

State of Florida
Broward County
Town of Hillsboro Beach

1 Adopted by the Hillsboro Beach Mayor and Commission on this 2nd day of January, 2020.

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RESOLUTION NO. 2020- 01

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE THE 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 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 Amendment to Commercial Contract between the Town of Hillsboro Beach and Winter Sun Investments, LLC.

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 All Resolutions or parts of Resolutions in conflict herewith, be and the same are repealed to the extent of such conflict.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

1 **ADOPTED** by the Town Commission of the Town of Hillsboro Beach, Florida this 2nd
2 day of January, 2020.

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TOWN OF HILLSBORO BEACH, FLORIDA

Deborah L. Tarrant

Deborah L. Tarrant
Mayor

ATTEST:

Sherry D. Henderson

Sherry D. Henderson, CMC
Town Clerk



**RESOLUTION NO. 2020-01
RECORD OF TOWN COMMISSION VOTE:**

	<u>YES</u>	<u>NO</u>
MAYOR D. TARRANT	<input checked="" type="checkbox"/>	<input type="checkbox"/>
VICE MAYOR I. KIRDAHY	<input checked="" type="checkbox"/>	<input type="checkbox"/>
COMMISSIONER V. FEAMAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>
COMMISSIONER B. BALDASARRE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
COMMISSIONER A. BROWN	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Second Motion

AMENDMENT TO COMMERCIAL CONTRACT

This Amendment to Commercial Contract is entered into by and between the Town of Hillsboro Beach, a municipal corporation (the "Buyer") and Winter Sun Investment, 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 desire to amend the Contract as 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 parties acknowledge that the Buyer has given Seller documentation in accordance with Paragraph 6 of the Addendum to the Contract which identified four open cases of municipal code violations on the Property conducted by the Office of Special Magistrate of the Buyer, as follows:

Case No. 1219

Case No. 19040002

Case No. 19080003

Case No. 19080004

Buyer has recorded Releases of Lien incident to these cases in the Public Records of Broward County, copies of which are attached hereto as Composite Exhibit "A". Buyer represents that the foregoing cases constitute all of the cases the Buyer has filed against the Property, except as set forth in Paragraph 2 below.

2. The Buyer has notified Seller that another open case involving a municipal code violation and lien has been recorded by a Special Magistrate for Broward County, Florida under an agreement between the Buyer and the County, which is Broward County Code Lien Case Number 17-0343. Buyer and Seller agree that the lien on the Property by this case should also be dismissed by Buyer pursuant to Paragraph 6 of the Addendum. However the County has advised the Buyer that the next Code Enforcement hearing is on February 6, 2020, which is after the January 3, 2020 deadline required require for Buyer to obtain and record releases under Paragraph 6 of the Addendum. Therefore the parties agree that Buyer shall have until February 16, 2020 to provide Seller with a recorded Release of the County lien.

3. The parties acknowledge that the last sentence of Paragraph 6 of the Addendum to the Contract states that if the Buyer terminates the Contract, it will thereafter have the right to take

further action against the Property or the building in accordance with applicable town codes and ordinances. However, the Buyer acknowledges that any such action will commence with a new Notice of Violation sent to Seller, as it will be a new case filing.

4. Except as amended hereby, the Contract will remain in full force and effect. Electronic transmission of counterparts of this Amendment shall be deemed originals.

Buyer:

Seller:

Town of Hillsboro Beach, a municipal corporation

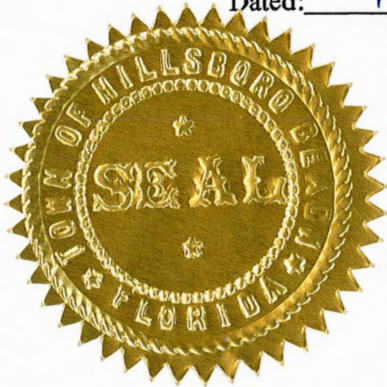
Winter Sun Investment, LLC, a Florida limited liability company

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

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

Dated: 1/2/2020

Dated: 12-30-2019



Town of Hillsboro Beach
1210 Hillsboro Mile
Hillsboro Beach, FL 33062

THIS INSTRUMENT PREPARED BY:
Donald J. Doody, City Attorney
Town of Hillsboro Beach
1210 Hillsboro Mile
Town of Hillsboro Beach, FL 33062

RELEASE OF LIEN

KNOW ALL MEN BY THESE PRESENTS:

That the TOWN OF HILLSBORO BEACH, holder of a certain Claim of Lien filed by the TOWN OF HILLSBORO BEACH, against the property described below in Broward County, Florida, owned by WINTER SUN INVESTMENTS, LLC, hereby releases the following lien:

Case No. 1219 recorded October 19, 2018 in Instrument Number 115395831 of the Public Records of Broward County, Florida.

