

This Instrument Prepared By:
Robert A. Merrell III, Esquire
Cobb Cole, P.A.
149 South Ridgewood Avenue
Suite 700
Daytona Beach, FL 32114

STATE OF FLORIDA

**SIXTH AMENDMENT TO THE DAYTONA
BEACH KENNEL CLUB PLANNED
COMMERCIAL DEVELOPMENT AGREEMENT**

COUNTY OF VOLUSIA

THIS SIXTH AMENDMENT TO THE DAYTONA BEACH KENNEL CLUB PLANNED COMMERCIAL DEVELOPMENT AGREEMENT (this “Sixth Amendment”) is entered into by and between DAYTONA BEACH KENNEL CLUB, INC. (successor to North Delaware Land Acquisition Company, Inc.), a Florida corporation having a mailing address of 960 South Williamson Boulevard, Daytona Beach, FL 32114 (the “Developer”) and The City of Daytona Beach, a Florida municipal corporation (the “City”) with an address at 301 S. Ridgewood Avenue, Daytona Beach, Florida 32114.

WHEREAS, the City and North Delaware Land Acquisition Company, Inc. entered into the “Daytona Beach Kennel Club Planned Commercial Development Agreement” (the “Agreement”), recorded in Official Records Book 6012, Page 348, Public Records of Volusia County, Florida, to allow for the construction and operation of an indoor recreation/entertainment use and office space; and

WHEREAS, the City and North Delaware Land Acquisition Company, Inc. agreed to amend the Agreement as conveyed by the “First Amendment to The Daytona Beach Kennel Club Planned Commercial Development Agreement” (the “First Amendment”), recorded in Official Records Book 6179, Page 4062, Public Records of Volusia County, Florida, to allow for expansion of the existing facility; and

WHEREAS, the Developer became successor to North Delaware Land Acquisition Company, Inc., and the City and the Developer agreed to amend the Agreement as conveyed by the “Second Amendment to The Daytona Beach Kennel Club Planned Commercial Development Agreement” (the “Second Amendment”), recorded in Official Records Book 6628, Page 348, Public Records of Volusia County, Florida, to allow for an electronic message center sign; and

WHEREAS, the City and the Developer agreed to amend the Agreement as conveyed by the “Third Amendment to The Daytona Beach Kennel Club Planned Commercial Development Agreement” (the “Third Amendment”), recorded in Official Records Book 7016, Page 4864, Public

Records of Volusia County, Florida, to allow static graphics and multiple background, foreground, and text colors to be displayed on the existing electronic message center sign;

WHEREAS, the City and the Developer agreed to amend the Agreement as conveyed by the “Fourth Amendment to the Daytona Beach Kennel Club Planned Commercial Development Agreement” (the “Fourth Amendment”), recorded in Official Records Book 7237, Page 1633, Public Records of Volusia County, Florida, to allow solar energy collection systems as permitted uses for the Property; and

WHEREAS, the City and the Developer agreed to amend the Agreement as conveyed by the “Fifth Amendment to The Daytona Beach Kennel Club Planned Commercial Development Agreement” (the “Fifth Amendment”), recorded in Official Records Book 7460, Page 1997, Public Records of Volusia County, Florida, to allow for the rate of change for the sign copy of the existing electronic message center sign to increase from every 60 seconds to every 10 seconds; and

WHEREAS, the property subject to this Sixth Amendment remains unchanged from that of the Agreement as previously amended and consists of approximately 38 ± acres of real property located south of Bellevue Avenue, between South Williamson Boulevard and Interstate 95 within the municipal limits of The City of Daytona Beach, Florida (the “Property”), a description of which is attached hereto and incorporated herein as Exhibit “A”; and

WHEREAS, the Developer proposes this Sixth Amendment to the Agreement to provide for certain changes to the Sign Plan Exhibit “C” of the original Agreement as amended by Exhibit “B” of the Third Amendment, to allow for additional wall signage and to allow the existing billboard to be converted into an electronic message center sign; and

WHEREAS, the City is willing to grant Developer’s request, subject to the terms and conditions set forth herein.

