

FIRST AMENDMENT TO LEASE AGREEMENT

THIS FIRST AMENDMENT TO LEASE AGREEMENT (“First Amendment”) between the **CITY OF POMPANO BEACH**, a Florida municipal corporation (“City”), whose address is 100 West Atlantic Boulevard, Pompano Beach, Florida 33060, and **POMPANO BEACH COMMUNITY REDEVELOPMENT AGENCY**, a public body corporate and politic, whose address is 501 Dr. Martin Luther King, Jr. Boulevard, Suite 1, Pompano Beach, Florida 33060 (“CRA”), is entered into and effective as of the date this First Amendment is fully executed by the Parties (“Effective Date”).

RECITALS

A. The City is the owner of the municipal park named “McNab Park” located at 2250 East Atlantic Boulevard, Pompano Beach, Florida 33060 (the Property).

B. On or about September 16, 2019, the Parties entered into a Lease Agreement for a portion of the Property described in Exhibit “A” to the Lease, for the purpose of relocation and redevelopment of the McNab House (the “Premises”) and the ultimate redevelopment of McNab Park as a restaurant and botanical gardens (the “Project”).

C. The Lease contemplated that the remainder of the Property would be included in the Premises once the CRA was prepared to move forward with the second phase of the Project.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are acknowledged, the parties agree as follows:

1. **Recitals.** The above recitals are true and correct and incorporated herein.
2. **Premises.** The legal description of the Premises is amended to include all of the Property, legally described in Exhibit “A” attached to and incorporated in this First Amendment.
3. The Lease shall remain in full force and effect except as specifically amended by Paragraph 2 above.

(Signatures on Following Pages)

FIRST AMENDMENT TO LEASE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND POMPANO BEACH COMMUNITY REDEVELOPMENT AGENCY FOR ALL OF MCNAB PARK

“CITY”

Witnesses:

CITY OF POMPANO BEACH

By: _____
REX HARDIN, MAYOR

By: _____
GREGORY P. HARRISON, CITY MANAGER

Attest:

(SEAL)

ASCELETA HAMMOND, CITY CLERK

Approved as to Form:

MARK E. BERMAN, CITY ATTORNEY

STATE OF FLORIDA
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me, by means of physical presence or online notarization, this _____ day of _____, 2022, by REX HARDIN as Mayor, GREGORY P. HARRISON as City Manager and ASCELETA HAMMOND, as City Clerk, all of the City of Pompano Beach, Florida, a municipal corporation, who are personally known to me.

NOTARY’S SEAL:

NOTARY PUBLIC, STATE OF FLORIDA

(Name of Acknowledger Typed, Printed or Stamped)

Commission Number

“CRA”

Witnesses:

Cristal Frost

Shelley R. Bartholomew

POMPANO BEACH COMMUNITY
REDEVELOPMENT AGENCY

By: [Signature]
REX HARDIN, CHAIR

By: [Signature]
GREGORY P. HARRISON,
EXECUTIVE DIRECTOR

Attest:

Cassandra LeMasum
MARSHA CARMICHAEL, SECRETARY

Cassandra LeMasum, Assistant Secretary

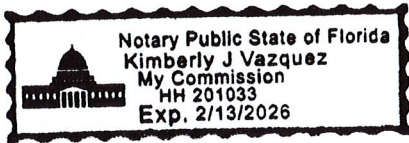
Approved as to Form:

Claudia M. McKenna
CLAUDIA M. McKENNA, CRA ATTORNEY

STATE OF FLORIDA
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me, by means of physical presence or online notarization, this 18th day of May, 2022, by REX HARDIN as Chair, GREGORY P. HARRISON as Executive Director, and Marsha Carmichael, as CRA Secretary, all of the Pompano Beach Community Redevelopment Agency, Pompano Beach, Florida, a body corporate and politic, who are personally known to me.