Folio Number 4843 08 CB 0010

Address: Hillsboro Castle Reef Condominium Unit 101
1205 Hillsboro Mile, Hillsboro Beach, FL 33062

in and for the consideration of Ten Dollars (\$10.00) and other valuable consideration, the TOWN OF HILLSBORO BEACH does hereby acknowledge satisfaction of said Claim of Lien and hereby cancels the same of record.

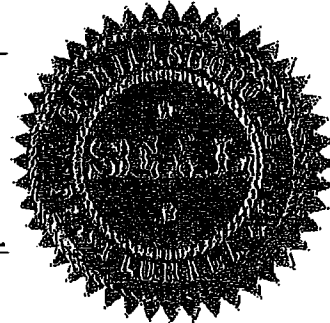
William M. Seada
Witness
William M Seada
(Print Name)

Daniela T. Joseph
Witness
Daniela T. Joseph
(Print Name)

TOWN OF HILLSBORO BEACH, FLORIDA

Irene Kirdahy
By: Irene Kirdahy
Title: Vice Mayor

ATTEST:
Sherry D. Henderson
Sherry D. Henderson, CMC Town Clerk



STATE OF FLORIDA
COUNTY OF BROWARD

BEFORE ME, the undersigned authority, personally appeared Irene Kirdahy as VICE MAYOR, as authorized representative of the Town of Hillsboro Beach, Florida, who (X) is personally known to me or () has produced _____ as identification and who did (did not) take an oath, and he/she acknowledged to and before me that he/she executed the foregoing instrument for the purposes therein expressed, pursuant to due authority.
WITNESS, my hand and official seal this 18 day of DECEMBER, 2019.

Nicole S. Spradlin
NOTARY PUBLIC
My Commission Expires:

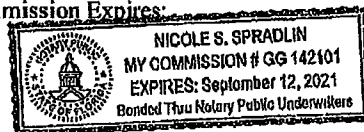


EXHIBIT "A" - 1

THIS INSTRUMENT PREPARED BY:
Donald J. Doody, City Attorney
Town of Hillsboro Beach
1210 Hillsboro Mile
Town of Hillsboro Beach, FL 33062

RELEASE OF LIEN

KNOW ALL MEN BY THESE PRESENTS:

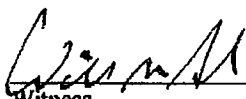
That the TOWN OF HILLSBORO BEACH, holder of a certain Claim of Lien filed by the TOWN OF HILLSBORO BEACH, against the property described below in Broward County, Florida, owned by WINTER SUN INVESTMENTS, LLC, hereby releases the following lien:

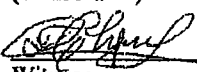
Case No. 19040002 recorded July 15, 2019 in Instrument Number 115927632 of the Public Records of Broward County, Florida.

Folio Number 4843 08 CB 0010

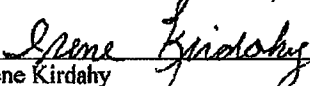
Address: Hillsboro Castle Reef Condominium Unit 101
1205 Hillsboro Mile, Hillsboro Beach, FL 33062

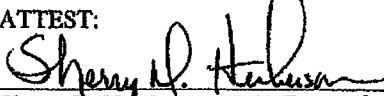
in and for the consideration of Ten Dollars (\$10.00) and other valuable consideration, the TOWN OF HILLSBORO BEACH does hereby acknowledge satisfaction of said Claim of Lien and hereby cancels the same of record.

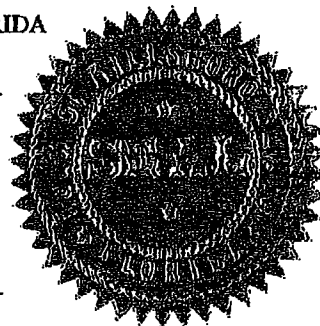

Witness
WILLIAM M SERNA
(Print Name)


Witness
Daniela T. Joseph
(Print Name)

TOWN OF HILLSBORO BEACH, FLORIDA

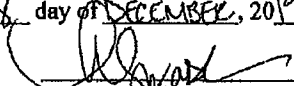

By: Irene Kirdahy
Title: Vice Mayor

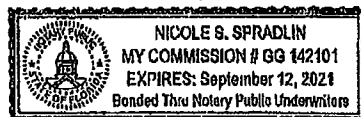
ATTEST:

Sherry D. Henderson, CMC Town Clerk



STATE OF FLORIDA
COUNTY OF BROWARD

BEFORE ME, the undersigned authority, personally appeared Irene Kirdahy as Vice Mayor, as authorized representative of the Town of Hillsboro Beach, Florida, who (X) is personally known to me or () has produced _____ as identification and who did (did not) take an oath, and he/she acknowledged to and before me that he/she executed the foregoing instrument for the purposes therein expressed, pursuant to due authority.
WITNESS, my hand and official seal this 18 day of DECEMBER, 2019


