

SECOND AMENDMENT TO LEASE AGREEMENT

This Second Amendment to Lease Agreement is entered into this ____ day of _____, 2023, by and between the UTILITY BOARD OF THE CITY OF KEY WEST, FLORIDA ("LESSOR") and the CITY OF KEY WEST, FLORIDA ("LESSEE").

WITNESSETH

WHEREAS, the Parties entered into a Lease Agreement-Pocket Parks on the 11th day of October 2012, (the "Lease Agreement"), pertaining to the premises described therein and commonly referred to as the "Pocket Parks", for a five year term ending September 30, 2017; and

WHEREAS, the Parties entered into a First Amendment to Lease Agreement on August 16, 2017, extending the term of the Lease Agreement for an additional five year term ending September 30, 2022; and

WHEREAS, the Parties desire to extend the term of the Lease Agreement for an additional term, beginning retroactively on October 1, 2022, and ending September 30, 2027.

NOW, THEREFORE, in mutual consideration of the benefits conferred upon the parties by the terms of this Amendment, LESSOR and LESSEE agree as follows:

Section 1: The Parties mutually agree to the exercise by CITY of the second five (5) year option to extend the lease term commencing on the 1st day of October 2022 and ending on the 30th day of September 2027 unless further extended by the Parties as provided in paragraph two (2) of the Lease Agreement.

Lessee's possession and use of the described premises from October 1, 2022, through the date of this Amendment is hereby ratified, and the Parties agree that all terms of the Lease Agreement are deemed to have been in full force and effect during that period.

All other terms of the Lease Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the Parties have made this Second Amendment to Lease Agreement on the date first written above.

THE CITY OF KEY WEST

By: _____
Teri Johnston, Mayor

ATTEST:

Cheryl Smith, City Clerk

UTILITY BOARD OF THE CITY OF KEY WEST, FLORIDA

BY: _____
Tim Root, Chairperson

ATTEST:

Lynne Tejeda, General Manager and CEO