

AMENDMENT TO OCCUPANCY AGREEMENT RENEWAL FOR CARETAKERS AT ORLANDO WETLANDS PARK

This 2014 AMENDMENT TO OCCUPANCY AGREEMENT ("2014 Amendment") is made this ____ day of _____, 2014 (the "Effective Date") by and between the CITY OF ORLANDO, FLORIDA, a municipal corporation organized and existing under the laws of the State of Florida, herein referred to as the "City", and RICHARD AND DEBORAH CLARK, herein collectively referred to as the "Caretakers."

RECITALS

A. City owns and operates Orlando Wetlands Park/Wetlands Project located on 25155 Wheeler Road, Christmas, Florida 32709 (the "Park"), for the treatment of reclaimed wastewater received from the Iron Bridge Wastewater Treatment Plant, prior to its release into the St. Johns River; and also for the purpose of providing various recreational facilities for the use and enjoyment of the public, and.

B. Pursuant to Occupancy Agreement Renewal for Caretakers at Orlando Wetlands Park, by and among the Caretakers and City dated July 13, 2009 ("Occupancy Agreement"), a true copy of which is attached as **Exhibit "A"**, Caretakers have been living in a caretaker residence in the Park as part of a plan to provide added security and maintenance services for the facilities.

C. The parties desire to continue the arrangement under which Caretakers will provide the services to City solely in exchange for Caretakers' use of the residence.

D. Caretakers will continue to live in the Park and provide caretaker services in accordance with the terms and conditions contained in the Occupancy Agreement, except that the term thereof shall be modified as provided herein.

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained, and other valuation consideration, the receipt and sufficiency of which are hereby acknowledged, City and Caretakers agree as follows:

1. **OCCUPANCY PERIOD EXTENSION.** The parties hereby extend the term of the Occupancy Agreement for a period of two (2) years commencing January 1, 2015, and ending on December 31, 2016. The period of occupancy may also be extended two (2) additional times for two (2) years each, on terms mutually agreeable in writing by the parties in each party's sole and absolute discretion for any or no reason. Should the term be extended for both renewal periods, the final date of occupancy would be December 31, 2020. Notwithstanding the foregoing, either party may terminate this Occupancy Agreement, upon thirty (30) days prior written notice to the other party, for any or no reason in either party's sole and absolute discretion. The City's Real Estate Division Manager is hereby authorized to execute extensions of this Agreement as provided herein, without further City Council approval; so long as each extension is on the same terms and conditions as provided for the term expiring December 31, 2016. Any extension on other terms must be authorized by City Council.

2. **INCORPORATION OF OCCUPANCY AGREEMENT TERMS.** All terms and conditions of the Occupancy Agreement not in conflict herewith are incorporated herein by reference and made a part hereof. To the extent there is an express or implied conflict between the terms and conditions of this 2014 Amendment and the Occupancy Agreement, the terms and conditions hereof shall control.

IN WITNESS WHEREOF, the parties have executed this 2014 Amendment to Occupancy Agreement Renewal For Caretakers at Orlando Wetlands Park to be effective on the day and year first written above.

**(REMAINDER OF PAGE INTENTIONALLY LEFT BLANK.
SIGNATURES OF PARTIES APPEAR ON FOLLOWING PAGES.)**

CITY OF ORLANDO, FLORIDA

By: _____
Mayor / Pro Tem

Attest:

Print Name: _____

By: _____
Alana C. Brenner, City Clerk

APPROVED AS TO FORM AND LEGALITY
For the use and reliance of the City of Orlando,
Florida, only.

WITNESSES as to City:

_____, 2014.

PrintName: _____

Assistant City Attorney
Orlando, Florida

Print Name: _____

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this ____ day of _____, 2014, by _____, and Alana C. Brenner, the Mayor/Pro Tem and City Clerk respectively, on behalf of the City of Orlando, Florida, a Florida municipal corporation, who (____) are personally known to me or who (____) have produced (type of photo identification) _____ as identification. (Check one)

Notary Public: _____
My commission Expires: _____

RICHARD CLARK

DEBORAH CLARK

WITNESSES as to Caretakers:

PrintName: _____

Print Name: _____

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this ____ day of _____, 2014, by Richard Clark and Deborah Clark, who (____) are personally known to me or who (____) have produced (type of photo identification) _____ as identification. (Check one)

Notary Public: _____
My commission Expires: _____

Signature Page
Caretaker Occupancy Agreement
Orlando Wetlands Park

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EXHIBIT “A”

(Copy of Occupancy Agreement Attached.)