

## **FIRST AMENDMENT TO LEASE AGREEMENT**

This First Amendment to Lease Agreement ("***First Amendment***") is dated to be effective as of the 15<sup>th</sup> day of October, 2019 ("***Effective Date***") 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, FL 33301 ("***Lessor***" or "***City***"), and War Memorial Benefit Corporation, a Social Purpose Corporation organized under the laws of the State of Florida, whose principal address is One Panther Parkway, Sunrise, FL 33323 (hereinafter "***Lessee***").

### **Background**

**WHEREAS**, City and Lessee entered into that certain Lease Agreement dated June 14, 2019, (Resolution No. 19-85, 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 First 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 First 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. **Leased Premises.** Exhibit "C" attached to the Lease is hereby deleted and replaced with a new Exhibit "C" attached hereto. The foregoing change reflects relocation of the boundaries of the Leased Premises approximately sixty (60) feet to the east and no other change.
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 First 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 First Amendment conflict with the Lease, then this First Amendment shall control.
6. **Effectiveness.** This First 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 First 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 First Amendment.

[Signature Pages to Follow]

[AS TO CITY]

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

WITNESSES:

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

\_\_\_\_\_  
[Witness Print Name]\_\_\_\_\_

By: \_\_\_\_\_  
Dean Trantalis, Mayor

\_\_\_\_\_  
[Witness Print Name]:\_\_\_\_\_

By: \_\_\_\_\_  
Chris Lagerbloom, City Manager

(CORPORATE SEAL)

ATTEST:

APPROVED AS TO FORM:  
Alain E. Boileau

\_\_\_\_\_  
Jeffrey A. Modarelli, City Clerk

By: \_\_\_\_\_  
James Brako, Assistant City Attorney

[AS TO LESSEE]

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

WITNESS

**WAR MEMORIAL BENEFIT**

**CORPORATION**, an independent social purpose  
benefit corporation organized in the State of  
Florida

\_\_\_\_\_  
[Witness Print Name]\_\_\_\_\_

\_\_\_\_\_  
[Witness Print Name]\_\_\_\_\_

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

Matthew Caldwell, Chair

\_\_\_\_ day of \_\_\_\_\_, 2019

ATTEST:

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

Secretary

(SEAL)

STATE OF FLORIDA       )  
                                      ) SS  
COUNTY OF BROWARD    )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2019 by Matthew Caldwell, Chair of War Memorial Benefit Corporation, a Florida Social Purpose Corporation and authorized to do business in the State of Florida on behalf of the company. He is personally known to me or produced \_\_\_\_\_ as identification.

NOTARY PUBLIC

(SEAL)

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

\_\_\_\_\_  
Name of Notary Typed,  
Printed or Stamped

My Commission Expires:

\_\_\_\_\_  
Commission Number

**EXHIBIT "C"****COUSINS SURVEYORS & ASSOCIATES, INC.**

3921 SW 47TH AVENUE, SUITE 1011  
 DAVIE, FLORIDA 33314  
 CERTIFICATE OF AUTHORIZATION : LB # 6448  
 PHONE (954) 689-7766 FAX (954) 689-7799

PROJECT NUMBER : 8995-19

CLIENT :

**LAND DESCRIPTION AND SKETCH**

DESCRIPTION: WAR MEMORIAL LEASE

A PORTION OF "HOLIDAY PARK", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 24, PAGE 14, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST NORTHWEST CORNER OF SAID "HOLIDAY PARK" BEING THE INTERSECTION OF THE EAST RIGHT OF WAY LINE OF NE 10TH AVENUE AND THE SOUTH RIGHT OF WAY LINE OF EAST SUNRISE BOULEVARD;

THENCE NORTH 87°30'50" EAST ALONG THE NORTH LINE OF SAID "HOLIDAY PARK" AND THE SOUTH RIGHT OF WAY LINE OF EAST SUNRISE BOULEVARD, A DISTANCE OF 67.31 FEET;

THENCE SOUTH 02°09'30" EAST, A DISTANCE OF 860.00 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUE SOUTH 02°09'30" EAST, A DISTANCE OF 700.00 FEET;

THENCE SOUTH 87°50'30" WEST, A DISTANCE OF 425.00 FEET;

THENCE NORTH 02°09'30" WEST, A DISTANCE OF 700.00 FEET;

THENCE NORTH 87°50'30" EAST, A DISTANCE OF 425.00 FEET TO THE POINT BEGINNING.

SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA. CONTAINING 297,500 SQUARE FEET OR 6.8297 ACRES MORE OR LESS.

**LEGEND:**

CKD CHECKED BY  
 DWN DRAWN BY  
 FB/PG FIELD BOOK AND PAGE  
 P.B. PLAT BOOK  
 B.C.R. BROWARD COUNTY RECORDS  
 POB POINT OF BEGINNING  
 POC POINT OF COMMENCEMENT  
 ROW RIGHT OF WAY

**NOTES:**

1. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
2. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS-OF-WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD.
3. DATA SHOWN HEREON DOES NOT CONSTITUTE A FIELD SURVEY AS SUCH.
4. THE LAND DESCRIPTION SHOWN HEREON WAS PREPARED BY THE SURVEYOR.
5. BEARINGS SHOWN HEREON ARE ASSUMED.

I HEREBY CERTIFY THAT THE ATTACHED "LAND DESCRIPTION AND SKETCH" IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS PREPARED UNDER MY DIRECTION IN JULY, 2019. I FURTHER CERTIFY THAT THIS "LAND DESCRIPTION AND SKETCH" MEETS THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF FLORIDA ACCORDING TO CHAPTER 5J-17 OF THE FLORIDA ADMINISTRATIVE CODE. PURSUANT TO SECTION 472.027, FLORIDA STATUTES. SUBJECT TO THE QUALIFICATIONS NOTED HEREON.

FOR THE FIRM, BY: \_\_\_\_\_

RICHARD E. COUSINS  
 PROFESSIONAL SURVEYOR AND MAPPER  
 FLORIDA REGISTRATION NO. 4188

REVISIONS	DATE	FB/PG	DWN	CKD
LAND DESCRIPTION AND SKETCH	07/11/19	-----	AM	REC

HOLIDAY PARK  
 WAR MEMORIAL  
 AUDITORIUM

PROPERTY :  
 HOLIDAY PARK  
 P.B. 24, PG. 14, B.C.R.

SCALE: N/A

SHEET 1 OF 3

**COUSINS SURVEYORS & ASSOCIATES, INC.**

3921 SW 47TH AVENUE, SUITE 1011  
DAVIE, FLORIDA 33314  
CERTIFICATE OF AUTHORIZATION : LB # 6448  
PHONE (954) 689-7766 FAX (954) 689-7799

PROJECT NUMBER : 8995-19

CLIENT :

**LAND DESCRIPTION AND SKETCH**

Also legally described as:

**LAND DESCRIPTION:**

THE EAST 7.69 FEET OF LOTS 11 THROUGH 24, INCLUSIVE, AND THE EAST 7.69 FEET OF THE SOUTH 15.00 FEET OF LOT 10, ALL IN BLOCK 249 OF "PROGRESSO", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 18, OF THE PUBLIC RECORDS OF MIAMI/DADE COUNTY, FLORIDA.

AND

THE EAST 7.69 FEET OF LOTS 1 THROUGH 11, INCLUSIVE, AND THE EAST 7.69 FEET OF THE NORTH 20.00 FEET OF LOT 12, ALL IN BLOCK 296 OF "PROGRESSO", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 18, OF THE PUBLIC RECORDS OF MIAMI/DADE COUNTY, FLORIDA.

AND

THE WEST 67.31 FEET OF LOTS 38 THROUGH 48, INCLUSIVE, AND THE WEST 67.31 FEET OF THE NORTH 20.00 FEET OF LOT 37, ALL IN BLOCK 298 OF "PROGRESSO", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 18, OF THE PUBLIC RECORDS OF MIAMI/DADE COUNTY, FLORIDA.

AND

THE WEST 67.31 FEET OF LOTS 25 THROUGH 38, INCLUSIVE, AND THE WEST 67.31 FEET OF THE SOUTH 15.00 FEET OF LOT 39, ALL IN BLOCK 247 OF "PROGRESSO", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 18, OF THE PUBLIC RECORDS OF MIAMI/DADE COUNTY, FLORIDA.

AND

ALL OF LOTS 11 THROUGH 38, INCLUSIVE, AND THE SOUTH 15.00 FEET OF LOT 10 AND LOT 39, ALL IN BLOCK 248 OF "PROGRESSO", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 18, OF THE PUBLIC RECORDS OF MIAMI/DADE COUNTY, FLORIDA.

AND

ALL OF LOTS 1 THROUGH 11, INCLUSIVE, AND ALL OF LOTS 38 THROUGH 48, INCLUSIVE, AND THE NORTH 20.00 FEET OF LOT 12 AND LOT 37, ALL IN BLOCK 297 OF "PROGRESSO", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 18, OF THE PUBLIC RECORDS OF MIAMI/DADE COUNTY, FLORIDA.

AND

ALL PLATTED RIGHT OF WAYS ADJACENT TO THE AFOREMENTIONED LOTS, OF "PROGRESSO", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 18, OF THE PUBLIC RECORDS OF MIAMI/DADE COUNTY, FLORIDA.

SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA. CONTAINING 297,500 SQUARE FEET OR 6.8297 ACRES MORE OR LESS.

