

FIRST AMENDMENT OF THE LICENSE AGREEMENT
FOR BUNCHE BEACH KAYAK CONCESSIONS

THIS FIRST AMENDMENT OF THE LICENSE AGREEMENT FOR BUNCHE BEACH KAYAK CONCESSIONS, is made by and between the Lee County Board of County Commissioners, a political subdivision of the State of Florida ("County") and Kayak Excursions Inc. ("Licensee"), collectively, the "Parties."

WHEREAS, the County entered into a License Agreement with Licensee to provide concession services to the general public at the Bunche Beach Kayak Launch, located at 18201 Johns Morris Road, Fort Myers, FL 33908, through Solicitation RFP220303WCD, with Licensee on the 16th day of March, 2023 ("Agreement"); and,

WHEREAS, at the time the Agreement was to begin, Hurricane Ian debris cleanup was underway at the San Carlos Bay Bunche Beach Preserve, resulting in the park and entry road being closed for two days per week; and,

WHEREAS, the closure of the Bunche Beach Preserve has resulted in the closure of the Kayak concession area and will result in a reduction in earnings for the Licensee; and,

WHEREAS, as a result of the park closure and Licensee's reduction in earnings, the Parties desire to temporarily reduce the License Fee listed in the Exhibit B, Fee Schedule of the Agreement during the debris cleanup period; and,

WHEREAS, the Parties desire to modify the aforementioned terms of the Agreement, pursuant to Article 11. AMENDMENT AND TERMINATION of the Agreement.

NOW, THEREFORE, IN CONSIDERATION OF THE FOREGOING AND THE MUTUAL COVENANTS CONTAINED HEREIN, IT IS AGREED AS FOLLOWS:

[Remainder of the page left intentionally blank.]

1. The Parties agree that effective April 1, 2023, the following Fee Schedule shall supersede the existing Fee Schedule in Exhibit B of the Agreement:

<i><u>BUNCHE BEACH KAYAK CONCESSIONS</u></i>				
<i>License Fee - Monthly</i>				
<i>Item</i>	<i>Description</i>	<i>Unit of Measure</i>	<i>Minimum Fee</i>	<i>Amount Proposed</i>
1	License fee	Monthly	\$500.00	\$1,480.00

2. The Parties also agree that, upon completion of the debris cleanup, the Director of Parks & Recreation will issue a notice that the debris cleanup has been completed and, at this time, the Licensing Fee will revert back to the original amount of \$2,000.00 per month, as listed in the following Fee Schedule in Exhibit B of the Agreement:

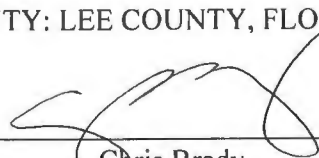
<i><u>BUNCHE BEACH KAYAK CONCESSIONS</u></i>				
<i>License Fee - Monthly</i>				
<i>Item</i>	<i>Description</i>	<i>Unit of Measure</i>	<i>Minimum Fee</i>	<i>Amount Proposed</i>
1	License fee	Monthly	\$500.00	\$2,000.00

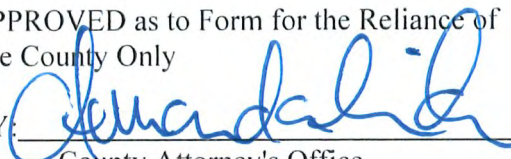
[Remainder of the page left intentionally blank.]

IN WITNESS WHEREOF, this First Amendment of the Agreement has been signed and sealed, in duplicate, by the respective parties hereto.

DATED this 4 day of May, 2023 by the Lee County Board of County Commissioners.

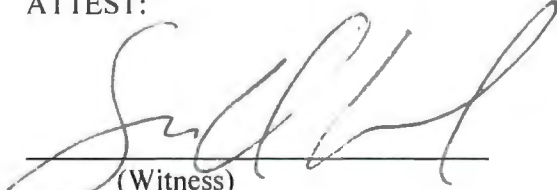
COUNTY: LEE COUNTY, FLORIDA

BY: 
Chris Brady
Assistant County Manager, on behalf of the Board of County Commissioners

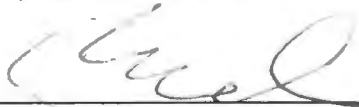
APPROVED as to Form for the Reliance of Lee County Only
BY: 
County Attorney's Office

DATED this 2 day of MAY, 2023 by Kayak Excursions Inc.

ATTEST:



(Witness)

BY: 
Authorized Signature

STEFAN KUENZEL
Authorized Signature Printed Name

PRESIDENT
Authorized Signature Title

CORPORATE SEAL: