

AGREEMENT

This Agreement is entered into this 19th day of March, 2014 (the "Effective Date") by and between the hereafter described parties under the terms and conditions of that certain Ground Lease ("Lease") made and entered into on the 4th day of December, 2013, by and between the City of Naples, a Florida Municipal Corporation, whose mailing address is 735 8th Street South, Naples, Florida 34102 (hereinafter referred to as "City"), and Philip J. McCabe, as Trustee under Trust Agreement dated May 1, 1986, whose mailing address is c/o 699 5th Avenue South, Naples, Florida 34102 (hereinafter referred to as "Tenant") for Premises more particularly described in the Lease (the "Premises").

RECITALS:

- A. The Lease provides that the City shall have the right to approve building/structural improvements.
- B. Tenant has requested approval to open windows on the previously approved structure to allow the windows to extend outside the Premises into the air space of Sugden Plaza for a maximum distance outside the Premises onto the Plaza of one foot three inches (1' 3") as and to the extent illustrated on the attached Exhibit A which is incorporated herein by reference (the "Approved Window Opening").
 1. Approval. City grants Tenant permission, i.e. license, for the Approved Window Opening (the "Approval").
 2. Term. The term of the Approval is five (5) years from the Effective Date hereof. The term of the Approval is automatically renewed for an additional five (5) year term or terms unless City Council elects to terminate the renewal term or terms no less than ninety (90) days prior to the end of the then current five (5) year term.
 3. Revocation Right. City Council may revoke the Approval for good cause after ninety (90) day notice to Tenant upon a finding that the Approval has proven to be detrimental to the general welfare of the residents of the City.
 4. Insurance and Indemnity. The Insurance and Indemnity provisions of the Lease apply to the Approval and are incorporated herein by reference and restated in their entirety as part of the Approval.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals, the day and year first above writcn.

WITNESSES:

CITY:

The City of Naples, a Florida Municipal Corporation

Karla Gibbs
Print Name: Karla Gibbs

By: A. William Moss
A. William Moss, City Manager

Roger Reinke
Print Name: Roger Reinke

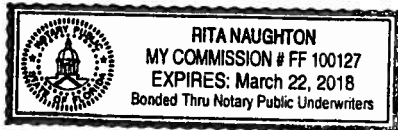
Approved as to form and legality

By Robert D. Pritt
Robert D. Pritt, City Attorney

STATE OF FLORIDA)
) SS
COUNTY OF COLLIER)

The foregoing instrument was acknowledged before me this 9th day of April, 2014, by A. William Moss, as City Manager of The City of Naples, a Florida Municipal Corporation, authorized to transact business in the State of Florida, on behalf of the City. He () is personally known to me or () has produced _____ as identification.

