

**FIRST AMENDMENT TO LICENSE AGREEMENT BETWEEN THE CITY OF FORT
LAUDERDALE AND AIR PLAY ADVENTURES LLC
FOR AERIAL ADVENTURE COURSE**

THIS FIRST AMENDMENT to Agreement between the City of Fort Lauderdale and Air Play Adventures LLC for Aerial Adventure Course, made and entered into on the nineteenth day of April, 2017, ("Effective Date"), is by and between the City of Fort Lauderdale, a Florida municipality, ("City"), whose address is 100 North Andrews Avenue, Fort Lauderdale, FL 33301-1016, and Air Play Adventures LLC, a Hawaii limited liability company, ("Contractor"), whose address is 216 Dickenson Street, Lahaina, Hawaii, 96761.

WHEREAS, the City and the Contractor entered into a License Agreement for Aerial Adventure Course that was executed by the Contractor on January 16, 2017, ("Contract"),

NOW, THEREFORE, the City and the Contractor hereby agree to amend the Contract as follows:

The following provisions shall be added to the Contract:

1. The Contractor shall, within fifteen (15) working days after the Effective Date of this First Amendment to License Agreement, furnish to the City a Payment and Performance Bond, in the amount of the proposed price for the initial term of the Contract (Years 1 through 3) as surety for faithful performance under the terms and conditions of the Contract. If the bond is on an annual coverage basis, renewal for each succeeding year shall be submitted to the City thirty (30) days prior to the termination date of the existing Payment and Performance Bond. The Performance Bond must be executed by a surety company of recognized standing to do business in the State of Florida and having a resident agent.

2. The surety company must have a Financial Size Categories (FSC) rating of no less than "A-" by the latest edition of Best's Key Rating Guide, or must be an insurance company that holds a valid Florida Certificate of Authority issued by the State of Florida Office of Insurance Regulation, and must be a member of the Florida Guarantee Fund.

3. Acknowledgement and agreement is given by both parties that the amount herein set for the Payment and Performance Bond is not intended to be nor shall be deemed to be in the nature of liquidated damages nor is it intended to limit the liability of the Contractor to the City in the event of a material breach of the Contract by the Contractor.

The following additional amendments are hereby made to the Contract:

1. Paragraph 2.(b) of the Contract is hereby amended by and replaced with the following paragraph:


(b) Initial Construction and Approvals. Licensee must obtain all Approvals (as defined below) necessary for the installation and use of the first Zipline Structure in accordance with the specification set forth herein within twelve (12) months of the execution of this First Amendment or Owner shall have the right to terminate this Agreement upon thirty (30) days written notice of the termination and failure of Licensee to obtain such Approvals during such thirty (30) day period.

2. The first bullet point on page 15 of the Contract, in the section on Commercial General Liability, is hereby amended and replaced by the following:

- \$2,000,000 each occurrence and \$2,000,000 aggregate for Bodily Injury, Property Damage and Personal and Advertising Injury

IN WITNESS WHEREOF, the City and the Contractor execute this First Amendment to License Agreement between the City of Fort Lauderdale and Air Play Adventures, LLC, for Aerial Adventure Course as follows:

ATTEST:

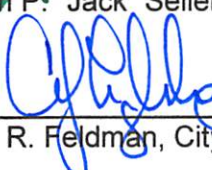


Jeff Modarelli, City Clerk

CITY OF FORT LAUDERDALE

By: 

John P. "Jack" Seiler, Mayor

By: 

Lee R. Feldman, City Manager

FOR

Approved as to form:
Cynthia A. Everett, City Attorney

By: 

Candace Duff
Assistant City Attorney

The first dollar found on page 12 of the report of the section on
Commercial General Liability is hereby amended and replaced by the following:

\$2,500,000 each occurrence and \$5,000,000 aggregate for Bodily Injury,
Property Damage and Personal and Advertising Injury.

IN WITNESS WHEREOF, the City and the County have caused this final
Amendment to be signed by their respective officers and attested by
their respective Clerks of the County and the City.



CITY OF LOS ANGELES

By _____
County Clerk

By _____
City Manager

Approved as to form
Cynthia A. Evans, City Attorney

By _____
Assistant City Attorney

WITNESSES:

Air Play Adventures LLC

Oscar Rodero
Signature
Print Name: Oscar Rodero

By: Todd Domeck
Todd Domeck, Manager

Rebecca Teller
Signature
Print Name: Rebecca Teller

ATTEST:

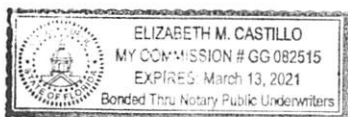
Mandy Stewart
Signature
Print Name: Mandy Stewart
Title: COO, AirPlay Adventures LLC

(Corporate Seal)

STATE OF Florida
COUNTY OF Miami Dade

The foregoing instrument was acknowledged before me this 11 day of May, 2017, by Todd Domeck, as Manager for Air Play Adventures, LLC, a Hawaii limited liability company.

