

**FIRST AMENDMENT
TO LEASE AGREEMENT**

THIS FIRST AMENDMENT TO LEASE AGREEMENT dated January 8, 2016 (hereinafter "First Amendment"), is made and entered into this _____ day of April, 2017, by and between:

CITY OF FORT LAUDERDALE, a municipal corporation of the State of Florida, 100 North Andrews Avenue, Fort Lauderdale, FL 33301 (hereinafter "LESSOR" or "CITY"),

and

P.D.K.N. HOLDINGS, LLC, a Florida limited liability company FEI/EIN Number 27-4601144, whose principal address is 1280 South Pine Island Road, Plantation, FL 33324 (hereinafter, "LESSEE")

W I T N E S S E T H :

WHEREAS, the CITY owns the Leased Premises described below and improvements located thereon at 600 Seabreeze Boulevard, Fort Lauderdale, Florida; and

WHEREAS, the City Commission, by adoption of Resolution No. 15-28, adopted February 17, 2015 declared it to be in the best interests of the CITY that such Leased Premises again be declared not needed for a governmental purpose and advertised for lease under the provisions of Section 8.09 of the CITY Charter, subject to certain conditions, terms and limitations; and

WHEREAS, pursuant to Resolution No. 15-159, adopted by the City Commission on August 18, 2015, the City Commission entered into a lease (the "Lease") with P.D.K.N. HOLDINGS, LLC for the Leased Premises for a term of twenty (20) years with four (4) five-year Options to Renew which such lease will provide for the use of the Leased Premises as a restaurant for casual and tropical dining; and

WHEREAS, the LESSEE has not secured an occupancy permit from the appropriate regulatory authority within the deadline imposed under the Lease; and

WHEREAS, the LESSEE is diligently pursuing completion of the improvements and has requested additional time to secure the requisite approvals.

NOW THEREFORE, in consideration of the mutual covenants exchanged herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the LESSOR and LESSEE agree as follows:

TERMS

1. The recitals are true and correct and incorporated herein.

2. Paragraph 4.3 (a) of the Lease is amended to read as follows:

4.3 (a) LESSEE shall have twenty one (21) months from the Effective Date to complete construction and installation of improvements and renovations and secure a Certificate of Completion or Certificate of Occupancy, whichever is applicable.

3. Unless modified herein, all other terms and conditions of the Lease remain unchanged. Upon execution of this First Amendment, the parties ratify and confirm the terms and conditions of the Lease, as amended by this First Amendment. Unless defined herein, capitalized terms shall have the meaning ascribed in the Lease.

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

AS TO LESSOR:

WITNESSES:

CITY OF FORT LAUDERDALE

By: _____
John P. "Jack" Seiler, Mayor

[Witness print or type name]

By: _____
Lee R. Feldman, City Manager

[Witness print or type name]

ATTEST:

(CORPORATE SEAL)

Jeffrey A. Modarelli, City Clerk

APPROVED AS TO FORM:
Cynthia A. Everett, City Attorney

Lynn Solomon
Assistant City Attorney

STATE OF FLORIDA:
COUNTY OF BROWARD:

The foregoing instrument was acknowledged before me this _____ of _____ 2017, by JOHN P. "JACK" SEILER, Mayor of the City of Fort Lauderdale, a municipal corporation of Florida. He is personally known to me and did not take an oath.

(SEAL)

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

Name of Notary Typed,
Printed or Stamped

My Commission Expires:

Commission Number

STATE OF FLORIDA:
COUNTY OF BROWARD:

The foregoing instrument was acknowledged before me this _____ of _____, 2017, by LEE R. FELDMAN, City Manager of the City of Fort Lauderdale, a municipal corporation of Florida. He is personally known to me and did not take an oath.

(SEAL)

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

Name of Notary Typed,
Printed or Stamped

My Commission Expires:

Commission Number

AS TO LESSEE:

WITNESSES

P.D.K.N. Holdings, LLC, a Florida
limited liability company

Type or Print Name

By: _____

Print Name: _____

Title: _____

Type or Print Name

STATE OF FLORIDA:
COUNTY OF BROWARD:

The foregoing instrument was acknowledged before me this ____ day of _____,
2017, by _____, as _____ for P.D.K.N.
Holdings, LLC, a Florida limited liability company. He is personally known to me and did not
take an oath or produced _____ as identification and took an oath.

(SEAL)

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

Name of Notary Typed, Printed or Stamped

My Commission Expires:

Commission Number