



**To:** MAYOR AND COUNCIL

**Agenda Item #:** IV. J.

**From:** John Keprios, Director  
Parks & Recreation Department

**Action**

**Discussion**

**Date:** December 18, 2012

**Information**

**Subject:** Amendment to Retail Lease Agreement – Hornets Nest

**Action Requested:**

Staff recommends that Council approve the attached First Amendment to Retail Lease Agreement between the City of Edina and Velocity Hockey Center, LLC.

**Information / Background:**

The original Lease Agreement between the City of Edina and Velocity Hockey Center, LLC states a Scheduled Commencement date of December 1, 2012. Due to unforeseen conditions and circumstances, the construction project has been delayed. As a result, the concrete floor for Velocity Hockey Center's space will not be cured and ready for installation of their rubber flooring until long after the Lease Commencement date of December 1, 2012. Staff is therefore recommending that the Lease Commencement date be moved to January 30, 2013, or the date Velocity opens for business, whichever first occurs.

The other modification to the Lease Agreement involves the overhead lighting fixtures that the owner of Velocity is requesting to enhance to bring light levels to a standard that is greater than what the plans currently specify. There is some debate as to what exactly is the appropriate foot-candle standard for dry-land training facilities similar to Velocity Hockey. After meeting with the project architect and engineer, staff is recommending to accommodate Velocity's request to meet their lighting needs and expectations at the City's expense. In accordance with the First Amendment to Retail Lease Agreement, the total lighting costs shall not exceed \$24,620.00. The cost for the standard lighting is \$11,191.00 and the charge for improved lighting requested by Velocity is an additional \$8,427.00, which totals \$19,618.00 (\$5,002.00 under the not to exceed amount).

**ATTACHMENT:**

- First Amendment To Retail Lease Agreement

**FIRST AMENDMENT  
TO  
RETAIL LEASE AGREEMENT**

**THIS FIRST AMENDMENT TO LEASE AGREEMENT** (hereafter called the "Amendment") made as of the 5<sup>th</sup> day of December 2012 by and between the City of Edina, a Minnesota municipal corporation (hereinafter called the "**Landlord**") and the Tenant as listed on the Reference Page (hereinafter called the "**Tenant**").

**FOR AND IN CONSIDERATION** of good and valuable consideration, receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Tenant and Landlord have previously entered into a Lease Agreement for Suite 1 of the Hornet's Nest Braemar Sports Facility, Edina, Minnesota with a Lease Reference Date of July 17, 2012 ("Lease Agreement"). The Lease Agreement shall remain in full force and effect except as specifically modified by this Amendment.

2. The Lease Commencement Date is January 30, 2013, or the date Velocity opens for business, whichever first occurs.

3. Landlord will provide the lighting requested by Tenant, but at a cost to Landlord not to exceed Twenty-four Thousand Six Hundred Twenty and No/100 Dollars (\$24,620.00), inclusive.

**IN WITNESS WHEREOF**, this Lease Agreement has been duly executed by the parties hereto as of the day and year indicated above.

**LANDLORD:**  
CITY OF EDINA

By: \_\_\_\_\_  
James Hovland, Mayor

AND: \_\_\_\_\_  
Scott Neal, City Manager

**TENANT:**  
VELOCITY HOCKEY CENTER, LLC

By:  \_\_\_\_\_  
Its: OWNER, Velocity Hockey