NOW, THEREFORE, in consideration of the mutual covenants contained herein and other valuable considerations, the receipt and sufficiency of which are hereby acknowledged, the City and the Developer hereto covenant and bind themselves, their successors and assigns, as follows:

1. The recitals provided above are recognized as true and correct representations and are incorporated herein.
2. Exhibit "C" of the original Agreement is amended to allow for additional wall signage and to allow the existing billboard to be converted into an electronic message center sign, as detailed below, and as shown on Exhibit "B" attached hereto. This is not intended to supersede Exhibit "B" of the Third Amendment. This is intended to broaden the scope of Exhibit "C" of the original Agreement and Exhibit “B” of the Third Amendment to include those signs depicted on Exhibit “B” attached hereto.
3. The third sentence of Section 6(b) is amended as follows:

(b) "When the Certificate of Occupancy is issued for the Property, the northernmost billboard shall be removed from the Property and the southernmost billboard shall remain on the Property for a term of twenty years, said period commencing from the date of the approval of this Agreement. Following this twenty-year term, which is expected to expire on February 16, 2027, the billboard shall be converted into an on-site electronic message center sign, consistent with Exhibit "B" attached hereto, at its current location.

(c) A maximum of two (2) electronic message center signs shall be permitted for the subject Property, consistent with this Amendment and the Third Amendment to The Daytona Beach Kennel Club Planned Commercial Development Agreement. Both electronic message center signs shall be permitted to display static graphics and multiple background, foreground, and text colors, and shall be permitted to change sign copy every 10 seconds.

4. The remainder of the Agreement, the First Amendment, the Second Amendment, the Third Amendment, the Fourth Amendment, and the Fifth Amendment not otherwise changed by this Sixth Amendment remain in full force and effect.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the parties hereto have set their hands this ____ day of _____, 2018.

WITNESSES:

THE CITY OF DAYTONA BEACH

Printed Name: _____

By: _____
Derrick L. Henry, Mayor

Printed Name: _____

Attest: _____
Letitia LaMagna, City Clerk

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this ____ day of _____, 2018 by Derrick L. Henry and Letitia LaMagna, as Mayor and City Clerk, respectively, of the City of Daytona Beach, a Florida municipality, on behalf of the City. They are personally known to me or have produced _____ as identification.

NOTARY PUBLIC:

Notary Public, State of Florida at Large
Commission No.: _____
My Commission Expires: _____

Approved as to Legal Form:

By: _____
Robert Jagger, City Attorney

WITNESSES:

DAYTONA BEACH KENNEL CLUB, INC., a Florida corporation

Printed Name:_____

By:_____
Fred Guzman, President

(CORPORATE SEAL)

Printed Name:_____

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this _____ day of _____, 2018, by Fred Guzman, as President of DAYTONA BEACH KENNEL CLUB, INC., a Florida corporation. They are personally known to me or have produced _____ as identification.

Notary Public, State of Florida at Large
Commission No.:_____
My Commission Expires:_____

Exhibit "A"

Legal Description

A PART OF SECTIONS 26 AND 27, TOWNSHIP 15 SOUTH, RANGE 32 EAST VOLUSIA COUNTY, FLORIDA, PLATTED AS PART OF DAYTONA PARK, UNIT NO.1, AS RECORDED IN MAP BOOK 10, PAGES 26 THROUGH 40, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

FROM THE SOUTHEAST CORNER OF SAID SECTION 27, AS THE POINT OF BEGINNING RUN S 89°26'52" W, ALONG THE SOUTH LINE OF SAID SECTION 27, A DISTANCE OF 862.53 FEET TO THE EASTERLY RIGHT OF WAY LINE OF INTERSTATE NO. 95 (STATE ROAD NO. 9); THENCE N 26°36'22" W, ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 936.94 FEET TO THE WEST LINE OF THE EAST 1275 FEET OF SAID SECTION 27; THENCE N 00°29'13" W, ALONG THE WEST LINE OF THE EAST 1275 FEET OF SAID SECTION 27, A DISTANCE OF 331.75 FEET TO THE SOUTH RIGHT OF WAY LINE OF BELLEVUE AVENUE (OLD DELAND ROAD); THENCE N 64°40'38" E, ALONG THE SOUTH RIGHT OF WAY LINE OF SAID BELLEVUE AVENUE, A DISTANCE OF 786.85 FEET TO THE WESTERLY RIGHT OF WAY LINE OF WILLIAMSON BOULEVARD; THENCE RUN ALONG THE WESTERLY RIGHT OF WAY LINE OF SAID WILLIAMSON BOULEVARD THE FOLLOWING COURSES AND DISTANCE; S 26°39'09" E, A DISTANCE OF 455.27 FEET TO THE POINT OF CURVATURE OF A CURVE, CONCAVE NORTHEAST, HAVING A RADIUS OF 1100.00 FEET AND A CENTRAL ANGLE OF 35°04'07"; THENCE RUN SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE, A DISTANCE OF 673.27 FEET TO THE POINT OF TANGENCY; THENCE S 61°43'16" E, A DISTANCE OF 671.91 FEET; THENCE DEPARTING THE WESTERLY RIGHT OF WAY LINE OF SAID WILLIAMSON BOULEVARD, RUN S 28°16'44" W, A DISTANCE OF 328.00 FEET TO THE SOUTH LINE OF SAID SECTION 26; THENCE S 89°05'56" W, ALONG THE SOUTH LINE OF SAID SECTION 26, A DISTANCE OF 528.93 FEET TO THE POINT OF BEGINNING.

