



ATTORNEYS & COUNSELORS AT LAW | EST. 1884

One Tampa City Center, Suite 2000
201 N. Franklin Street
P.O. Box 1531 (33601)
Tampa, FL 33602
813.273.4200 Fax: 813.273.4396

WWW.MFMLEGAL.COM
EMAIL: BJA@MACFAR.COM

625 Court Street, Suite 200
P.O. Box 1669 (33757)
Clearwater, FL 33756
727.441.8966 Fax: 727.442.8470

August 3, 2020

Gina Clayton, AICP, Planning Director
Ella Crandall, AICP
Kevin Nurnberger, AICP
City of Clearwater
100 S. Myrtle Avenue
Clearwater, FL 33756

**Re: Proposed Amendment to HDA 2019-03001
405, 408, 409, and 411 East Shore Drive**

Dear Gina, Ella, and Kevin:

Please allow this to serve as my client's formal submission of a proposed amendment to HDA 2019-03001 in response to the July 10, 2020 incompleteness letter related to FLD 2020-05012 and TDR 2020-7002. The amendment extends the time for the Developer to obtain final site plan approval from one year from the effective date of the Development Agreement to two years from the effective date. This application is intended to be reviewed for approval contemporaneously with FLD 2020-05012 and TDR 2020-7002.

As always, I look forward to working with you in this regard. Please feel free to call me at any time with any questions or concerns. I can be reached directly at (727) 444-1403.

Thank you,

/s/ Brian J. Aungst, Jr.

Brian J. Aungst, Jr.

Encl.

**FIRST AMENDMENT TO THE
HOTEL DENSITY RESERVE DEVELOPMENT AGREEMENT**

THIS FIRST AMENDMENT TO THE HOTEL DENSITY RESERVE DEVELOPMENT AGREEMENT (“AMENDMENT”) is dated the ____ day of _____, 2020, and entered into by and between **EAST SHORE INTERNATIONAL ENTERPRISES, LLC and 411ES, LLC**, a Florida limited liability company (“Developer”), its successors and assigns, and the **CITY OF CLEARWATER, FLORIDA**, a municipality of the State of Florida acting through its City Council, the governing body thereof (“City”).

WITNESSETH:

WHEREAS, Developer and the City entered into that certain Hotel Density Reserve Development Agreement dated July _____, 2019 (the “Development Agreement”) a full copy of which is attached hereto as **Exhibit 1** relating to that certain real property located at 400, 405, 408, 409, and 411 East Shore Drive, Clearwater, FL 33767 (the “Property”); and

WHEREAS, on or about May 1, 2020, Developer filed a Flexible Development Application (FLD 2020-05012) and a Transfer of Development Rights Application (successor application number: TDR 2020-07002) to develop the Project; and

WHEREAS, the Development Agreement requires the Developer to obtain site plan approval within one year of the effective date of the Agreement. The Developer has filed the appropriate Applications to obtain site plan approval, but the Applications were incomplete and are still pending final approval through the development review process. The Developer has experienced delays in completing the Applications partially due to the Covid-19 pandemic. As such, the parties desire to amend the Development Agreement as set forth herein;

NOW THEREFORE, in exchange for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Developer and the City agree as follows:

RECITALS:

1. The recitals listed above are true and correct and incorporated herein by reference.

AMENDMENT TO DEVELOPMENT AGREEMENT:

2. Section 6.1.3.2 is amended to read as follows: The Developer shall obtain appropriate site plan approval pursuant to a Level One or Level Two development application within two (2) years from the effective date of this Agreement in accordance with the provisions of the Code and shall then obtain appropriate permits and certificates of occupancy in accordance with the provisions of the Code. Nothing herein shall restrict Developer from seeking an extension of site plan approval or other development orders pursuant to the Code or state law. In the event that work is not commenced pursuant to issued permits, or certificates of occupancy are not timely issued, the City may deny future development approvals and/or certificates of occupancy for the Project and may terminate this Agreement in accordance with Section 10.

3. No Further Changes. Except as set forth herein there are no further changes, amendments or modifications to the Development Agreement.

Developer:

EAST SHORE INTERNATIONAL
ENTERPRISES, LLC and 411ES, LLC

Print Name: _____

By: _____
Frank Dagostino, Managing Member

Print Name: _____
As to "Developer"

City:

CITY OF CLEARWATER, FLORIDA

Print Name: _____

By: _____
William B. Horne II,
City Manager

Print Name: _____
As to "City"

Attest:

Rosemarie Call, City Clerk

Countersigned:

Frank V. Hibbard, Mayor

Approved as to Form:

Mike Fuino
Assistant City Attorney

EXHIBIT 1
Development Agreement dated July __, 2019