

AGREEMENT

This Agreement is made and entered into by and between Manhattan Construction Company, ("Manhattan") and Lee County, a political subdivision of the state of Florida, hereinafter referred to as ("Lee County"), hereinafter referred to collectively as the ("Parties").

WHEREAS, Manhattan as a general contractor, entered into a Construction Manager Agreement with Lee County to build CenturyLink Sports Complex/Hammond Stadium, 14100 Six Mile Cypress Parkway, Fort Myers, FL 33913, and; pursuant to its contract with Lee County, built CenturyLink Sports Complex/Hammond Stadium.

WHEREAS, Manhattan as a general contractor, entered into a Construction Manager Agreement, with Lee County to build JetBlue Park Baseball Stadium (a/k/a Boston Red Sox spring training facility) located at 11500 Fenway South Dr., Fort Myers, FL 33913 and; pursuant to its contract with Lee County, built JetBlue Park Baseball Stadium.

WHEREAS, Manhattan Construction Company is a current legal successor to both Kraft Construction Company Inc., and Manhattan Twins, a Joint Venture.

WHEREAS, after a period of time, Lee County noticed construction and/or design defects at CenturyLink Sports Complex/Hammond Stadium and JetBlue Park Baseball Stadium. Those construction and/or design defects were communicated over a period of time to Manhattan.

WHEREAS, the Parties have agreed to work cooperatively with one another in resolving any existing construction and/or design defects with CenturyLink Sports Complex/Hammond Stadium and JetBlue Park Baseball Stadium.

WHEREAS, Manhattan has offered to perform inspection and repairs to CenturyLink Sports Complex/Hammond Stadium as specified in Manhattan's letter to Lee County dated September 14, 2021, signed by President, John Reyhan, ("Exhibit 1").

WHEREAS, Manhattan has offered to perform inspection and repairs to JetBlue Park Baseball Stadium as specified in Manhattan's letter to Lee County dated September 10, 2021, signed by President, John Reyhan, ("Exhibit 2").

WHEREAS, Lee County has accepted Manhattan's offer to perform the inspections and repairs identified by Manhattan in ("Exhibit 1") and ("Exhibit 2"). Lee County's acceptance is this agreement ("Exhibit 3").

WHEREAS, with respect to both of the above mentioned baseball stadiums and non-construction related defects only, the Parties agree to negotiate a cost sharing agreement in good faith.

WHEREAS, nothing in this agreement shall be construed as a waiver or limitation of Manhattan's rights against any third parties.

NOW THEREFORE, as consideration for Lee County foregoing its right to pursue other remedies, Manhattan agrees to negotiate a cost sharing agreement in good faith, and with respect to Construction defects, perform the above inspections and repairs to construction defects identified in exhibits 1, 2, and 3 at its sole cost and expense.

IN WITNESS WHEREOF, the parties have executed this agreement on the day and year first above written.

Pamela S. Teeter

Pamela S. Teeter

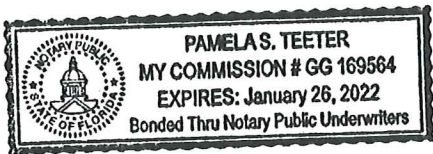
Notary

MANHATTAN TWINS; A JOINT VENTURE;
BY MANHATTEN CONSTRUCTION (FLORIDA), INC.
A JOINT VENTURE PARTNER

BY: [Signature]

John Reyhan, President

Date: 9/21/2021



ATTEST:
LINDA DOGGETT, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: [Signature]

Deputy Clerk

BY: [Signature]

Chair/Vice Chair

Date: Sept 21, 2021



APPROVED AS TO FORM FOR
RELIANCE OF LEE COUNTY ONLY:

[Signature]
Lee County Attorney's Office