NOTARY PUBLIC
My Commission Expires:



THIS INSTRUMENT PREPARED BY:
Donald J. Doody, City Attorney
Town of Hillsboro Beach
1210 Hillsboro Mile
Town of Hillsboro Beach, FL 33062

RELEASE OF LIEN

KNOW ALL MEN BY THESE PRESENTS:

That the TOWN OF HILLSBORO BEACH, holder of a certain Claim of Lien filed by the TOWN OF HILLSBORO BEACH, against the property described below in Broward County, Florida, owned by WINTER SUN INVESTMENTS, LLC, hereby releases the following lien:

Case No. 19080003 dated September 10, 2019

Folio Number 4843 08 10 0010

Address: 1206 Hillsboro Mile, Hillsboro Beach, FL 33062

in and for the consideration of Ten Dollars (\$10.00) and other valuable consideration, the TOWN OF HILLSBORO BEACH does hereby acknowledge satisfaction of said Claim of Lien and hereby cancels the same of record.

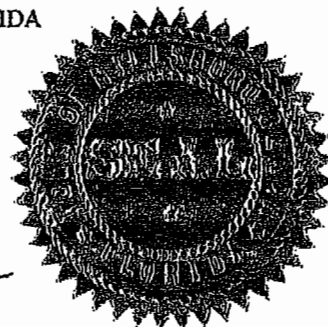
William M. Lewis
Witness
William M. Lewis
(Print Name)

Daniela T. Joseph
Witness
Daniela T. Joseph
(Print Name)

TOWN OF HILLSBORO BEACH, FLORIDA

Irene Kirdahy
By: Irene Kirdahy
Title: Vice Mayor

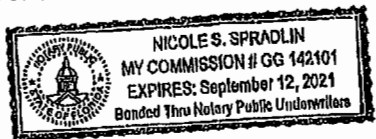
ATTEST:
Sherry D. Henderson
Sherry D. Henderson, CMC Town Clerk



STATE OF FLORIDA
COUNTY OF BROWARD

BEFORE ME, the undersigned authority, personally appeared Irene Kirdahy as Vice Mayor, as authorized representative of the Town of Hillsboro Beach, Florida, who is personally known to me or () has produced _____ as identification and who did (did not) take an oath, and he/she acknowledged to and before me that he/she executed the foregoing instrument for the purposes therein expressed, pursuant to due authority.
WITNESS, my hand and official seal this 18 day of DECEMBER, 2019.

[Signature]
NOTARY PUBLIC
My Commission Expires:



THIS INSTRUMENT PREPARED BY:
Donald J. Doody, City Attorney
Town of Hillsboro Beach
1210 Hillsboro Mile
Town of Hillsboro Beach, FL 33062

RELEASE OF LIEN

KNOW ALL MEN BY THESE PRESENTS:

That the TOWN OF HILLSBORO BEACH, holder of a certain Claim of Lien filed by the TOWN OF HILLSBORO BEACH, against the property described below in Broward County, Florida, owned by WINTER SUN INVESTMENTS, LLC, hereby releases the following lien:

Case No. 19080004 dated October 8, 2019 .

Folio Number 4843 08 CB 0010

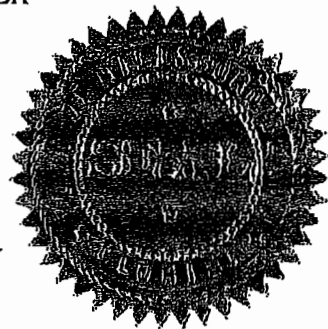
Address: Hillsboro Castle Reef Condominium Unit 101
1205 Hillsboro Mile, Hillsboro Beach, FL 33062

in and for the consideration of Ten Dollars (\$10.00) and other valuable consideration, the TOWN OF HILLSBORO BEACH does hereby acknowledge satisfaction of said Claim of Lien and hereby cancels the same of record.

TOWN OF HILLSBORO BEACH, FLORIDA

William M. Serra
Witness
William M. Serra
(Print Name)

Irene Kirdahy
By: Irene Kirdahy
Title: Vice Mayor



Daniela T. Joseph
Witness
Daniela T. Joseph
(Print Name)

ATTEST:
Sherry D. Henderson
Sherry D. Henderson, CMC Town Clerk

STATE OF FLORIDA
COUNTY OF BROWARD

BEFORE ME, the undersigned authority, personally appeared Irene Kirdahy
Vice Mayor, as authorized representative of the Town of Hillsboro Beach, Florida, who (X) is
personally known to me or () has produced _____ as identification and who did (did not) take an
oath, and he/she acknowledged to and before me that he/she executed the foregoing instrument for the
purposes therein expressed, pursuant to due authority.
WITNESS, my hand and official seal this 18 day of DECEMBER, 2019

[Signature]
NOTARY PUBLIC
My Commission Expires:

