

**FIRST ADDENDUM  
TO AGREEMENT TO LEASE AND IMPROVE THE WATERFRONT RESTAURANT AND BAR  
AT THE FORT PIERCE CITY MARINA**

THIS FIRST ADDENDUM is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2020, by and between the **CITY OF FORT PIERCE**, a municipal corporation of the State of Florida, (hereafter "LANDLORD"), and **WINKING STARFISH, LLC**, a Florida Limited Liability Company, whose business address is 11201 Corporate Circle N, Suite 100, St. Petersburg, FL 33716 (hereafter "TENANT").

**WHEREAS**, on December 3, 2018, the parties entered into an Agreement to Lease and Improve the Waterfront Restaurant and Bar at the Fort Pierce City Marina (hereafter "Lease Agreement"); and

**WHEREAS**, Section 3.6 of the Lease Agreement requires the parties to execute a written instrument memorializing dates for Substantial Completion and Rent Commencement and amounts for Total Project Costs, Base Rent, and Building Square Footage,

**NOW, THEREFORE**, in accordance with Section 3.6, the parties hereby agree as follows:

1. The Substantial Completion Date is June 25, 2020.
2. The Rent Commencement Date is June 25, 2020.
3. The Total Project Costs equal \$2,970,112.00.
4. The Base Rent amounts payable by TENANT to LANDLORD throughout the Term of the Lease Agreement are as set forth in the attached and incorporated Exhibit A to this Addendum.
5. The Building Square Footage is 6,805 square feet.
6. This Addendum shall be effective immediately upon execution by the parties' duly authorized officials or representatives.

**IN WITNESS WHEREOF**, the parties hereto have signed, sealed, and delivered this Addendum as of the day and year first written above.

**WITNESS AS TO LANDLORD:**

**LANDLORD:**

**ATTEST:**

**CITY OF FORT PIERCE**

By: \_\_\_\_\_  
Linda W. Cox, City Clerk


BY: \_\_\_\_\_  
Linda Hudson, Mayor

**DATE:** \_\_\_\_\_

**APPROVED AS TO FORM AND  
CORRECTNESS:**

BY: \_\_\_\_\_  
Peter J. Sweeney, City Attorney

WITNESSES AS TO TENANT:

  
\_\_\_\_\_

James Brent Burchett  
\_\_\_\_\_

DATE: 3 Aug 2020

TENANT:

WINKING STARFISH, LLC

BY:   
\_\_\_\_\_

**EXHIBIT A TO THE FIRST ADDENDUM:  
BASE RENT AMOUNTS PER RENT YEAR**

<u>Rent Year</u>	<u>Base Rent Amount*</u>
1	\$ 159,558.00
2	\$ 162,749.16
3	\$ 166,004.14
4	\$ 169,324.23
5	\$ 172,710.71
6	\$ 176,164.92
7	\$ 179,688.22
8	\$ 183,281.99
9	\$ 186,947.63
10	\$ 190,686.58
11	\$ 194,500.31
12	\$ 198,390.32
13	\$ 202,358.12
14	\$ 206,405.29
15	\$ 210,533.39
16	\$ 214,744.06
17	\$ 219,038.94
18	\$ 223,419.72
19	\$ 227,888.11
20	\$ 232,445.88

\*Pursuant to Section 4.1 of the Lease Agreement, the Base Rent amount shall increase by two percent (2%) per year, which annual increases shall be on a cumulative, compounding basis.