

## **ELEVENTH AMENDMENT TO YMCA FACILITY USE LEASE AGREEMENT**

THIS ELEVENTH AMENDMENT TO THE YMCA FACILITY USE LEASE AGREEMENT (hereinafter referred to as the “Eleventh Amendment”) is made this 17 day of August, by and between the Mountain View Whisman School District (hereinafter called “Lessor”) and YMCA of Silicon Valley, as successor in interest to the YMCA of the Mid Peninsula (hereinafter called “Lessee”) collectively referred to as the “Parties.”

### **RECITALS**

WHEREAS, Lessor and Lessee entered into a YMCA Facility Use Lease Agreement executed on May 27, 2004 (hereinafter referred to as the “Agreement”) for the use of classrooms and portables, located at Bubb, Landels, Slater, Imai and Theuerkauf Elementary Schools in Mountain View, California;

WHEREAS, Lessor and Lessee have faithfully performed their respective obligations in accordance with the Agreement;

WHEREAS, the need for child care and development services for Lessor’s students have changed since the execution of the Agreement; and

WHEREAS, Lessor and Lessee now wish to amend the Agreement to reflect changes to the provisions relating to Premises, Term, and Rent.

### **AGREEMENT**

NOW THEREFORE, in consideration of the mutual agreement of the parties and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, District and YMCA agree as follows:

1. The introduction to Section 1 of the Agreement, entitled “PREMISES,” shall be amended as follows:

**PREMISES:** Effective August 1, 2023, Lessor hereby leases to Lessee and Lessee hereby hires from Lessor those certain premises described as follows:

- Bubb School, 525 Hans Ave., Mountain View, CA 94040  
1 Modular Building (Room 21) - 2,400 sq. ft.
- Imai School, 253 Martens Ave., Mountain View, CA 94040  
1 Modular Building (Room 21) - 2,400 sq. ft.
- Landels School, 115 West Dana St., Mountain View, CA 94041  
1 Modular Building (Landels 29) - 1,920 sq. ft.,
- Mistral School, 505 Escuela Ave., Mountain View, CA 94040  
1 classroom (Room 21) - 828 sq. ft.
- Theuerkauf School, 1625 San Luis Ave., Mountain View, CA 94043  
1 classroom (Room 26) - 851 sq. ft.
- Vargas School, 220 North Whisman Rd., Mountain View, CA 94043  
2 classrooms (Rooms 20 and 21) – 1,920 sq. ft.
- Stevenson School, 750 San Pierre Way, Mountain View, CA 94043 1 classroom (Room 20) -960 sq. ft.

The leased premises constitute a total of approximately 11,279 square feet.

[Subparagraphs 1.1 and 1.2 shall remain unchanged.]

2. The introduction to Section 2 of the Agreement, entitled “TERM,” shall be amended as follows:

TERM: Effective August 1, 2023, the term of this lease shall be extended through June 30, 2024.

[Subparagraphs 2.1 and 2.2 shall remain unchanged.]

3. The introduction to Section 3 of the Agreement, entitled “RENT,” shall be amended as follows:

RENT: This amount shall be payable in advance of each month on or before the fifth day of each month. A five percent (5%) late penalty payment on the amount due will be levied if a monthly payment is not received on time. If the payment is late 25 days or more, a late payment penalty of ten percent (10%) will be levied or Lessor may take such remedies as are specified under DEFAULT.

RENT: The Rent shall automatically be adjusted annually on July 1<sup>st</sup> at a rate of three percent (3%) unless Lessee provides Lessor written notice on or before June 1<sup>st</sup> that the Rent be adjusted by the following calculation:

The annual adjustment shall be calculated by multiplying the current monthly installment of Rent by a fraction, the numerator of which is the current year’s Index and the denominator of which is the previous year’s Index. However, at a minimum, the adjusted Rent for the upcoming yearly period shall increase by at least 1% but in no instance shall the Rent be less than the prior year’s Rent nor increased by greater than 3%. The index for computing the adjustment shall be the United States Department of Labor, Bureau of Labor Statistics, Consumer Price Index (CPI), San Francisco-Oakland-Hayward, CA, All Urban Consumers, not seasonally adjusted as published for April (or the nearest preceding month if not published for April), henceforth called the “Index.”

School Site	Monthly Rate	Cost per Square Foot	Number of Months Accessible	Annual Amount
Bubb	2,400	\$3.18	12	\$91,661.76
Imai	2,400	\$3.18	12	\$91,661.76
Landels	1,920	\$3.18	12	\$73,329.41
Mistral	828	\$3.18	12	\$31,623.31
Theuerkauf	851	\$3.18	12	\$32,501.73
Vargas	1,920	\$3.18	12	\$73,329.41
Stevenson	960	\$3.18	12	\$36,664.70
<b>Total</b>	11,279			<b>\$394,107.38</b>

4. In the event of inconsistencies between the Agreement and this ELEVENTH Amendment, the terms and conditions of this ELEVENTH Amendment shall be controlling. Unless specifically modified or changed by the terms of this ELEVENTH Amendment, all terms and conditions of the Agreement shall remain in effect and shall apply fully as described and set forth therein, respectively.

**IN WITNESS WHEREOF, the parties hereto have executed this ELEVENTH Amendment by causing their duly authorized representatives to sign below as of the day and year first above written.**

Mountain View Whisman  
School District

YMCA of Silicon Valley

By: \_\_\_\_\_

By: \_\_\_\_\_

Name: Ayindé Rudolph

Name: Mary Hoshiko Haughey

Title: Superintendent

Title: Chief Operating Officer

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

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