## AMENDMENT TO LEASE AGREEMENT

This 1ST Amendment to Lease Agreement ("*Amendment*") is dated to be effective as of the 10 day of OCT, 2020 and entered by and between the City of Fort Lauderdale, a municipal corporation of the State of Florida, whose principal address is 100 North Andrews Avenue, Fort Lauderdale, Florida, 33301 ("*Lessor*" or "*City*"), and Riverwalk Cafe at Huizenga Yacht Center LLC, a Florida LLC, whose principal address is 301 SW 3rd Ave Ft Lud FLA 33312 (hereinafter "*Lessee*").

### Background

CAM# 15-H63

**WHEREAS**, City and Lessee entered into that certain Lease Agreement dated 19th JAN, 2016, (CAM Number 50421097002), as supplemented, amended or modified from time to time, collectively, the "*Lease*"), pertaining to the Leased Premises, as such premises are further described in the Lease, and

**WHEREAS**, City and Lessee desire to enter into this 1ST Amendment for the purpose of amending the Lease, subject to the terms and conditions set forth herein.

### Agreement

**NOW, THEREFORE**, in consideration for the covenants and conditions of this Amendment and for other good and valuable consideration, the receipt and sufficiency of which are hereby conclusively acknowledged, City and Lessee agree as follows:

1. **Recitals**. The above recitals are true and correct and are incorporated herein as a material part hereof.

2. **Defined Terms**. All undefined capitalized terms used herein shall have the same meanings as defined in the Lease.

3. **Rental Payments**. The Lease is hereby amended to defer the monthly rental payments for six months for the period beginning April 2020 through September 2020 (the "Deferral Period"), without extending the Term of the Lease Agreement. Upon the expiration of the Deferral Period, LESSEE shall resume making monthly rent payments as required in the Lease and the deferred rental payments being paid as an additional charge to the monthly base rental payment. The base rental and deferred rental payments shall be made by the Lessee over a six (6) month period beginning January 2021.

4. **Ratification of Lease; Counterparts**. All other provisions of the Lease shall remain unchanged and in full force and effect. City and Lessee do hereby ratify and confirm the Lease, as modified herein. This Amendment may be signed in counterparts, each of which shall be deemed an original, all of which together shall constitute one complete agreement.

5. **Conflict**. If any of the provisions of this Amendment conflict with the Lease, then this Amendment shall control.

6. **Effectiveness**. This Amendment shall not be effective until it is executed by, and delivered to, both City and Lessee.

7. **Authority**. City and Lessee each warrant to the other that the person or persons executing this Amendment on its behalf has or have authority to do so and that such execution has fully obligated and bound such party to all terms and provisions of this Amendment.

[Signature Pages to Follow]

IN WITNESS WHEREOF, the parties hereto have executed this Lease on the date first above written.

**LESSEE**

WITNESSES:

[ Jason G. Hodges ]Print Name

[ Juan Rashotsky ]Print Name

_____, A Florida _____

Name James Campisere

Title

STATE OF FLORIDA
COUNTY OF Broward

The foregoing instrument was acknowledged before me by means of ☒ physical presence or □ online notarization, this 21st day of October, 2020, by Kathryn Newman.
(Name of person acknowledging)

Notary Public signature

Kathryn Newman
Name of Notary Typed, Printed or Stamped

Personally Known ✓ OR Produced Identification _____

Type of Identification Produced _____

KATHRYN NEWMAN
MY COMMISSION # GG080501
EXPIRES May 30, 2021

KATHRYN NEWMAN
MY COMMISSION # GG080501
EXPIRES May 30, 2021

**[AS TO CITY]**

IN WITNESS OF THE FOREGOING, the parties have set their hands and seals the day and year first written above.

WITNESSES:

[Witness Print Name] Rebecca McCann

[Witness Print Name]: Donna Varisco

**CITY OF FORT LAUDERDALE,**
a municipal corporation of the State of Florida

By:_____
Christopher J. Lagerbloom, ICMA-CM
City Manager

APPROVED AS TO FORM:
Alain E. Boileau

By:_____

STATE OF FLORIDA:
COUNTY OF BROWARD:

The foregoing instrument was acknowledged before of ☑ physical presence or ☐ online, this 4th day of November, 2020, by Christopher J. Lagerbloom, ICMA-CM, City Manager of the City of Fort Lauderdale, a municipal corporation of Florida.

Notary Public, State of Florida

Aimee Llauro
Name of Notary Typed, Printed or Stamped

Notary Public State of Florida
Aimee Llauro
My Commission GG 321478
Expires 05/08/2023

Personally Known ✓ OR Produced Identification_____

Type of Identification Produced _____

1 L G
11/5/2020

**COMMISSION AGENDA ITEM**
**DOCUMENT ROUTING FORM**

**Today's Date:** 10/29/20

**DOCUMENT TITLE:** **1st Amendment to Lease Agreement Between COFL and Riverfront Cruise and Anticipation Yacht Charters, LLC**

**COMM. MTG. DATE:** **10/6/2020** **CAM #:** 20-0799 **ITEM #:** **CR-5** **CAM attached:** ☒ YES ☐ NO

**Routing Origin:** CAO **Router Name/Ext:** **Sonia ext 5598** **Action Summary attached:** ☒ YES ☐ NO

**CIP FUNDED:** ☐ YES ☐ NO

> **Capital Investment / Community Improvement Projects** defined as having a life of at least 10 years and a cost of at least $50,000 and shall mean improvements to real property (land, buildings, or fixtures) that add value and/or extend useful life, including major repairs such as roof replacement, etc. Term "Real Property" include: land, real estate, realty, or real.

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**1) Dept:** CM **Router Name/Ext:** Luisa ext. 5271 **# of originals routed:** 1 **Date to CAO:** 10/28/2020

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**2) City Attorney's Office:** Documents to be signed/routed? ☒ YES ☐ NO # of originals attached: 1

Is attached Granicus document Final? ☒ YES ☐ NO Approved as to Form: ☒ YES ☐ NO

**Date to CCO:** 11/3/20 ALAINE. BOILEAU [signature]
Attorney's Name Initials

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**3) City Clerk's Office:** # of originals: 1 **Routed to:** Donna V./Aimee L./CMO **Date:** 11/3/2020

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**4) City Manager's Office:** **CMO LOG #:** Nov 11 Document received from: _____

Assigned to: CHRIS LAGERBLOOM ☐ TARLESHA SMITH ☐ GREG CHAVARRIA ☐
CHRIS LAGERBLOOM as CRA Executive Director ☐

☐ APPROVED FOR C. LAGERBLOOM'S SIGNATURE ☐ N/A FOR C. LAGERBLOOM TO SIGN

PER ACM: **T. Smith** _____ (Initial/Date) PER ACM: **G. Chavarria** _____ (Initial/Date)
☐ **PENDING APPROVAL** *(See comments below)*
Comments/Questions: _____

~~Forward~~ 1 ~~originals to~~ ☐ ~~Mayor~~ ☑ ~~CCO~~ ~~**Date:**~~ 11-5-2020

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~~**5) Mayor/CRA Chairman:** Please sign as indicated. Forward ___ originals to CCO for attestation/City seal (as applicable)~~ ~~**Date:**~~ _____

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**6) City Clerk:** Forward __ originals to CAO for **FINAL APPROVAL** **Date:** _____

**7) CAO** forwards __ originals to **CCO** **Date:** _____

**8) City Clerk:** Scan original and forwards __ originals to: **Luisa Agathon ext. 5271 City Mgr's Office**

Attach __ certified Reso # _____ ☐ YES ☐ NO **Original Route form to** _____