

# ***LEASE EXTENSION AGREEMENT NO. 5***

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**THIS LEASE EXTENSION AGREEMENT NO. 5**, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2018, by and between:

**CITY OF POMPANO BEACH, FLORIDA**, a municipal corporation, under the laws of the State of Florida, hereinafter referred to as "LESSEE,"

and

**MERRITT'S BOAT AND ENGINE WORKS, INC.**, a Florida corporation, hereinafter referred to as "LESSOR."

**WHEREAS**, LESSOR holds title to a portion of the property known as the "Caliban Canal," more particularly described in the following:

- #1 That portion of the NE ¼ of the NW ¼ of the SE ¼ lying North of the North line of Rock Road, and lying South of the most Northerly edge of that certain canal (known as the Boar Basin Canal) running East to West through said land, O. R. Book 2312, Page 133, Broward County Records.
- #2 Beginning at the SE corner of the E ½ of the NE ¼ of the NW ¼ of the SE ¼, run North 309.56 feet to the South line of the road right-of-way, then West 31.43 feet, then South 309.56 feet to the Southern boundary, thence East to Point of Beginning, O. R. Book 2312, Page 133, Broward County Records.
- #3 That portion of the NW ¼ of the NE ¼ of the SE ¼ lying West of the right-of-way of the Intracoastal Canal and lying South of the most Northerly edge of that certain canal (known as the Boat Basin Canal) running East to West, through said land from the Intracoastal Waterway. Said parcels lying in Section 30, Township 48 South, Range 43 East, as recorded in OR. Book 2312, Page 133, Broward County Records.

**WHEREAS,** LESSEE and LESSOR entered into an agreement to lease the Caliban Canal and said lease was recorded in Official Records Book 5823, page 1653 of the Public Records of Broward County, Florida, hereinafter referred to as "The Lease"; and

**WHEREAS,** the Lease has been extended four times; and

**WHEREAS,** the Lease, as extended, has lapsed without renewal; and

**WHEREAS,** LESSEE has requested LESSOR to continue to permit it to use and lease said parcel of land lying under the Caliban Canal and the water rights connected thereto for recreational or conservational purposes subject to the terms and conditions of this Lease; and

**WHEREAS,** the LESSEE and LESSOR desire to reinstate and to extend the term of the Lease for an additional five years.

**NOW, THEREFORE,** in consideration of the premises and the mutual covenants and agreement herein contained, it is agreed by the parties hereto:

1. The Lease Agreement entered into on January 10, 1974 (adopted by City of Pompano Beach Resolution No. 74-296), for the above-mentioned parcel of land lying under the Caliban Canal and the water rights connected thereto, and which Lease was extended for additional five year terms by Resolution No. 99-151, by Resolution No. 2003-108, by Resolution No. 2008-202 and by Resolution No. 2013-280 is hereby extended for an additional term commencing March 1, 2018 until March 1, 2023 subject to all the terms and conditions set forth in the Lease.

2. All the terms, covenants and conditions contained in the Lease, a copy of which is attached hereto and made a part hereof, with the exception of the provision of the extension herein granted, shall remain unchanged and the parties agree to keep, observe and perform all covenants and conditions contained therein.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day and year first above written.

**"LESSOR":**

Signed, sealed and delivered  
in the presence of:

**MERRITT'S BOAT AND ENGINE WORKS, INC.**

Brian D. Pinnell

Brian D. Pinnell

Typed, Stamped or Printed Name

Hunter Craig, Jr.

Hunter Craig, Jr.

Typed, Stamped or Printed Name

By: Leroy A. Merritt

Leroy A. Merritt

Typed, Stamped or Printed Name

Title: Vice President

(SEAL)

STATE OF FLORIDA  
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this 3<sup>rd</sup> day of APRIL, 2018 by LEROY A. MERRITT as VICE PRESIDENT of the MERRITT'S BOAT AND ENGINE WORKS INC., a Florida corporation on behalf of said corporation. He/she is personally known to me or who has produced [Signature]

(type of identification) as identification.

NOTARY'S SEAL:



Christine Mercure  
NOTARY PUBLIC, STATE OF FLORIDA

CHRISTINE MERCURE

(Name of Acknowledger Typed, Printed or Stamped)

964220  
Commission Number

**"LESSEE":**

Witnesses:

**CITY OF POMPAÑO BEACH**

\_\_\_\_\_

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

**LAMAR FISHER, MAYOR**

\_\_\_\_\_

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

**GREGORY P. HARRISON, CITY MANAGER**

Attest:

\_\_\_\_\_  
**ASCELETA HAMMOND, CITY CLERK**

(SEAL)

Approved by:

\_\_\_\_\_  
**MARK E. BERMAN, CITY ATTORNEY**

**STATE OF FLORIDA  
COUNTY OF BROWARD**

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2018 by **LAMAR FISHER** 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

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1/19/2018  
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