(SEAL)



Elizabeth Castillo
Notary Public, State of Florida
(Signature of Notary Public)

ELIZABETH CASTILLO
(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known OR Produced Identification ✓
Type of Identification Produced DLH 0115553

DCCA State of Hawaii

Downloaded on January 23, 2017.

The information provided below is not a certification of good standing and does not constitute any other certification by the State.

Website URL: <http://hbe.ehawaii.gov/documents>

Business Information

| | |
|--------------------|--|
| MASTER NAME | AIR PLAY ADVENTURES LLC |
| BUSINESS TYPE | Domestic Limited Liability Company (LLC) |
| FILE NUMBER | 125588 C5 |
| STATUS | Active |
| PLACE INCORPORATED | Hawaii UNITED STATES |
| REGISTRATION DATE | Jan 27, 2015 |
| MAILING ADDRESS | 216 DICKENSON ST LAHAINA, Hawaii 96761 UNITED STATES |
| MANAGED BY | MANAGER(S) |
| AGENT NAME | TODD DOMECK |
| AGENT ADDRESS | 216 DICKENSON ST LAHAINA, Hawaii 96761 UNITED STATES |

Annual Filings

| FILING YEAR | DATE RECEIVED | STATUS |
|-------------|---------------|-----------|
| 2017 | Jan 19, 2017 | Pending |
| 2016 | Mar 10, 2016 | Processed |

Officers

| NAME | OFFICE | DATE |
|-------------|--------|--------------|
| DOMECK,TODD | MGR | Jan 27, 2015 |

Florida Department of State

DIVISION OF CORPORATIONS

[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Detail By Document Number](#) /**Detail by Entity Name**

Florida Limited Liability Company

AIRPLAY ADVENTURES LLC

Filing Information

Document Number L16000038022
FEI/EIN Number 82-0849798
Date Filed 02/23/2016
Effective Date 02/23/2016
State FL
Status ACTIVE

Principal Address

216 DICKENSON ST.
LAHAINA, HI 96761

Mailing Address

PO BOX 542
LAHAINA, HI 96761

Registered Agent Name & Address

DOMECK, TODD
1111 PARROT JUNGLE TRAIL
MIAMI, FL 33132

Authorized Person(s) Detail**Name & Address**

Title MBR

DOMECK, TODD
216 DICKENSON ST.
LAHAINA, HI 96761

Annual Reports

| Report Year | Filed Date |
|-------------|------------|
| 2017 | 03/17/2017 |

Document Images[03/17/2017 -- ANNUAL REPORT](#)[View image in PDF format](#)[02/23/2016 -- Florida Limited Liability](#)[View image in PDF format](#)

Florida Department of State, Division of Corporations



COMMISSION AGENDA ITEM
DOCUMENT ROUTING FORM

②①⑥
5/26/17

Today's Date: 5/23/2017

DOCUMENT TITLE: First Amendment to License Agreement for Aerial Adventure Course – Air Play Adventure, LLC.

COMM. MTG. DATE: 4/19/2017 CAM #: 17-0418 ITEM #: PUR-3 CAM attached: ☒ YES ☐ NO

Routing Origin: CAO Router Name/Ext: Astrid Sperling/5001 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.

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

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

Date to CCO: 5-24-17 Candace Duff
Attorney's Name Initials

2) City Clerk's Office: # of originals: 2 Routed to: Gina Ri/CMO/X5013 Date: 5/24/17

3) City Manager's Office: CMO LOG #: MAY-82 Document received from: CCO 5/24/17

Assigned to: L. FELDMAN ☐ S. HAWTHORNE ☐ C. LAGERBLOOM ☒
L. FELDMAN as CRA Executive Director ☐

☐ APPROVED FOR LEE FELDMAN'S SIGNATURE ☐ N/A FOR L. FELDMAN TO SIGN

PER ACM: S. HAWTHORNE (Initial/Date) C. LAGERBLOOM
(Initial/Date) ☐ PENDING APPROVAL (See comments below)

Comments/Questions: _____

Forward 2 originals to ☒ Mayor ☐ CCO Date: 5/24/17

4) City Clerk's Office: Retains 1 original and forwards 1 original to: Linda Blanco / 5141

Attach certified Reso # ☐ YES ☒ NO

Original Route form to CAO

Rev. 7/6/16