NOTARY’S SEAL:



[Signature]
NOTARY PUBLIC, STATE OF FLORIDA

Kimberly J Vazquez
(Name of Acknowledger Typed, Printed or Stamped)

HH 201033
Commission Number

EXHIBIT A

LEGAL DESCRIPTION

All that certain Block designated as "PARK", lying West of Block 20, and lying North of Block 21 and lying East of Block 22, LESS the North 10 feet and LESS the North 90.00 feet of the West 100 feet thereof; Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16, Block 21; and that certain unnamed street (100 foot Right-of-Way) lying East of S.E. 22nd Avenue and West of S.E. 23rd Avenue, and North of Block 21, and lying South of PARK, of PINEHURST, according to the Plat thereof, as recorded in Plat Book 5, Page 13, Public Records of Broward County, Florida.



prepared by
McLAUGHLIN ENGINEERING COMPANY (L.B.#265)
 1700 N.W. 64th STREET, SUITE 400
 FORT LAUDERDALE, FLORIDA 33309
 PHONE: (954) 763-7611 FAX: (954) 763-7615

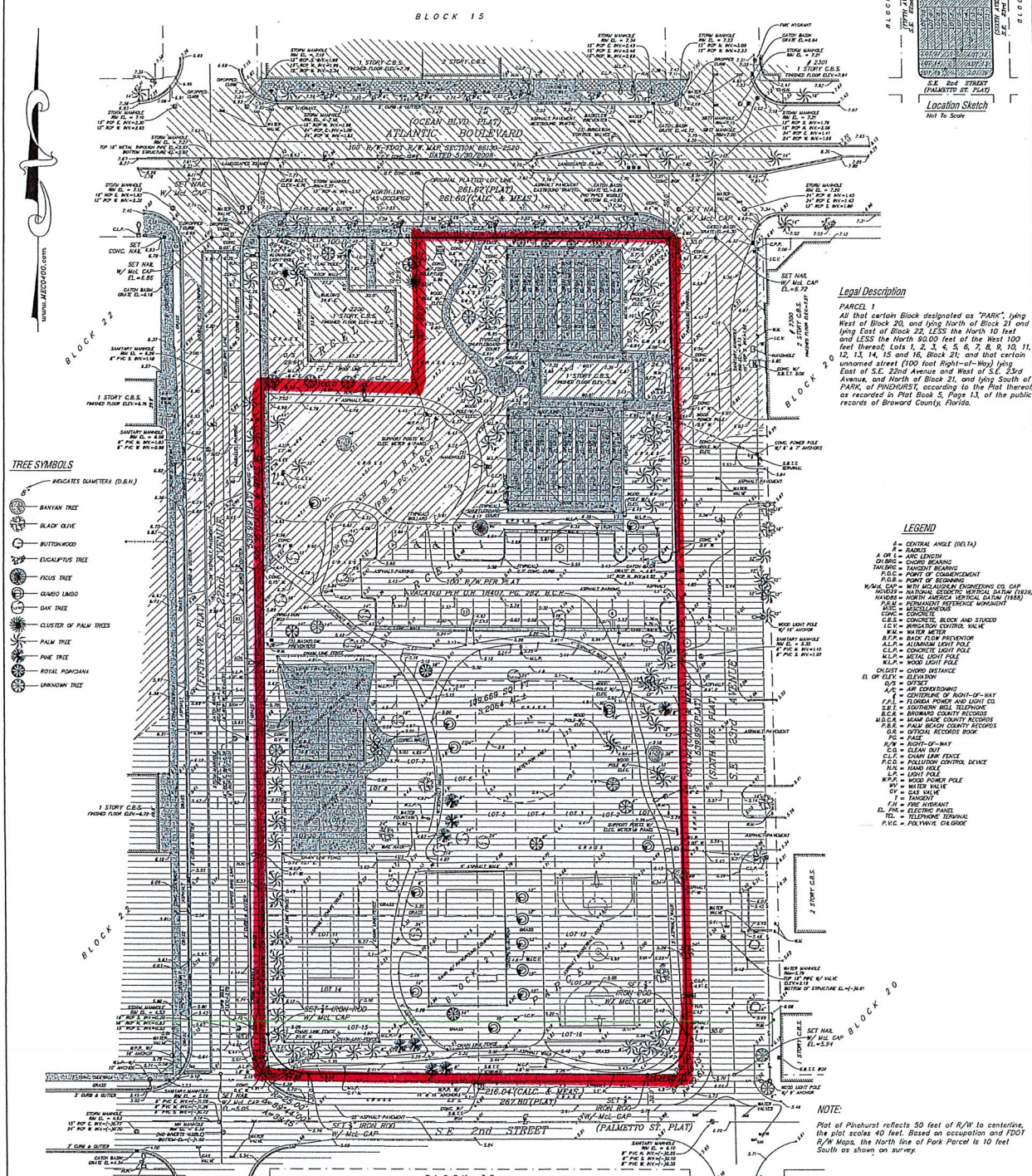
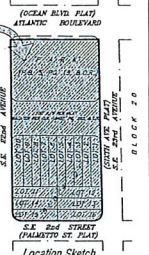
RECORD LAND SURVEY

