

AMENDMENT NO. 3

to

AGREEMENT OF LEASE

between

BROWARD COUNTY

and

DIVERSIFIED AVIATION NP, LLC

This AMENDMENT NO. 3 to Agreement of Lease ("Amendment No. 2") is between BROWARD COUNTY, a political subdivision of the State of Florida ("County"), and DIVERSIFIED AVIATION NP, LLC, a Florida limited liability company, having offices located at 6300 NE 1st Avenue, Suite 100, Fort Lauderdale, Florida, and authorized to do business in the State of Florida ("Lessee").

WHEREAS, County and Lessee entered into an Agreement of Lease on May 24, 2011, with respect to premises at North Perry Airport, which agreement was amended on May 17, 2012, by Amendment No. 1, and on December 18, 2015, by Amendment No.2; and

WHEREAS, the parties desire to amend the Agreement to correct the legal description of the Premises, as provided herein;

NOW, THEREFORE, in consideration of the mutual terms, conditions, promises, covenants and payments hereinafter set forth, and other good and valuable consideration the receipt and sufficiency of which is hereby acknowledged, County and Lessee hereby agree as follows:

1. The foregoing recitations are true and correct and are hereby incorporated herein by reference.
2. This Amendment No. 3 shall be effective on the date it is executed by the Broward County Board of County Commissioners (hereinafter referred as the "Amendment No. 2 Effective Date"). The original Agreement, as amended by Amendment No. 1, Amendment No. 2 and by this Amendment No. 3 is hereinafter referred to as the "Agreement."
3. Exhibit A-2 of the Agreement is hereby deleted and replaced in its entirety by Exhibit A-3 attached hereto and made a part hereof and a part of the Agreement. In each instance in which Exhibit A, Exhibit A-1, or Exhibit A-2 is referred to in the Agreement, said reference shall be deemed to refer to Exhibit A-3, attached hereto.
4. The Lessee acknowledges that, through the date hereof, it has no claims against County with respect to any of the matters covered by the Agreement, as amended hereby and it has no right of set-off or counterclaims against any of the amounts payable under the Agreement, as amended hereby.

5. In the event of any conflict or ambiguity between this Amendment and the Agreement, the parties hereto hereby agree that this document shall control. Except as modified herein, all terms and conditions of the Agreement shall remain in full force and effect.
6. Capitalized terms not otherwise defined herein shall have the meanings set forth in the Agreement.
7. No modification, amendment or alteration in the terms or conditions contained in the Agreement, as amended, shall be effective unless contained in a written document and executed by the parties hereto. This document 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 of this document that are not contained in this document. Accordingly, the parties agree that no deviation from the terms hereof shall be predicated upon any prior representations or agreements, whether oral or written.
8. Preparation of the Agreement, as amended, has been a joint effort of Lessee and County and the resulting document shall not, solely as a matter of judicial construction, be construed more severely against one of the parties than any other.
9. The parties hereby agree that time is of the essence in the performance of the Agreement, as amended hereby.
10. In the event the Agreement, as amended, or a portion of the Agreement, as amended, is found by a court of competent jurisdiction to be invalid, the remaining provisions shall continue to be effective unless either party elects to terminate the Agreement. The election to terminate the Agreement based upon this provision shall be made within seven (7) days after the finding by the court becomes final.
11. The truth and accuracy of each "Whereas" clause set forth above is acknowledged by the parties. The attached Exhibit A-3 is hereby incorporated into and made a part of the Agreement, as amended hereby.
12. This Amendment may be executed in up to five (5) counterparts, each of which shall be deemed to be an original.

[REMAINDER OF THIS PAGE IS INTENTIONALLY BLANK]

IN WITNESS WHEREOF, the parties hereto have made and executed this AMENDMENT NO. 3 to the AGREEMENT OF LEASE: 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 _____, 2017, and DIVERSIFIED AVIATION NP, LLC as LESSEE signing by and through its authorized representatives, duly authorized to execute same.

COUNTY

ATTEST:

BROWARD COUNTY, by and through
its Board of County Commissioners

Broward County Administrator, as
Ex-officio Clerk of the Broward County
Board of County Commissioners

By _____
Mayor

___ day of _____, 2017

Approved as to form by
Joni Armstrong Coffey
Broward County Attorney
Aviation Office
2200 SW 45th Street, Suite 101
Dania Beach, Florida 33312
Telephone: (954) 359-6100
Telecopier: (954) 359-1292

Insurance requirements
approved by Broward County
Risk Management Division

By _____ 6-5-17
Tracy Meyer, Esq. (Date)
Risk Insurance and Contracts Manager

By _____ 6/2/17
Nancy Rubin (Date)
Assistant County Attorney

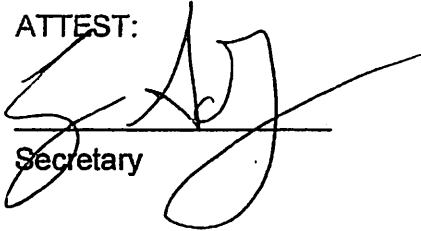
By _____ 6/2/17
Alexander J. Williams, Jr. (Date)
Assistant County Attorney

NR/ch
Amend 3 Diversified
05/31/2017
#14-071.20

AMENDMENT NO. 3 TO AGREEMENT OF LEASE BETWEEN BROWARD COUNTY AND
DIVERSIFIED AVIATION NP, LLC.

LESSEE

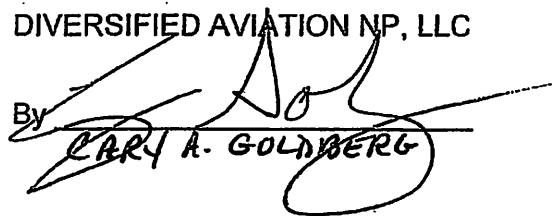
ATTEST:



Secretary

DIVERSIFIED AVIATION NP, LLC

By



CARY A. GOLDBERG

Title: MANAGER

(CORPORATE SEAL)

2nd day of JUNE, 2017

EXHIBIT A-3 SURVEY AND LEGAL DESCRIPTION

Surveying Firm

Final Survey
NA.V.D. 1988

LOCATION MAP
(NOT TO SCALE)

CONTRACT NUMBER


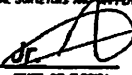

DATE

PROJECT

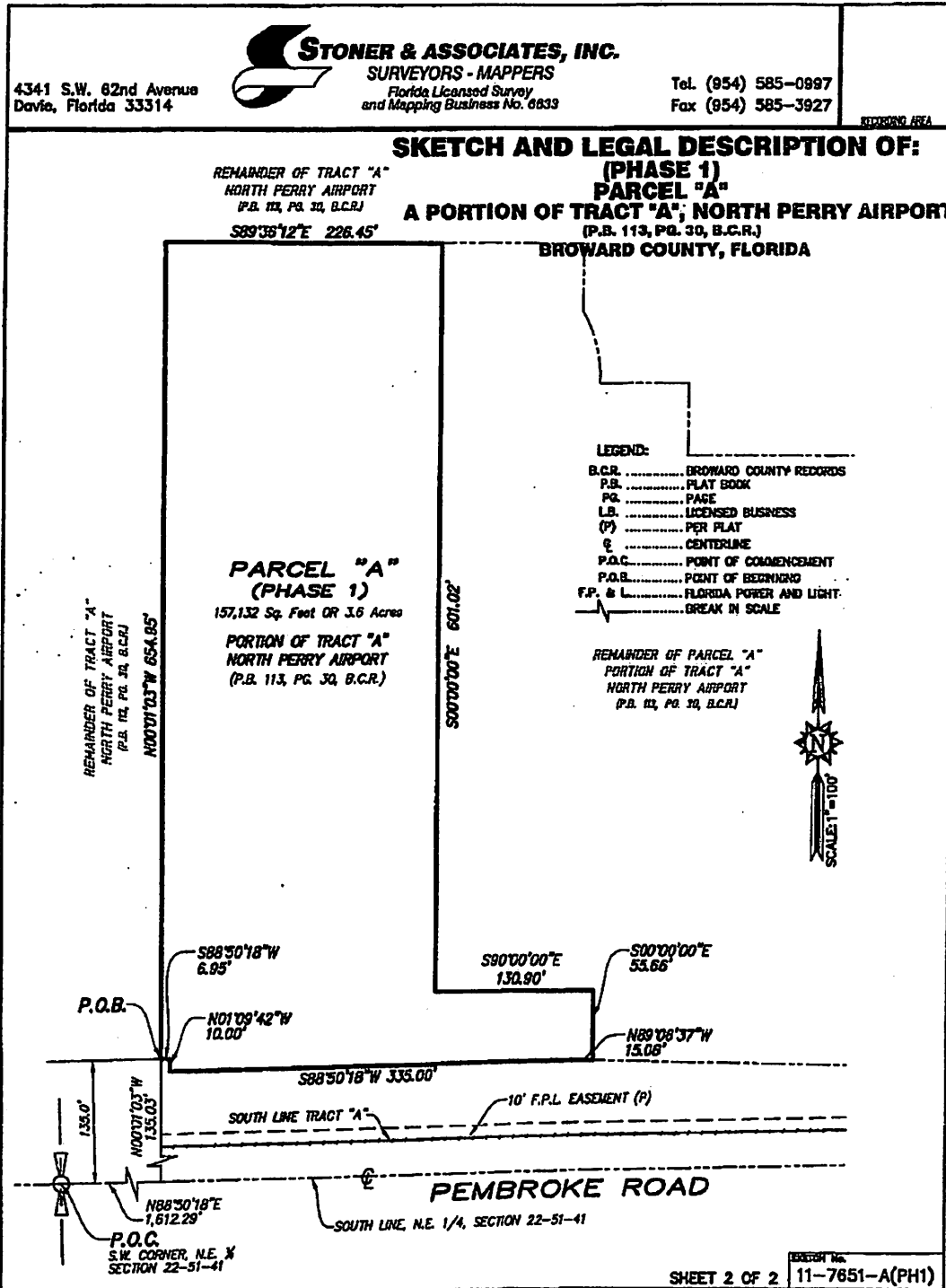
SHEET NO.


FINAL AS-BUILT SURVEY
DIVERSIFIED AVIATION INC., LLC
NORTH PENNY AIRPORT
P.B. 114, P.O. 88, B.C.A.
CITY OF PENSACOLA, FLORIDA, WASHINGTON COUNTY, FLORIDA

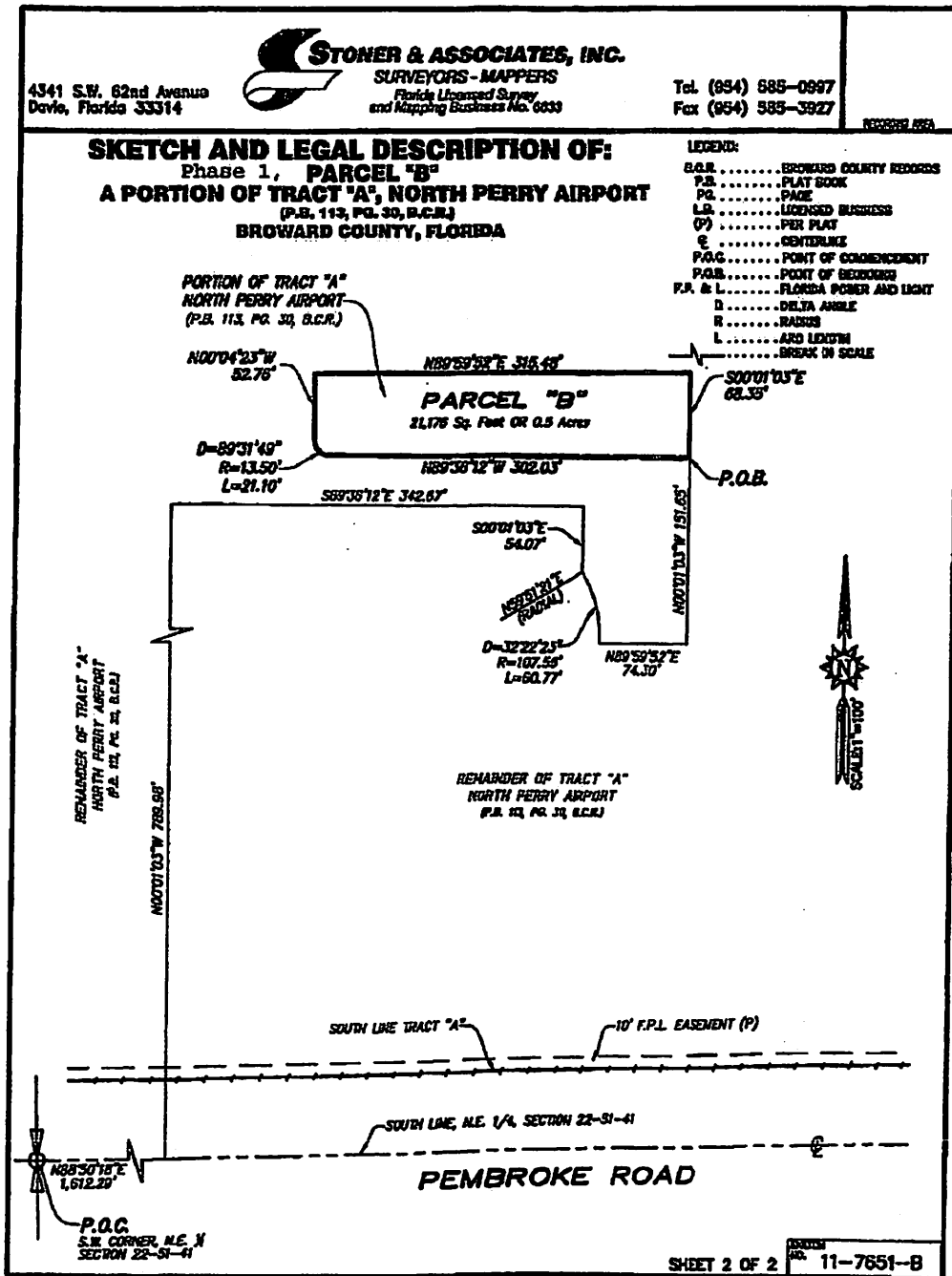
STONER & ASSOCIATES, INC.
SURVEYORS - ALABAMA
1000 W. UNIVERSITY BLVD., SUITE 100, PENSACOLA, FLORIDA 32504


<p>4341 S.W. 62nd Avenue Davie, Florida 33314</p>	 <p>STONER & ASSOCIATES, INC. SURVEYORS - MAPPERS Florida Licensed Survey and Mapping Business No. 6893</p>	<p>Tel. (954) 585-0997 Fax (954) 585-3927</p>																				
<p>RECORDING AREA</p>																						
<p>SKETCH AND LEGAL DESCRIPTION OF: (PHASE 1) PARCEL "A" A PORTION OF TRACT "A", NORTH PERRY AIRPORT (P.B. 113, PG. 30, B.C.R.) BROWARD COUNTY, FLORIDA</p>																						
<p>LEGAL DESCRIPTION:</p> <p>A PARCEL OF LAND BEING A PORTION OF TRACT "A", NORTH PERRY AIRPORT, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 113, PAGE 30, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:</p> <p>COMMENCE AT THE SOUTHWEST CORNER OF THE NORTHEAST ONE-QUARTER (N.E.1/4) OF SECTION 22, TOWNSHIP 51 SOUTH, RANGE 41 EAST;</p> <p>THENCE N.88°50'18"E., ALONG THE SOUTH LINE OF SAID NORTHEAST ONE-QUARTER (N.E.1/4), A DISTANCE OF 1612.29 FEET;</p> <p>THENCE N.00°01'03"W., A DISTANCE OF 135.03 FEET, TO A POINT ON A LINE 135.00 FEET NORTH AND PARALLEL WITH THE SAID SOUTH LINE, SAID POINT BEING THE POINT OF BEGINNING;</p> <p>THENCE CONTINUE N.00°01'03"W., A DISTANCE OF 654.95 FEET;</p> <p>THENCE S.89°36'12"E., A DISTANCE OF 226.45 FEET;</p> <p>THENCE S.00°00'00"E., A DISTANCE OF 601.02 FEET;</p> <p>THENCE S.90°00'00"E., A DISTANCE OF 130.90 FEET;</p> <p>THENCE S.00°00'00"E., A DISTANCE OF 55.66 FEET;</p> <p>THENCE S.88°50'18"W., A DISTANCE OF 335.00 FEET;</p> <p>THENCE N.01°08'42"W., A DISTANCE OF 10.00 FEET;</p> <p>THENCE S.88°50'18"W., A DISTANCE OF 6.95 FEET TO THE POINT OF BEGINNING.</p> <p>SAID LAND SITUATE WITHIN NORTH PERRY AIRPORT, CITY OF PEMBROKE PINES, BROWARD COUNTY, FLORIDA; CONTAINING 3.6 ACRES OR 157,132 SQUARE FEET MORE OR LESS.</p>																						
