

**FIRST AMENDMENT TO RENEWAL AND RESTATEMENT OF CONCESSION AGREEMENT BETWEEN
BROWARD COUNTY AND KEMPERSPORTS ALL GOLF, LLC, FOR GOLF DRIVING RANGE AND
MINIATURE GOLF FACILITY AT C.B. SMITH PARK**

This First Amendment to the Agreement (hereinafter defined) (the “First Amendment”) is made and entered by and between Broward County, a political subdivision of the State of Florida (“County”), and Kempersports All Golf, LLC, an Illinois limited liability company authorized to do business in the state of Florida (“Kempersports”) (each a “Party” and collectively referred to as the “Parties”).

RECITALS

A. On December 31, 2015, County and Kempersports entered into a Renewal and Restatement of Concession Agreement for Golf Driving Range and Miniature Golf Facility at C.B. Smith Park (the “Agreement”).

B. The Initial Term commenced on February 6, 1996, and ended on February 5, 2016, and the Parties exercised the Renewal Term, which will expire on February 5, 2021.

C. County and Kempersports desire to amend the Agreement to exercise the first of the five-year Optional Renewal Terms provided in the Agreement.

Now, therefore, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. The above Recitals are true and correct and are incorporated into this First Amendment by reference.

2. The Parties have elected to exercise the first Optional Renewal Term, as stated in Section 4.1 of the Agreement. Accordingly, the term of the Agreement is hereby extended five (5) years, through February 6, 2026. All obligations of both Parties which existed during the Renewal Term will continue through the first Optional Renewal Term.

3. The Parties agree that if any conflict or ambiguity exists between this First Amendment and the Agreement, this First Amendment will control.

4. Capitalized terms not otherwise defined herein shall have the meanings set forth in the Agreement.

5. This First Amendment incorporates and includes all prior negotiations, correspondence, conversations, agreements, and understandings applicable to the matters contained herein, and the Parties agree that there are no commitments, agreements, or understandings concerning the subject matter hereof that are not contained in the Agreement and this First Amendment to the Agreement. Accordingly, the Parties agree that no deviation from the terms hereof shall be predicated upon any prior representations or agreement, whether

oral or written.

6. Preparation of this First Amendment has been a joint effort of the Parties and the resulting documents shall not, solely as a matter of judicial construction, be construed more severely against one of the Parties than the other.

7. Except as modified herein, all terms and conditions of the Agreement shall remain in full force and effect.

8. This First Amendment may be executed in multiple originals, and may be executed in counterparts, each of which shall be deemed to be an original, but all of which taken together, shall constitute one and the same amendment.

(The remainder of this page is intentionally left blank.)

IN WITNESS WHEREOF, the Parties hereto have made and executed this ___ Amendment: BROWARD COUNTY, through its BOARD OF COUNTY COMMISSIONERS, signing by and through its Mayor or Vice-Mayor authorized to execute same by Board action on the ___ day of _____, 20__, and Kempersports, signing by and through its _____ duly authorized to execute same.

COUNTY


ATTEST:

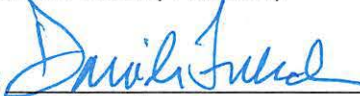
Broward County Administrator, as
ex officio Clerk of the Broward County
Board of County Commissioners

BROWARD COUNTY, by and through
its Board of County Commissioners

By: _____
_____ day of _____, 20__

Approved as to form by
Andrew J. Meyers
Broward County Attorney
Governmental Center, Suite 423
115 South Andrews Avenue
Fort Lauderdale, Florida 33301
Telephone: (954) 357-7600
Telecopier: (954) 357-7641

By:  _____ 9-16-2020
Amanda Tolbert (Date)
Assistant County Attorney

By:  _____ 9/16/2020
Danielle French (Date)
Deputy County Attorney

AMT
Kempersports First Amendment.doc
08/24/2020
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BROWARD COUNTY AND KEMPERSPORTS ALL GOLF, LLC, FOR GOLF DRIVING RANGE AND
MINIATURE GOLF FACILITY AT C.B. SMITH PARK

KEMPERSPORTS

WITNESSES:

Megan Godfrey
Signature

Megan Godfrey
Print Name of Witness above

Laura Beth Wolfe
Signature

Laura Beth Wolfe
Print Name of Witness above

Kempersports All Golf, LLC

By: [Signature]
Authorized Signor

Steven K. SKINNER
Print Name and Title

1st day of Sept, 2020

ATTEST:

Tracy Tobin
Corporate Secretary or another person
authorized to attest

(CORPORATE SEAL OR NOTARY)