CONTAINING 37.968 ACRES MORE OR LESS.

EXHIBIT B

ADDITIONAL WALL SIGNAGE
AND
PROPOSED ADDITIONAL EMC SIGN

SCALE
3/32" = 1'-0"



3'-5"
4'-9"

SCALE
3/16" = 1'-0"

3'-0" **POKER ♦ RACING ♦ DINING** 1'-6"
57'-6"

PROPOSED:

Fabricate and install one (1) set of 36" LED illuminated plastic face channel letters and diamonds mounted flush to wall.
 Letters: 1.77" milk white utilizing 3M translucent cardinal red vinyl overlay. Diamonds: Day/night perforated vinyl overlay.
 1" black trim cap - 5" deep black aluminum returns. Sign to be mounted flush on building elevation.
 Total Sign Area: 172.5 sq/ft

Dynamic Engineering Solutions, Inc.
 John H. Onslar, PE 52733, EB 26429
 351 S. Cypress Road, Suite 303 • Pompano Beach, FL 33060

DESIGNED IN COMPLIANCE 2017 FLORIDA BUILDING CODE, 6th EDITION SECTION 1830 AND APPENDIX H AND ASCE 7-18
 WIND SPEED _____ MPH • EXPOSURE CLASSIFICATION = C • RISK CATEGORY = II
 DESIGN PRESSURE _____ PSF



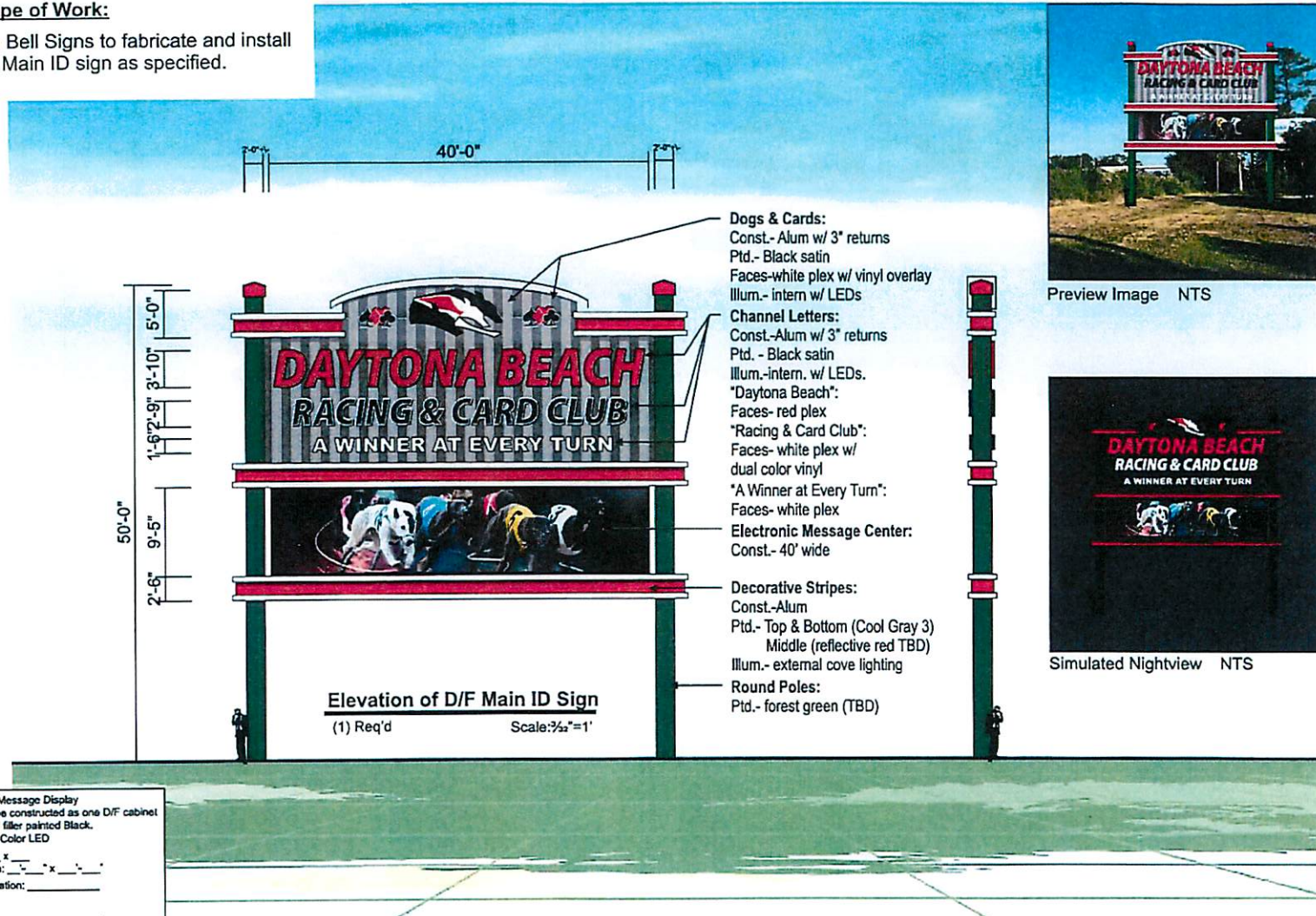
NAME	DAYTONA BEACH RACING & CARD CLUB		
JOB NAME	POKER RACING DINING		
ADDRESS	960 S WILLIAMSON BLVD DAYTONA BEACH, FL. 32114		
DESIGNER	DWG NO.	SALES REP.	DATE
S.E.	B18188	GARY	08/10/2018