<p>NOTES:</p> <ol style="list-style-type: none"> 1. THE PROPERTY SHOWN HEREON WAS NOT ABSTRACTED FOR OWNERSHIP, RIGHTS-OF-WAY, EASEMENTS OR OTHER MATTERS OF RECORD. 2. THIS SKETCH IS "NOT VALID" WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. 3. THE BEARINGS SHOWN HEREON ARE BASED ON N.88°50'18"E. ALONG THE SOUTH LINE OF THE NORTHEAST ONE-QUARTER (N.E.1/4) OF SECTION 22, TOWNSHIP 51 SOUTH, RANGE 41 EAST. 4. THIS SKETCH DOES NOT REPRESENT A FIELD SURVEY. (THIS IS NOT A SURVEY). 5. THIS SKETCH OF DESCRIPTION WAS PREPARED BY THIS FIRM WITHOUT THE BENEFIT OF A TITLE SEARCH. THE LEGAL DESCRIPTION SHOWN HEREON WAS AUTHORED BY STONER & ASSOCIATES, INC. 																						
<p>CERTIFICATE:</p> <p>THIS IS TO CERTIFY THAT THE SKETCH AND LEGAL DESCRIPTION SHOWN HEREON IS ACCURATE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I FURTHER CERTIFY THAT THIS SKETCH AND LEGAL DESCRIPTION MEETS THE LEGAL TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 63-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 474.04, FLORIDA STATUTES.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;">REVISIONS</td> <td style="width: 30%;">DATE</td> <td style="width: 30%;">BY</td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table> <p style="text-align: center;">Richard G. Crawford, Jr. </p> <p style="text-align: center;">PROFESSIONAL SURVEYOR AND MAPPER NO. 0371 - STATE OF FLORIDA</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%;">DATE OF SKETCH</td> <td style="width: 25%;">DRAWN BY</td> <td style="width: 25%;">CHECKED BY</td> <td style="width: 25%;">FIELD BOOK</td> </tr> <tr> <td>10/6/11</td> <td>DRL</td> <td>RDC</td> <td>N/A</td> </tr> </table>			REVISIONS	DATE	BY										DATE OF SKETCH	DRAWN BY	CHECKED BY	FIELD BOOK	10/6/11	DRL	RDC	N/A
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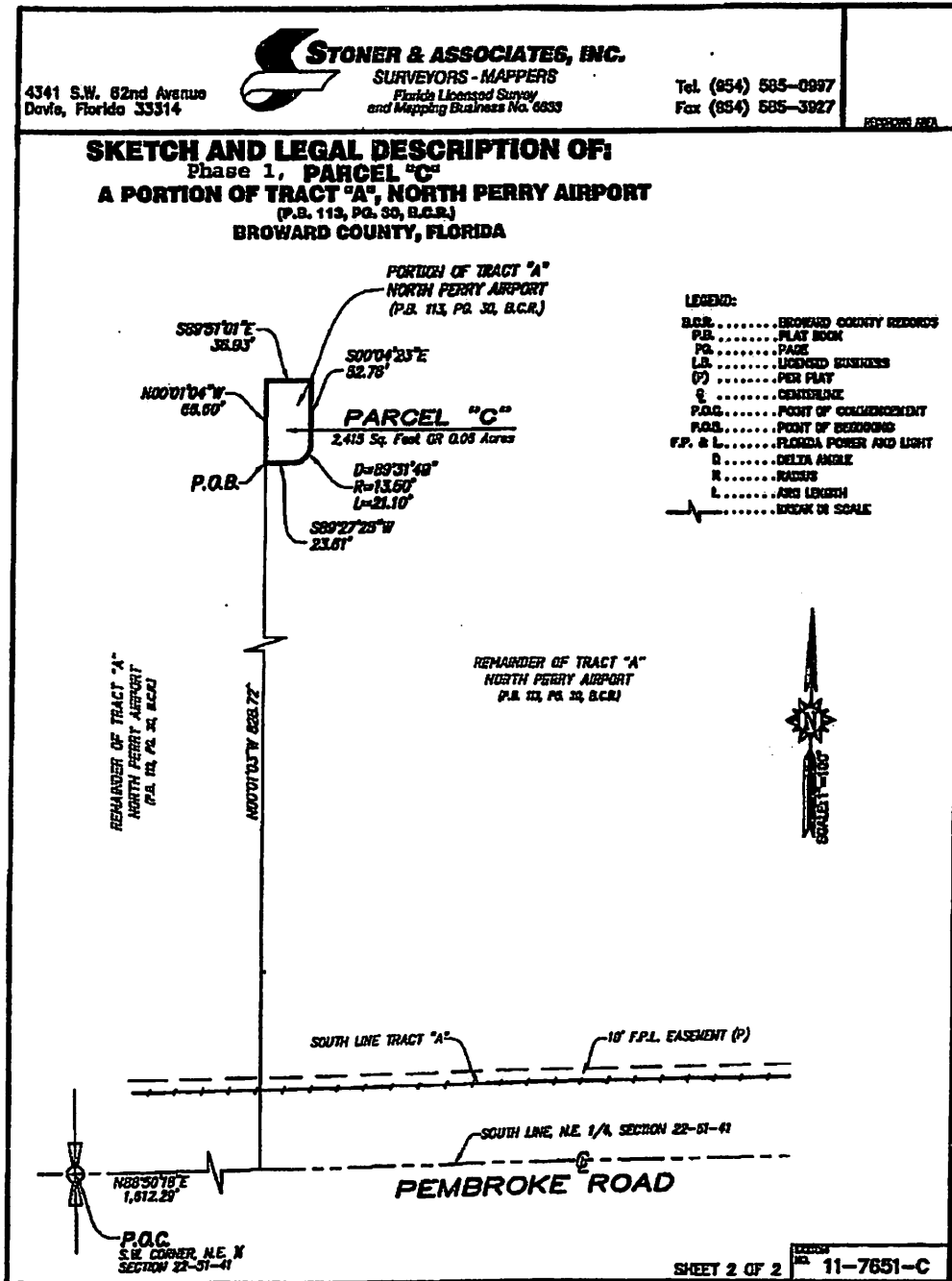
DATE: May 15, 2017 - 5:00pm EST FILE: P:\Draw\FL\North Perry Airport\11-7651 Diversified Aviation NP\dwg\PARCEL A (PHASE-1)-SKETCH & LEGAL.dwg




