Miguel
Subject: Yoga on the Beach

Hello Miguel,

We arrived in town on Tuesday and have been running around busily looking for our new home. It looks good for a place on Ashe St., and I am excited about the possibilities.

As for Yoga on the Beach, we have decided that it is time for a move this year. Higgs Beach has been wonderful to us, and yet the changes over the past couple of years has made it quite difficult for us to hold the space and energy of tranquility for our classes. We will be moving the classes to Ft Zach this year, and look for this change of venue to support that atmosphere that is crucial to the Yoga on the Beach experience. Let me know if I need to send a more formal letter to the County or if this email will suffice.

I want to thank you personally for the support you have given us. It has been a pleasure to work with you, and to call you our friend. As soon as we settle in we'd love to have you over to our new home! Happy Fantasyfest. We'll be marching in the locals parade tonight...

See you about town,
Nancy

Nancy J. Curran
305-296-7352
508-737-3211

Visit my website at www.yogaonthebeach.citymax.com