

THIS INSTRUMENT DRAFTED BY AND  
WHEN RECORDED RETURN TO:

Mary Neese Fertl, Esq.  
Quarles & Brady LLP  
411 E. Wisconsin Avenue  
Suite 2350  
Milwaukee WI 53202

### **MODIFICATION OF DEED**

**THIS MODIFICATION OF DEED** (this “Modification”) is made and entered into as of the \_\_\_\_ day of \_\_\_\_\_, 2020, by and between the **CITY OF CLEARWATER, FLORIDA** (the “City”), a municipal corporation of the State of Florida whose mailing address is P.O. Box 4748, Clearwater, Florida 33758-4748, ATTENTION: William B. Horne, II, City Manager, and **DECADE SEA CAPTAIN LLC**, a limited liability company authorized to conduct business in the State of Florida, whose mailing address is 13555 Bishops Court, Suite 345, Brookfield, Wisconsin 53005 (“Decade”).

**WHEREAS**, the City conveyed to Decade the real estate known as 41 Devon Street, Clearwater, Florida legally described as follows:

**Lot 1, less the West 110 feet thereof, Block B, COLUMBIA SUBDIVISION  
according to the map or plat thereof recorded in Plat Book 23, Page 60,  
Public Records of Pinellas County, Florida (the “Property”)**

pursuant to a certain Special Warranty Deed dated January 24, 2017 and recorded in the Office of Clerk of Court for Pinellas County on January 31, 2017 in Official Record Book 19502, Pages 931-934, as Document No. 2017033092 (the “Special Warranty Deed”);

**WHEREAS**, the Special Warranty Deed granted to the City a right to repurchase the Property if vertical construction of a parking garage was not commenced on or before the expiration of the Construction Commencement Period;

**WHEREAS**, the Construction Commencement Period was extended to expire on August 26, 2020;

**WHEREAS**, the City has determined a further extension of Construction Commencement Period would be in the best interest of the City; and

**WHEREAS**, the City and Decade desire to extend the Construction Commencement Period as provided in this Modification.

**NOW THEREFORE**, for and consideration of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, it is agreed as follows:

1. The Construction Commencement Period as defined in the second paragraph of the second page of the Special Warranty Deed is hereby further changed to expire on August 26, 2021.
2. This instrument constitutes a modification of the Special Warranty Deed.
3. All other provisions of the Special Warranty Deed, except as modified by this Modification, shall remain unchanged and in full force and effect.
4. This Modification shall be binding upon and inures to the benefit of the parties hereto and their respective successors and assigns.

[signatures on following pages]

**IN WITNESS WHEREOF**, the parties have executed this Modification as of the date first above written.

Countersigned:

**CITY OF CLEARWATER, FLORIDA**

\_\_\_\_\_  
Frank V. Hibbard, Mayor

By:\_\_\_\_\_  
William B. Horne, II, City Manager

Approved as to form:

Attest:

\_\_\_\_\_  
Laura Mahony, Assistant City Attorney

\_\_\_\_\_  
Rosemarie Call, City Clerk

STATE OF FLORIDA       )  
  ) SS  
COUNTY OF PINELLAS    )

BEFORE ME, the undersigned, personally appeared \_\_\_\_\_, the Mayor of the City of Clearwater, Florida, who executed the foregoing instrument and acknowledged the execution thereof to be his free act and deed for the use and purposes herein set forth, and who is personally known to me.

**WITNESS** my hand and official seal this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Notary Public – State of Florida  
Print/type name:\_\_\_\_\_  
My commission expires:\_\_\_\_\_

STATE OF FLORIDA       )  
  ) SS  
COUNTY OF PINELLAS    )

BEFORE ME, the undersigned, personally appeared \_\_\_\_\_, the City Manager of the City of Clearwater, Florida, who executed the foregoing instrument and acknowledged the execution thereof to be his free act and deed for the use and purposes herein set forth, and who is personally known to me.

**WITNESS** my hand and official seal this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Notary Public – State of Florida  
Print/type name:\_\_\_\_\_  
My commission expires:\_\_\_\_\_

