

SECOND AMENDMENT

THIS IS A SECOND AMENDMENT TO THE AGREEMENT dated the _____ day of _____ 2019, between:

CITY OF POMPANO BEACH, a municipal corporation of the State of Florida, whose address is 100 West Atlantic Boulevard, Pompano Beach, Florida 33060, hereinafter referred to as "CITY,"

and

LIVING WATER SURF SCHOOL, LLC, a Florida limited liability company, having its office and place of business at 900 SE 14th Court, Deerfield Beach, FL 33441, hereinafter referred to as "LICENSEE."

WHEREAS, on May 12, 2017, pursuant to City Resolution No. 2017-236, the parties entered into an Agreement to provide instruction in ocean awareness and surfing fundamentals at the City's North Ocean Park located at NE 16th Street in Pompano Beach (the "Original Agreement"), a copy of which is attached hereto and made a part hereof as Exhibit "1"; and

WHEREAS, on April 18, 2018, pursuant to City Resolution No. 2018-127, the parties entered into a First Amendment to the Original Agreement which extended the term for an additional one-year period, a copy of which is attached hereto and made a part hereof as Exhibit "2"; and

WHEREAS, the parties now desire to extend the term of the Original Agreement for another one-year period to end on May 11, 2020, and also to amend the scope of services and update the insurance coverage by substituting Exhibits "A" and "B" to the Original Agreement.

WITNESSETH:

IN CONSIDERATION of the mutual terms, conditions, promises, covenants and payments herein set forth CITY and CONTRACTOR agree as follows:

1. Each "WHEREAS" clause set forth above is true and correct and herein incorporated by this reference.

2. The Original Agreement effective May 12, 2017, a copy of which is attached hereto and made a part hereof as Exhibit "1", shall remain in full force and effect for the new contract extension term except as specifically amended herein below.

3. The parties hereto agree to extend the original Agreement for one (1) additional one-year period, ending May 11, 2020.

4. The attached Exhibits "A" and "B" are hereby substituted for, and in all references replace the Exhibits "A" and "B" which were attached to, referenced and made a part of the Original Agreement.

5. This Agreement shall bind the parties and their respective executors, administrators, successors and assigns and shall be fully effective as though the extension had been originally included in the Agreement.

THE REMAINDER OF THE PAGE IS INTENTIONALLY LEFT BLANK

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed the day and year hereinabove written.

Witnesses: **CITY OF POMPANO BEACH**

By: _____
 REX HARDIN, MAYOR

By: _____
 GREGORY P. HARRISON, CITY MANAGER

Attest:

ASCELETA HAMMOND, CITY CLERK (SEAL)

APPROVED AS TO FORM:

MARK E. BERMAN, CITY ATTORNEY

STATE OF FLORIDA
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this _____ day of _____, 2019 by **REX HARDIN** as Mayor, **GREGORY P. HARRISON** as City Manager, and **ASCELETA HAMMOND** as City Clerk of the City of Pompano Beach, Florida, a municipal corporation, on behalf of the municipal corporation, who is personally known to me.

NOTARY’S SEAL: _____
NOTARY PUBLIC, STATE OF FLORIDA

(Name of Acknowledger Typed, Printed or Stamped)

Commission Number

"CONTRACTOR":

Witnesses:

Living Water Surf School, LLC a Florida Limited Liability Company.

Kate Belcher
Kate Belcher
Print Name

By: William R. Zimmerman
William R. Zimmerman, Member-Manager

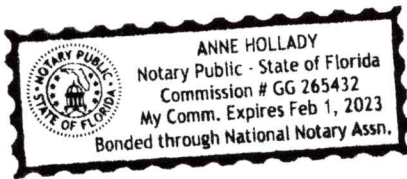
Kathryn Kern
Kathryn Kern
Print Name

STATE OF FLORIDA

COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this _____ day of _____, 2019 by William R. Zimmerman as Member-Manager of Living Water Surf School, LLC a Florida limited liability company, on behalf of the company. He is personally known to me or who has produced _____ (type of identification) as identification.

NOTARY'S SEAL:



Anne Hollady
NOTARY PUBLIC, STATE OF FLORIDA
Anne Hollady
(Name of Acknowledger Typed, Printed or Stamped)
GG 265432
Commission Number

FP:jmz
4/12/19
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