

**AMENDMENT NO. 1 TO THE
AGREEMENT BETWEEN
THE CITY OF MIAMI BEACH, FLORIDA
AND
THE SABRINA COHEN FOUNDATION, INC.
FOR AN ADAPTIVE RECREATION CENTER**

This Amendment No. 1 (Amendment) to the Funding, Collaboration and Management Agreement dated November 2, 2017 (“Agreement”), by and between the City of Miami Beach (“City”), and the Sabrina Cohen Foundation, Inc. (the “Foundation”), is entered into as of this ____ day of November, 2018:

RECITALS

WHEREAS, on October 31, 2017, the Mayor and City Commission adopted Resolution No. 2017-30082, approving and authorizing the Mayor and City Clerk to execute the Agreement with the Foundation, for the Foundation to raise the funds and be responsible for all of the expenses related to the City’s design, development and construction of an Adaptive Recreation Center (“Center”) to be located at a portion of the City’s “P72” surface parking lot at the 53rd Street and Collins Avenue (the “P72 Lot”); and

WHEREAS, the City would be the owner of the Center, which will be used for the primary purpose of providing the general public and specifically, persons living with physical and cognitive disabilities, including seniors living with disabilities and able-bodied individuals with temporary injuries, with an accessible access point to the beach and related beach programming; and

WHEREAS, on July 2, 2018, pursuant to the Agreement’s terms, the Mayor and City Commission adopted Resolution No. 2018-30377, approving, in the City’s proprietary capacity, the Concept Plan for the Center, a copy of which is attached hereto and incorporated by reference as Exhibit “A-1”; and

WHEREAS, the City and the Foundation desire to amend the Agreement and accomplish the purposes outlined in this Amendment No. 1.

NOW THEREFORE, in consideration of the mutual promises and conditions contained herein, and other good and valuable consideration, the sufficiency of which is hereby acknowledged, the City and Consultant hereby agree to amend the Agreement as follows:

1. ABOVE RECITALS.

The above recitals are true and correct and are incorporated as part of this Amendment.

2. **MODIFICATIONS.** The Agreement is hereby amended (deleted items ~~struck through~~ and inserted items underlined) as follows:

a. Section 2.1 of the Agreement is hereby amended to read as follows:

The premises shall consist of a footprint of approximately (but not more than) 5,000 square feet of land located east of 5301 Collins Avenue, on a portion of the Property described in Exhibit "A" attached hereto, and which shall contain a ~~two-story~~ single building with floorplates not to exceed 5,000 square feet of up to a maximum (but no more than) _____10,000 sq. ft. (excluding exterior balconies or walkways), with a maximum (but not to exceed) height of twenty four (24) feet, measured from Base Flood Elevation + 5 feet to the roof of the building, in accordance with the City's Land Development Regulations, and with the ~~final precise location on the Property Center~~ to be located on the northeast corner of the Lot, as set forth in Exhibit "A-1" approved by the City Commission in Resolution No. 2018-30377, determined by, and subject to the final approval of, the City Commission, as part of the design development process outlined in Section 6 of this Agreement (the approved location/site of the Center on the Property shall hereinafter be referred to as the "Premises").

b. Section 6.3 is hereby amended to read as follows:

The design documents, including plans and specifications, for the Center, shall be developed consistent with the approved Concept Plan. During the design development period, the FOUNDATION agrees to provide City with input with respect to design development. The City agrees to provide full consideration to the FOUNDATION's input, particularly with respect to aspects of the design that may enhance the use of the Premises for its intended accessibility-related purposes. All design documents, plans and specifications shall be subject to City Manager's final approval, and all applicable governmental requirements, including regulatory approval by the ~~Historic Preservation Design Review~~ Board and agencies having jurisdiction over the Premises, in accordance with the City's Land Development Regulations.

3. **RATIFICATION.**

Except as amended herein, all other terms and conditions of the Agreement shall remain unchanged and in full force and effect. In the event there is a conflict between the provisions of this Amendment and the Agreement, the provisions of this Amendment shall govern.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be executed by their appropriate officials, as of the date first entered above.

THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK.

SABRINA COHEN FOUNDATION, INC.:

By: _____
Name:
Secretary

Name:
President

CITY OF MIAMI BEACH, FLORIDA:

ATTEST:

By: _____
Rafael Granado, City Clerk

Dan Gelber, Mayor

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