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DOCUMENT ROUTING FORM

NAME OF DOCUMENT:

Third Amendment to Agreement

Approved Comm. Mtg. on: 4/7/15 CAM #: 15-0306 ITEM #: CR-3

Routing Origin: CAO Also attached: copy of CAM Original Document

1) **City Attorney's Office:** Approved as to Form / # Two Originals Delivered to City Manager on April 8, 2015.

Lynn Solomon

CIP FUNDED YES NO
Capital Investment / Community Improvement Projects

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, 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, real.

2) **City Manager:** Please sign as indicated and forward Two originals to Mayor.

3) **Mayor:** Please sign as indicated and forward Two originals to Clerk for attestation and City seal.

INSTRUCTIONS TO CLERK'S OFFICE

4) **City Clerk:** Please return original documents to Laura Comer, CAO.

Original Route form to Laura Comer, CAO, Extension 5036

4/23

THIRD AMENDMENT TO AGREEMENT

This Third Amendment entered into this 7th day of April, 2015, shall amend that Agreement (the "Agreement") dated February 10, 1965, by and between:

THE CITY OF FORT LAUDERDALE, a municipal corporation of the State of Florida, hereinafter referred to as the "Lessor",

and

INTERNATIONAL SWIMMING HALL OF FAME, INC., formerly known as SWIMMING HALL OF FAME, INC., a Florida non-profit corporation, hereinafter referred to as the "Lessee".

Whereas, the parties entered into an Agreement dated February 10, 1965 (the "Agreement"), which Agreement expired as of February 9, 2015. Said Agreement was amended on or around 1990 or 1991 and on September 10, 1991;

Whereas, said Agreement authorized and permitted Lessee to operate a Swimming Hall of Fame Museum and Shrine on the Lessor's Swimming Hall of Fame Complex (the "Premises");

Whereas, neither parties intends to extend the term of the Agreement for another fifty years (50) as provided in the Agreement;

Whereas, the parties agree to extend the terms and conditions of the Agreement, except as modified herein.

Now therefore, in consideration of the promises set forth herein and other reasonable consideration, the parties hereby agree as follows.

1. **Recitals**. The Recitals are true and correct and are incorporated herein.
2. **Renewal**. The terms and conditions of the Agreement, as amended, are hereby extended and shall have an Effective Date of February 10, 2015.
3. **Month to Month**. Lessor consents and agrees that Lessee may occupy the Premises on a month to month basis under the terms, conditions, duties and obligations under the Agreement, as amended.
4. **Vacation**. Lessee agrees to vacate the Premises within thirty (30) days after receiving written notice from Lessor that the Agreement, as amended, is terminated and Lessee shall deliver possession of the Premises to Lessor.
5. **Modification**. Unless modified herein, all other terms and conditions of the Agreement, as amended, remain unchanged.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals, this the 23rd day of April, 2015.

WITNESSES:

[Signature]

[Signature]
[Witness print/type name]

[Signature]

Aixa S. Peredo
[Witness print/type name]

LESSOR

CITY OF FORT LAUDERDALE

[Signature]
John P. "Jack" Seiler, Mayor

[Signature]
Lee R. Feldman, City Manager

ATTEST:

[Signature]
Jonda K. Joseph, City Clerk

Approved as to form:

[Signature]
Lynn Solomon, Assistant City Attorney

LESSEE

INTERNATIONAL SWIMMING HALL OF FAME, INC., formerly known as SWIMMING HALL OF FAME, INC., a Florida non-profit corporation

[Signature]
Bruce Wigo / President/CEO
[Print/type name and title]

WITNESSES:

[Signature]

IVONNE SCHMID
[Witness print/type name]

(CORPORATE SEAL)

STATE OF FLORIDA:
COUNTY OF BROWARD:

ATTEST:

[Signature]
Secretary

The foregoing instrument was acknowledged before me this 27 day of MARCH, 2015, by Bruce Wigo, as President of

INTERNATIONAL SWIMMING HALL OF FAME, INC., formerly known as SWIMMING HALL OF FAME, INC., a Florida non-profit corporation. He/She is personally known to me or has produced _____ as identification.

(SEAL)

Marcia Meiners

Notary Public, State of Florida (Signature of Notary Taking Acknowledgment)



Marcia Meiners
Name of Notary Typed, Printed or Stamped

My Commission Expires:

10/13/17 FF053722
Commission Number