

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED "THIRD AMENDMENT TO LEASE AGREEMENT" TO GRANT AN EXTENSION TO AUGUST 28, 2022 (TWO YEARS) FOR THE COMPLETION OF IMPROVEMENTS/EXPENDITURES REQUIRED AS A CONDITION OF THE LEASE BETWEEN THE CITY OF KEY WEST AND TROPICAL SHELL AND GIFTS, INC. FOR THE KEY WEST AQUARIUM PROPERTY; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, in Resolution 18-247 the City Commission approved a Second Amendment to Lease Between the City of Key West and Tropical Shell and Gifts, Inc. for the Key West Aquarium Property; and

WHEREAS, Section 3. of the Second Amendment to Lease incorporated a condition that required Lessee to make specified improvements/expenditures to the property within 24 months from approval (by August 28, 2020); and

WHEREAS, the global Covid-19 pandemic wrought severe economic hardship on the Lessee, including temporary closure of several attractions, and the Lessee has requested a two-year extension to complete the improvements/expenditures that are a condition of the lease; and

WHEREAS, the Lessee has shown good faith efforts toward commencing and completing required improvements in an amount of not less than \$559,900.00; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA AS FOLLOWS:

Section 1: That the attached "Third Amendment to Lease Agreement", which provides an extension to August 28, 2022 (two years) for the completion of certain improvements/expenditures required as a condition of the Lease between the City and Tropical Shell and Gifts, Inc. is hereby approved. The improvements, or an equal dollar amount of improvements, listed in Exhibit B, are to be completed on or before August 28, 2022.

Section 2: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the Presiding Officer and the Clerk of the Commission.

Passed and adopted by the City Commission at a meeting held this _____ day of _____, 2021.

Authenticated by the Presiding Officer and Clerk of the Commission on _____ day of _____, 2021.

Filed with the Clerk on _____, 2021.

Mayor Teri Johnston	_____
Vice Mayor Sam Kaufman	_____
Commissioner Gregory Davila	_____
Commissioner Mary Lou Hoover	_____
Commissioner Clayton Lopez	_____
Commissioner Billy Wardlow	_____
Commissioner Jimmy Weekley	_____

TERI JOHNSTON, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK