

Adopted by the Hillsboro Beach Mayor and Commission on this 5<sup>th</sup> day of May, 2020.

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**RESOLUTION NO. 2020- 35**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE THE THIRD AMENDMENT TO COMMERCIAL CONTRACT BETWEEN THE TOWN OF HILLSBORO BEACH AND WINTER SUN INVESTMENTS, LLC; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town Commission deems it to be in the best interests of the Town to approve and authorize the appropriate Town officials to execute the Third Amendment to Commercial Contract between the Town of Hillsboro Beach and Winter Sun Investments, LLC.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH, FLORIDA THAT:**

**SECTION 1.** The foregoing "WHEREAS" clause is true and correct and hereby ratified and confirmed by the Town Commission. All exhibits attached hereto are hereby incorporated herein.

**SECTION 2.** The Town Commission of the Town of Hillsboro Beach, Florida, hereby approves and authorizes the appropriate Town officials to execute the Third Amendment to Commercial Contract between the Town of Hillsboro Beach and Winter Sun Investments, LLC. A copy of the Third Amendment is attached hereto as Exhibit "A".

**SECTION 3.** The appropriate Town officials are authorized and directed to execute the necessary documents to comply with this Resolution.

**SECTION 4.** All Resolutions or parts of Resolutions in conflict herewith, be and the same are repealed to the extent of such conflict.

**SECTION 5.** If any clause, section or other part of this Resolution shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered eliminated and will in no way affect the validity of the other provisions of this Resolution.

**SECTION 6.** This Resolution shall become effective immediately upon its passage and adoption.

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**ADOPTED** by the Town Commission of the Town of Hillsboro Beach, Florida this 5<sup>th</sup> day of May, 2020.

**TOWN OF HILLSBORO BEACH, FLORIDA**

*Deborah L. Tarrant*  
Deborah L. Tarrant, Mayor

ATTEST:

*Sherry D. Henderson*  
Sherry D. Henderson, CMC  
Town Clerk



**THIRD AMENDMENT TO COMMERCIAL CONTRACT**

This Third Amendment to Commercial Contract is entered into by and between the Town of Hillsboro Beach, a municipal corporation (the "Buyer") and Winter Sun Investments, LLC, a Florida limited liability company (the "Seller")

**PREAMBLE**

WHEREAS Buyer and Seller have executed a Commercial Contract dated as of December 3, 2019 (the "Contract") for the purchase and sale of property described therein ( the "Property"), and

WHEREAS the parties entered into an Amendment to Commercial Contract dated January 2, 2020, and a Second Amendment to Commercial Contract dated March 24, 2020, and

WHEREAS the parties' desire to further amend the Contract is hereinafter set forth

NOW THEREFORE, for good and valuable consideration the receipt of which is hereby acknowledged, the parties agree to amend the Contract as follows:

1. The Due Diligence Period defined in paragraph 7(b) of the Contract is extended and will expire at 5:pm on August 17, 2020.
2. Except as amended hereby, the Contract, as previously amended, will remain in full force and effect. Electronic transmission of counterparts of this Amendment shall be deemed originals.

Buyer:

Town of Hillsboro Beach, a municipal corporation

By: Deborah L. Tarrant  
Deborah L. Tarrant, Manager

Dated: 5/5/2020

Seller:

Winter Sun Investments, LLC, a Florida limited liability company

By: Steven C. Cronig  
Steven C. Cronig, Manager

Dated: 5/1/2020