

FIRST AMENDMENT TO AGREEMENT

This First Amendment to Agreement is entered into this _____ day of _____, 2014, by and between the City of Key West, Florida, a municipal corporation (hereinafter the "CITY") and The Key West Cultural Preservation Society, Inc., a corporation not for profit organized and existing under the laws of the State of Florida (hereinafter "CPS").

WITNESSETH

WHEREAS, CITY and CPS entered into an Agreement on the 22nd day of March, 2004, (the "Contract"), pertaining to the daily period of use of Mallory Square to provide a public "Sunset Celebration" in City of Key West, Florida; and

WHEREAS, the Agreement expires on March 22, 2014; and

WHEREAS, CITY and CPS require additional time beyond the expiration of the Agreement within which to negotiate a new agreement or terminate the Agreement; and

WHEREAS, CITY and CPS desire to amend the Agreement to provide for the continuation of the public "Sunset Celebration" provided by CPS for a limited period of time beyond the said current expiration date of the Agreement;

NOW, THEREFORE, in mutual consideration of the benefits conferred upon the parties by the terms of this Amendment, CITY and CPS agree to modify the Agreement as follows:

RECITALS: That the above recitals are true and correct and made a part hereof;

Section 1. Paragraph 5 pertaining to term on page 2 of the Agreement is hereby amended by the addition of the following provision:

The term of the Agreement shall be extended on a month-to-month basis under the same terms and conditions contained in the Agreement and existing on the 21st day of March, 2014. Either party may terminate the Agreement effective 30 days from the delivery of written notice of same to the other party.

Except as modified herein, the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this First Amendment to Agreement on the date first written above.

CITY OF KEY WEST, FLORIDA

By: _____
Bogdan Vitas, City Manager

ATTEST:

Cheryl Smith, City Clerk

The Key West Cultural Preservation
Society, Inc.

Witness

By: _____
_____, its _____

Witness