

AMENDMENT TO LEASE AGREEMENT

This first Amendment to Lease Agreement (" 1st *Amendment*") is dated to be effective as of the 8 day of June, 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 Red Ginger Group, LLC, a Florida company, whose principal address is 6300 N. Wickham Road 128, Melbourne, FL 32940 (hereinafter "*Lessee*").

Background

WHEREAS, City and Lessee entered into that certain Lease Agreement dated June 7, 2016, (CAM Number Shop 116 - 124, 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 1st 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 90 days for the period beginning April 2020 through June 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 three (3) month period beginning July 2020 through September 2020.
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 1st 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 1st Amendment conflict with the Lease, then this 1st Amendment shall control.
6. **Effectiveness**. This 1st 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 1st 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 1st Amendment.

[Signature Pages to Follow]

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

LESSEE

WITNESSES:

W. Andy Little
[W. Andy Little] Print Name

M. [unclear]
[M. [unclear]] Print Name

Red Ginger Group, LLC, A
Florida company

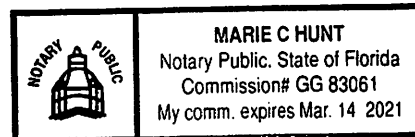
[Signature]
Name
Title owner

STATE OF FLORIDA
COUNTY OF Brevard

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 11 day of June, 2020, by Rui Zhao.
(Name of person acknowledging)

Marie C Hunt
Notary Public signature

Marie C Hunt
Name of Notary Typed, Printed or Stamped



Personally Known _____ OR Produced Identification FL DL

Type of Identification Produced _____

[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

Donna Varisco
[Witness Print Name] Donna Varisco

R. McClain
[Witness Print Name] Rebecca McClain

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

APPROVED AS TO FORM:
Alain E. Boileau

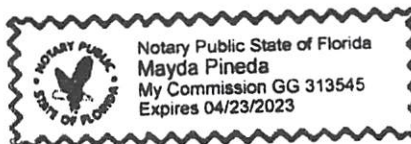
By: James Brako
James Brako, Assistant City Attorney

STATE OF FLORIDA:
COUNTY OF BROWARD:

The foregoing instrument was acknowledged before of ☒ physical presence or ☐ online, this 17th day of July, 2020, by Christopher J. Lagerbloom, ICMA-CM, City Manager of the City of Fort Lauderdale, a municipal corporation of Florida.

Mayda Pineda
Notary Public, State of Florida

Mayda Pineda
Name of Notary Typed, Printed or Stamped



Personally Known ☒ OR Produced Identification ☐

Type of Identification Produced _____



DOCUMENT ROUTING FORM

Today's Date: 7/16/2020

OG
7/20/2020

DOCUMENT TITLE: Amendment to Lease to defer payments due to COVID-19 – Red Ginger Group LLC

COMM. MTG. DATE: 5/19/2020 CAM #: 20-0390 ITEM #: R-3 CAM attached: ☒ YES ☐ NO

Routing Origin: CAO Router Name/Ext: Sonia x5598 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: 1

Is attached Granicus document Final? ☒ YES ☐ NO

Approved as to Form: ☒ YES ☐ NO

Date to CCO: 7/14

James Brako
Attorney's Name

JB
Initials

2) City Clerk's Office: # of originals: 1 Routed to: MJ Matthews/CMO/x5364 Date: 7/16/2020

3) City Manager's Office: CMO LOG #: 701/47 Document received from: _____

Assigned to: CHRIS LAGERBLOOM ☐ ROB HERNANDEZ ☐ TARLESHA SMITH ☐

CHRIS LAGERBLOOM as CRA Executive Director ☐

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

PER DCM: R. Hernandez (Initial/Date) PER ACM: T. Smith (Initial/Date)

☐ PENDING APPROVAL (See comments below)

Comments/Questions: _____

Forward _____ originals to ☐ Mayor ☐ CCO Date: _____

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

INSTRUCTIONS TO CITY CLERK'S OFFICE

5) City Clerk: Forward _____ originals to CAO for FINAL APPROVAL Date: _____

6) CAO forwards _____ originals to CCO Date: _____

7) City Clerk: Scan original and forwards 1 originals to: Lisa Agathon / CMO / Ext. 5251

*****Please email a copy of completely executed document to ssierra@fortlauderdale.gov

Attach ☒ certified Reso # 20-88 ☒ YES ☐ NO

Original Route form to CAO

CAO# 20-0710