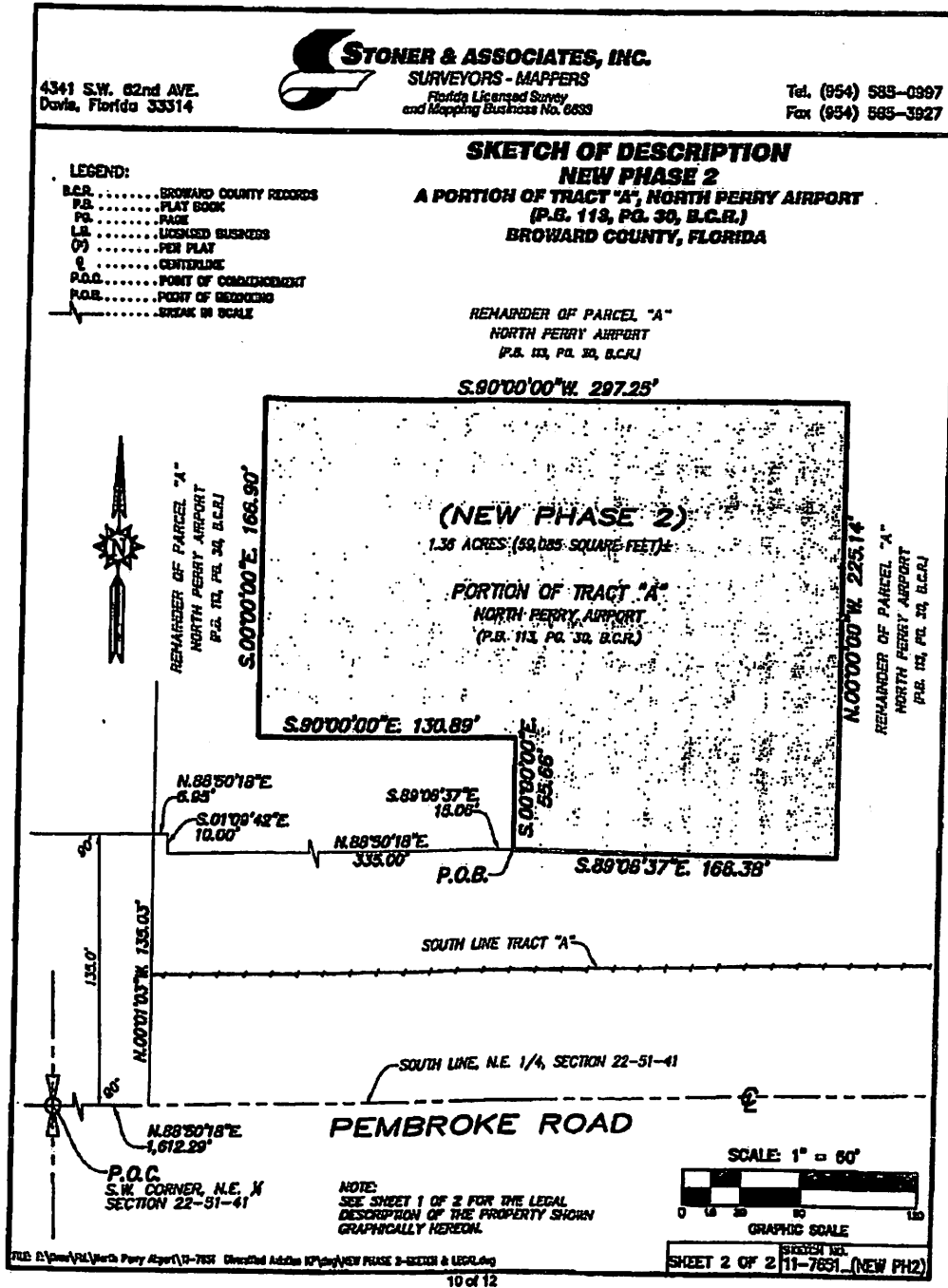
<p>4341 S.W. 62nd Avenue Davie, Florida 33314</p>	 <p>STONER & ASSOCIATES, INC. SURVEYORS - MAPPERS Florida Licensed Survey and Mapping Business No. 6033</p>	<p>Tel. (954) 555-0997 Fax (954) 555-3927</p>																				
<p>SKETCH AND LEGAL DESCRIPTION OF: Phase 1, PARCEL "B" A PORTION OF TRACT "A", NORTH PERRY AIRPORT (P.B. 113, PG. 30, B.C.R.) BROWARD COUNTY, FLORIDA</p>																						
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		<p>11-7851-8</p> <p>SHEET 1 OF 2</p>																				