PARK & BLOCK 21, PINEHURST

P.B. 5, PG. 13, B.C.R.

THIS SURVEY

GRAPHIC SCALE



- #### TREE SYMBOLS
- INDICATES DIAMETER (D.E.H.)
- BANYAN TREE
 - BLACK OLIVE
 - BUTTWOOD
 - EGGALAPTOP TREE
 - FIG TREE
 - ORANGE LAGO
 - OAK TREE
 - CLUSTER OF PALM TREES
 - PALM TREE
 - PINE TREE
 - ROYAL POMGRAN
 - LANCASHIRE TREE

Legal Description

PARCEL 1
 All that certain Block designated as "PARK", lying West of Block 20, and lying North of Block 21 and lying East of Block 22, LESS the North 10 feet and LESS the North 50.00 feet of the West 100 feet thereof, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16, Block 21, and that certain unnamed street (100 foot Right-of-Way) lying East of S.E. 23rd Avenue and West of S.E. 23rd Avenue, and North of Block 21, and lying South of PARK, of PINEHURST, according to the Plat thereof, as recorded in Plat Book 5, Page 13, of the public records of Broward County, Florida.

- #### LEGEND
- ∠ CENTRAL ANGLE (IN PLAT)
 - RADIUS
 - ORIGIN AND CENTER
 - CHORD BEARING
 - TANGENT BEARING
 - P.O.C. POINT OF COMMENCEMENT
 - P.O.B. POINT OF BEGINNING
 - W.M.A. WITH McLAUGHLIN ENGINEERING CO. CIVIL ENGINEER
 - M.A.S. MEASUREMENT SYSTEM BY NATIONAL DATUM (1928)
 - N.A.S. NORTH AMERICAN SURVEYING DATUM (1885)
 - P.A.S. PERMANENT REFERENCE MONUMENT
 - C.C. CONCRETE
 - C.C. CONCRETE BLOCK AND STUCCO
 - I.C.I. IRREGULAR CURVED WALL
 - E.C.S. CLEAN OUT
 - W.M. WATER MAIN
 - A.L. ALUMINUM LIGHT POLE
 - M.L. METAL LIGHT POLE
 - W.L. WOOD LIGHT POLE
 - C.B. CHORD BEARING
 - EL OF G.L. ELEVATION OF GROUND LEVEL
 - O.A. OFFSET
 - M.S. MEASUREMENT
 - E.O.P. END OF PAVEMENT
 - E.O.P. END OF RIGHT-OF-WAY
 - F.P. FLORIDA POWER AND LIGHT CO.
 - S.P. SOUTHERN BELL TELEPHONE
 - B.C.R. BROWARD COUNTY RECORDS
 - M.C.A. MIAMI DADE COUNTY RECORDS
 - P.A.R. PALM BEACH COUNTY RECORDS
 - O.A. OFFICIAL RECORDS BOOK
 - P.S. P.O. BOX
 - E.C. CLEAN OUT
 - C.D.P. CLEAN OUT PIPE
 - P.C.D. POLLUTION CONTROL DEVICE
 - M.P. MAIN POWER POLE
 - L.P. LIGHT POLE
 - M.P. MAIN POWER POLE
 - W.P. WATER PILE
 - G.M. GAS METER
 - T. TANGENT
 - F.M. FIRE MOUNTAIN
 - E.L. ELEVATION
 - T.E. TELEPHONE TERMINAL
 - P.V.C. POLYVINYL CHLORIDE