REVISIONS	DATE	FB/PG	DWN	CKD
LAND DESCRIPTION AND SKETCH	10/03/19	-----	AM	REC

HOLIDAY PARK  
WAR MEMORIAL  
AUDITORIUM

PROPERTY :  
HOLIDAY PARK  
P.B. 24, PG. 14, B.C.R.

SCALE: N/A

SHEET 2 OF 3

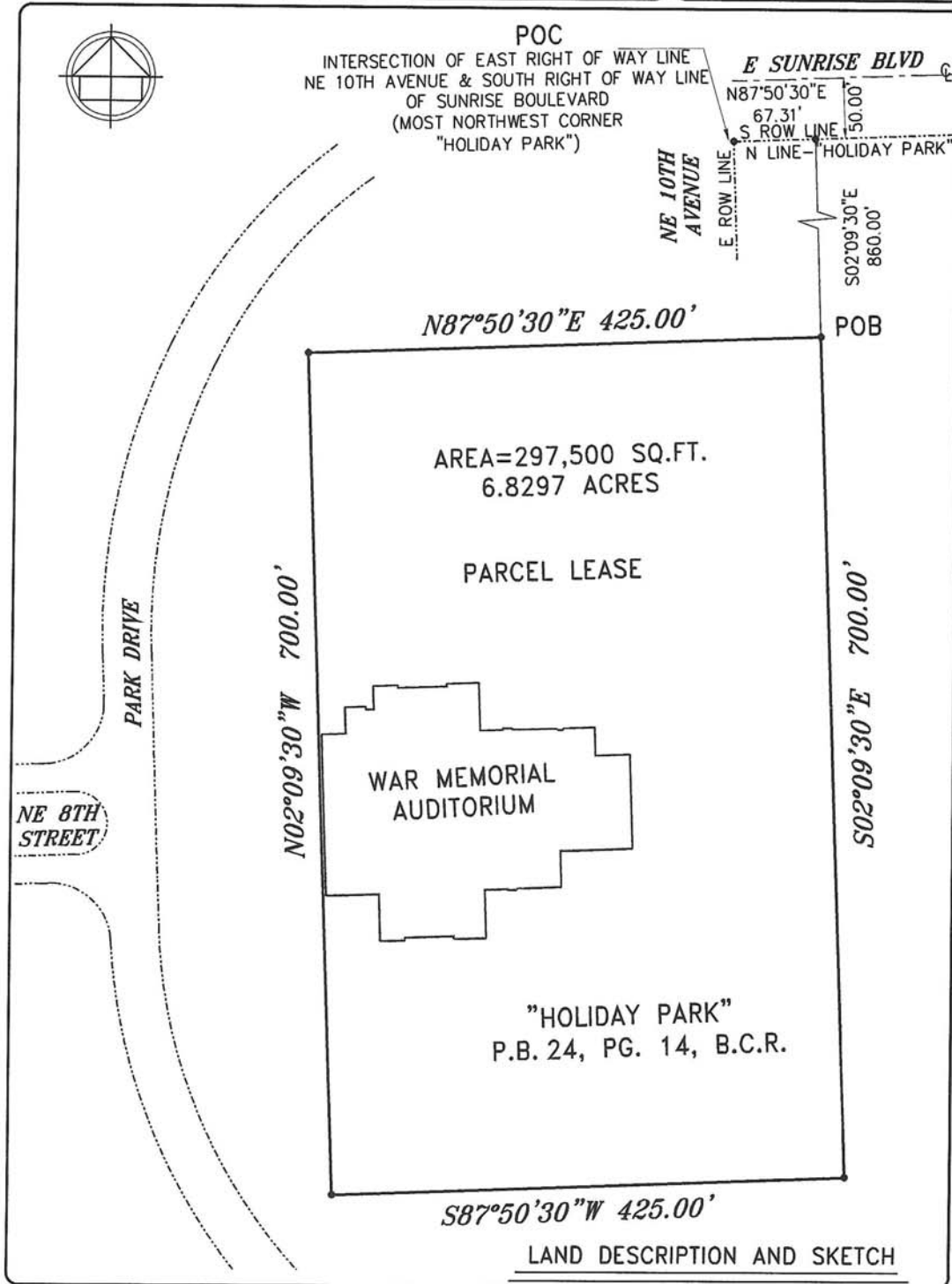
# COUSINS SURVEYORS & ASSOCIATES, INC.



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REVISIONS	DATE	FB/PG	DWN	CKD
LAND DESCRIPTION AND SKETCH	07/11/19	----	AM	REC

HOLIDAY PARK  
WAR MEMORIAL  
AUDITORIUM

PROPERTY :  
HOLIDAY PARK  
P.B. 24, PG. 14, B.C.R.

SCALE: 1" = 100'

SHEET 3 OF 3