<p>4341 S.W. 62nd Avenue Davie, Florida 33314</p>	 <p>STONER & ASSOCIATES, INC. SURVEYORS - MAPPERS Florida Licensed Surveyor and Mapping Business No. 6333</p>	<p>Tel. (854) 585-0997 Fax (854) 585-3927</p>												
<p>SKETCH AND LEGAL DESCRIPTION OF: Phase 1, PARCEL "C" A PORTION OF TRACT "A", NORTH PERRY AIRPORT (P.B. 113, PG. 30, B.C.R.) BROWARD COUNTY, FLORIDA</p>														
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<p>4341 S.W. 82nd Avenue Davie, Florida 33314</p>	 <p>STONER & ASSOCIATES, INC. SURVEYORS - MAPPERS Florida Licensed Survey and Mapping Business No. 6633</p>	<p>Tel. (854) 585-0997 Fax (854) 585-3927</p>								
<p>LEGAL DESCRIPTION OF NEW PHASE 2 A PORTION OF TRACT "A", NORTH PERRY AIRPORT (P.B. 113, PG. 30, B.C.F.) BROWARD COUNTY, FLORIDA</p>										
<p>LEGAL DESCRIPTION:</p> <p>A PARCEL OF LAND BEING A PORTION OF TRACT "A", NORTH PERRY AIRPORT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 113, PAGE 30, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:</p> <p>COMMENCE AT THE SOUTHWEST CORNER OF THE NORTHEAST ONE-QUARTER (N.E. 1/4) OF SECTION 22, TOWNSHIP 51 SOUTH, RANGE 41 EAST;</p> <p>THENCE N.88°30'18"E., ALONG THE SOUTH LINE OF SAID NORTHEAST ONE-QUARTER (N.E. 1/4), A DISTANCE OF 1,812.29 FEET;</p> <p>THENCE N.00°01'03"W, A DISTANCE OF 135.03 FEET, TO A POINT ON A LINE 135.00 FEET NORTH OF AND PARALLEL WITH THE SAID SOUTH LINE;</p> <p>THENCE N.88°30'18"E., A DISTANCE OF 8.95 FEET;</p> <p>THENCE S.01°08'42"E., A DISTANCE OF 10.00 FEET;</p> <p>THENCE N.88°30'18"E., A DISTANCE OF 335.00 FEET;</p> <p>THENCE S.89°06'37"W, A DISTANCE OF 15.06 FEET TO THE POINT OF BEGINNING;</p> <p>THENCE CONTINUE S.89°06'37"E., A DISTANCE OF 168.38 FEET;</p> <p>THENCE N.00°00'00"W, A DISTANCE OF 225.14 FEET;</p> <p>THENCE S.90°00'00"W, A DISTANCE OF 297.25 FEET;</p> <p>THENCE S.00°00'00"E., A DISTANCE OF 168.90 FEET;</p> <p>THENCE S.90°00'00"E., A DISTANCE OF 130.89 FEET;</p> <p>THENCE S.00°00'00"E., A DISTANCE OF 55.66 FEET TO THE POINT OF BEGINNING;</p> <p>SAID LAND SITUATE WITHIN THE NORTH PERRY AIRPORT, CITY OF PEMBROKE PINES, BROWARD COUNTY, FLORIDA, CONTAINING 1.38 ACRES (59,085 SQUARE FEET), MORE OR LESS.</p>										
<p>NOTES:</p> <ol style="list-style-type: none"> 1. THE PROPERTY SHOWN HEREON WAS NOT ABSTRACTED FOR OWNERSHIP, RIGHTS-OF-WAY, EASEMENTS OR OTHER MATTERS OF RECORD. 2. THIS SKETCH AND DESCRIPTION IS "NOT VALID" WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. 3. THE BEARINGS SHOWN HEREON ARE BASED ON N.88°30'18"E. ALONG THE SOUTH LINE OF THE NORTHEAST ONE-QUARTER (N.E. 1/4) OF SECTION 22, TOWNSHIP 51 SOUTH, RANGE 41 EAST. 4. THIS SKETCH DOES NOT REPRESENT A FIELD SURVEY (THIS IS NOT A SURVEY). 5. THIS SKETCH OF DESCRIPTION WAS PREPARED BY THIS FIRM WITHOUT THE BENEFIT OF A TITLE SEARCH. THE LEGAL DESCRIPTION SHOWN HEREON WAS AUTHORIZED BY STONER & ASSOCIATES, INC. 6. SEE SHEET 2 OF 2 FOR A GRAPHIC DEPICTION (SKETCH) OF THE PROPERTY DESCRIBED HEREON. 										
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<p>THE MATERIAL SHOWN HEREON IS THE PROPERTY OF STONER & ASSOCIATES, INC. AND SHALL NOT BE REPRODUCED IN WHOLE OR IN PART WITHOUT PERMISSION OF STONER & ASSOCIATES, INC. COPYRIGHT © 2012.</p>		<p>RICHARD G. CRAWFORD, JR. PROFESSIONAL SURVEYOR AND MAPPER NO. 0371 - STATE OF FLORIDA</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%;">DATE OF SKETCH</td> <td style="width: 25%;">DRAWN BY</td> <td style="width: 25%;">CHECKED BY</td> <td style="width: 25%;">FIELD BOOK</td> </tr> <tr> <td>11/03/15</td> <td>DRL</td> <td>RCC</td> <td>N/A</td> </tr> </table>	DATE OF SKETCH	DRAWN BY	CHECKED BY	FIELD BOOK	11/03/15	DRL	RCC	N/A
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<p>4341 S.W. 62nd Avenue Davie, Florida 33314</p>	 <p>STONER & ASSOCIATES, INC. SURVEYORS - MAPPERS Florida Licensed Survey and Mapping Business No. 6588</p>	<p>Tel. (954) 585-0997 Fax (954) 585-3927</p>														
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