FLOOD ZONE HATCH LEGEND:

- Diagonal hatching (top-left to bottom-right) - FLOOD ZONE "Y", MINIMAL CHANCE OF FLOOD HAZARD
- Diagonal hatching (bottom-left to top-right) - FLOOD ZONE "X", 0.2% ANNUAL CHANCE OF FLOOD HAZARD
- Horizontal hatching - FLOOD ZONE "AY", ELEVATION "F"

- #### NOTES:
- 1) This survey reflects easements and rights-of-way as shown on other referenced record plat(s). The subject property was not abstracted for other easements and rights-of-way of record by McLaughlin Engineering Company.
 - 2) Underground Improvements if any not located.
 - 3) This drawing is not valid unless sealed with an embossed surveyors seal.
 - 4) Boundary survey information does not include Title or Ownership.
 - 5) All iron rods 5/8", unless otherwise noted.
 - 6) Reference Bench Mark: Broward County Engineering Department, Benchmark 20070, Elevation = 8.572 (NGVD28) converted to 7.972 (NAVD83)
 - 7) Elevations shown refer to North American Vertical Datum (1988), and are indicated as "V. Elev = 6.58"
 - 8) This property lies in Flood Zone "AY", Elev = 6.0. "Y", 0.2% Annual Chance of Flood Hazard as of "F", Minimal Chance of Flood Hazard Per Flood Hazard Rate Map No. 12015678-R, Dated August 18, 2014, prepared by the US Army Corps of Engineers software (Dispersion 6.0.1) obtained from <http://www.tch.usmy.mil/>
 - 9) Underground Utility locations shown herein, if any, are based upon spot marks on the ground provided by others. McLaughlin Engineering Company did not confirm the accuracy of this data. The exact location of all utilities should be confirmed prior to design or construction.
 - 10) Elevations per North American Vertical Datum (1988) derived from National Geodetic Vertical Datum (1988) data and converted using U.S. Army Corps of Engineers software (Dispersion 6.0.1) obtained from <http://www.tch.usmy.mil/>

NOTE:
 Plot of Pinehurst reflects 50 feet of R/W to centerline, the plot scales 40 feet. Based on occupation and FDOT R/W Maps, the North line of Park Parcel is 10 feet South as shown on survey.

NOTE:
 Block Corner Redd not delineated on plot. Assumed to be 25.00 feet from historical records.

CERTIFICATION

We hereby certify that this survey meets the "Standards of Practice" as set forth by the Florida Board of Professional Surveyors and Mappers in Chapter 5J-17.05 Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

Dated at Fort Lauderdale, Florida, this 27th day of March, 1990.
 Resurveyed this 17th day of May, 2018.
 Revised Legal Description added this 10th day of July, 2018.

McLAUGHLIN ENGINEERING COMPANY
 [Signature]
 Registered Civil Surveyor No. 10585
 State of Florida

OFFICE NOTES

FIELD BOOK NO. LB# 126/27-41, ETD, LB# 376/36
 JOB ORDER NO. 0-5770 14-4341
 CHECKED BY: [Signature]
 DRAWN BY: [Signature]
 REVISIONS BY: F.V.

FILE NO: 90 - 3 - 009(19)