APPROVAL	REVISIONS

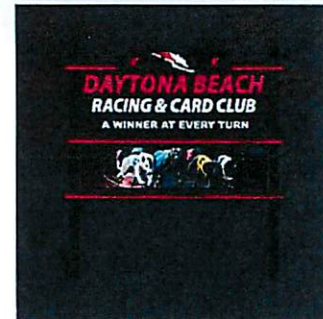
This Design is the property of McNeill Signs, Inc. and may not be reproduced without permission.
 400 Ninth Street, Bunnell, FL 32110 Ph. 386-586-7100 Fax. 386-586-0073
 Website - www.mcneillsigns.com Sales Dept. E-mail - sales@mcneillsigns.com

Scope of Work:

Don Bell Signs to fabricate and install D/F Main ID sign as specified.



Preview Image NTS



Simulated Nightview NTS

- Dogs & Cards:**
Const.- Alum w/ 3" returns
Ptd.- Black satin
Faces-white plex w/ vinyl overlay
Illum.- intern w/ LEDs
- Channel Letters:**
Const.-Alum w/ 3" returns
Ptd. - Black satin
Illum.-intern. w/ LEDs.
"Daytona Beach":
Faces- red plex
"Racing & Card Club":
Faces- white plex w/ dual color vinyl
"A Winner at Every Turn":
Faces- white plex
- Electronic Message Center:**
Const.- 40' wide
- Decorative Stripes:**
Const.-Alum
Ptd.- Top & Bottom (Cool Gray 3)
Middle (reflective red TBD)
Illum.- external cove lighting
- Round Poles:**
Ptd.- forest green (TBD)

Elevation of D/F Main ID Sign
(1) Req'd Scale: 3/32"=1'

Electronic Message Display
(2) SIF to be constructed as one D/F cabinet w/ required filler painted Black. 00mm Full Color LED
Matrix: _____
Active Area: _____
Communication: _____

Notes:
All hardware to be non-corrosive.
Graphic depictions on electronic message centers are for presentation purposes only.
Electrical _____ (TBD).
PRIMARY ELECTRIC BY OTHERS.

DAYTONA BEACH RACING & CARD CLUB

DESIGN #: 1800575

DATE: 00.00.18

DRAWN BY: Anderson

Revisions / Date / Initials

120 Volt
 277 Volt

SHEET 1 of 1

Daytona Beach Racing & Card Club

XXXX
Daytona Beach FL
Gary Bell
As Noted
CorelDRAW

PRIMARY ELECTRIC BY OTHERS.
This design (except registered or existing trademarks) is the property of DON BELL SIGNS LLC and shall not be reproduced or copied in whole or in part without the written permission of the above named owner.



DON BELL SIGNS



Note: This design pending engineering.