SEAL



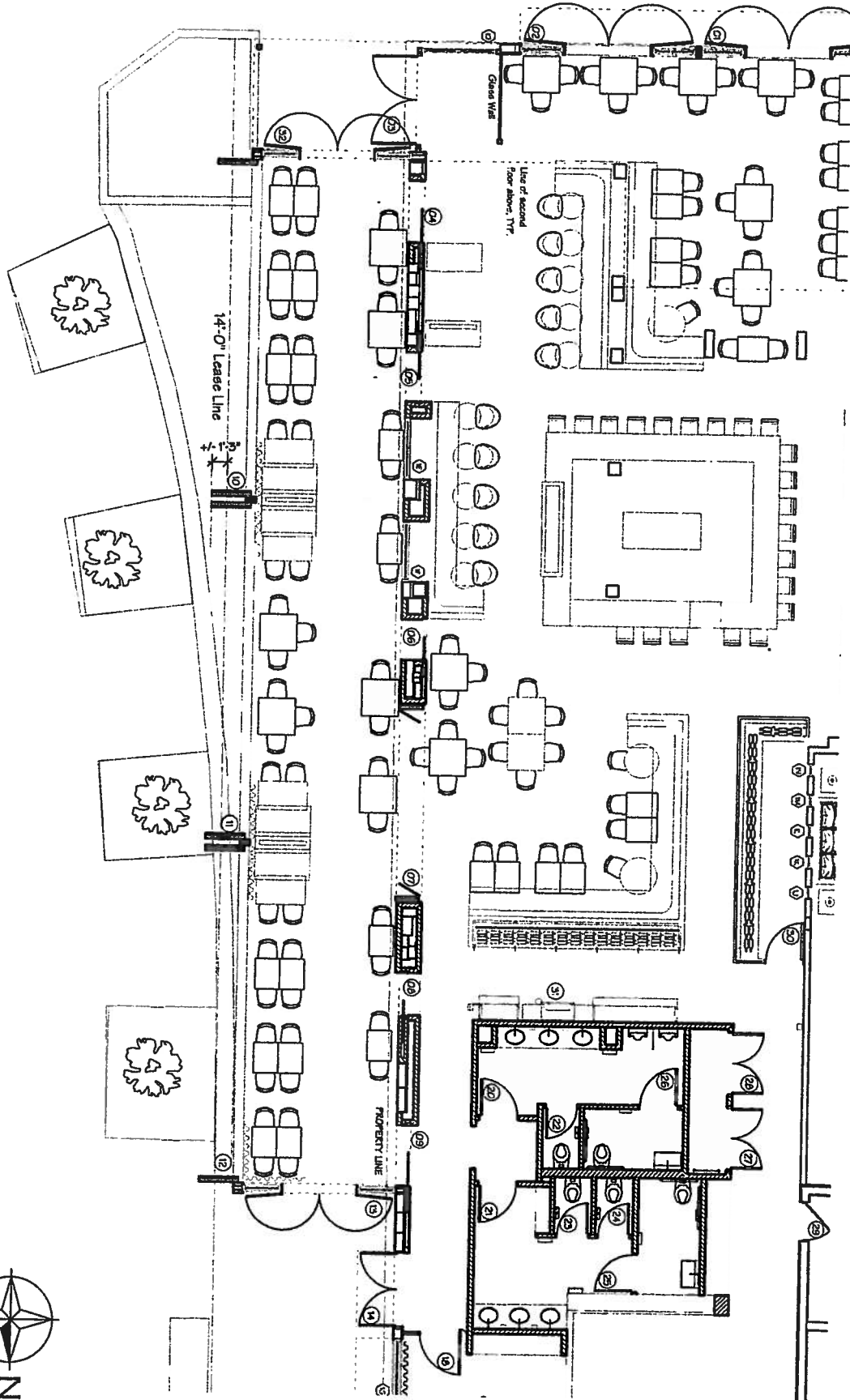
Rita Naughton
Notary Public

RITA NAUGHTON
Printed Name

FF100127
Commission No.

3/22/18
Expiration Date

Attest:
Patricia L. Rambosk
Patricia L. Rambosk, City Clerk
Date: 4/7/14



PROPOSED FLOOR PLAN
Scale 1/8" = 1'-0"



DATE: 10/11/07
SCALE: 1/8" = 1'-0"
SHEET: A3

NO.	DESCRIPTION	DATE	BY
1	PROPOSED FLOOR PLAN	10/11/07	J. KUKK
2	REVISED FLOOR PLAN	10/11/07	J. KUKK
3	REVISED FLOOR PLAN	10/11/07	J. KUKK
4	REVISED FLOOR PLAN	10/11/07	J. KUKK
5	REVISED FLOOR PLAN	10/11/07	J. KUKK
6	REVISED FLOOR PLAN	10/11/07	J. KUKK
7	REVISED FLOOR PLAN	10/11/07	J. KUKK
8	REVISED FLOOR PLAN	10/11/07	J. KUKK
9	REVISED FLOOR PLAN	10/11/07	J. KUKK
10	REVISED FLOOR PLAN	10/11/07	J. KUKK

The Proposed Plans For
avenue 5
669 Fifth Avenue South
Naples, FL

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JEFFREY BEERS
ARCHITECT

