

FIRST AMENDMENT TO RENTAL CAR CONCESSION AGREEMENT AND LEASE

This First Amendment to Rental Car Concession Agreement and Lease (“Amendment”) is made and entered into as of the 5th day of December, 2022, by and between the City of Ocala, a Florida municipal corporation (“City”) and Enterprise Leasing Company of Florida, LLC, a Delaware limited liability company (“Operator”).

RECITALS:

WHEREAS, City and Operator previously entered into that certain Rental Car Concession Agreement and Lease dated January 13, 2020, as the same may be amended (the “Rental Car Concession Agreement and Lease”) leasing unto Operator certain premises more particularly described in Sections 3 and 4 of the Rental Car Concession Agreement and Lease (“Premises”); and

WHEREAS, City and Operator desire to amend the terms of the Rental Car Concession Agreement and Lease as hereinafter provided.

NOW, THEREFORE, for and in consideration of the Rental Car Concession Agreement and Lease, this Amendment, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, City and Operator do hereby agree as follows:

1. The above recitals are hereby incorporated as a material part of this Amendment with the same force and effect as if restated in full in this paragraph.
2. All terms used in this Amendment which are defined in the Rental Car Concession Agreement and Lease shall have the same meaning in this Amendment as such terms have in the Rental Car Concession Agreement and Lease, as amended herein.
3. City and Operator hereby agree that the Initial Term under the Rental Car Concession Agreement and Lease commenced on February 1, 2020, and the current Term will end on January 31, 2023.
4. Effective June 1st 2022 and continuing throughout the remainder of the Rental Car Concession Agreement and Lease Term, Section 6.4.2.b.7 shall be deleted and replaced with:

Amounts collected for any Vehicle rental billed directly to an insurance company, or to an automobile shop/dealership located in Marion County, Florida, where the rented Vehicle is to be used by the Customer while the Customer’s personal vehicle is being repaired. This exclusion is capped at and shall not exceed 35% of Gross Receipts. If the 35% cap set forth herein is exceeded, then Operator shall pay the Percentage Fee at Three Percent (3.00%) times the Gross Receipts for such Gross Receipts exceeding the 35% cap.

5. The parties executing this Amendment represent and warrant they are authorized to execute the same.
6. Except as amended hereby, the Rental Car Concession Agreement and Lease remains in full force and effect. All terms, covenants, and conditions of the Rental Car Concession Agreement and Lease not expressly modified herein are hereby confirmed and ratified and remain in full force and effect, and as further amended hereby, constitute valid and binding obligations of City and Operator enforceable according to the terms thereof. In the event there is a conflict between the terms and provisions of this Amendment and the Rental Car Concession Agreement and Lease, the terms and provisions of this Amendment shall control.

- 7. All of the covenants contained in this Amendment, including, but not limited to, all covenants of the Rental Car Concession Agreement and Lease as modified hereby, shall be binding upon and shall inure to the benefit of the parties hereto and their respective heirs, legal representatives and permitted successors and assigns.
- 8. This Amendment may be executed in multiple counterparts, each of which shall be an original, but all of which shall constitute one and the same Amendment. Once executed, this Agreement merges with and becomes part of the Rental Car Concession Agreement and Lease.

IN WITNESS WHEREOF, the parties have executed this Amendment as of the day and year first written above.

ATTEST:

CITY:

Angel B. Jacobs

 City Clerk

City of Ocala, a Florida municipal corporation
 By: Ire Bethea Sr.
 Name: Ire Bethea Sr.
 Title: Council President

Approved as to form and legality:

William E. Sexton

 William E. Sexton
 City Attorney

OPERATOR:

Witness:

Enterprise Leasing Company of Florida, LLC,
a Delaware limited liability company

By: Dave LaMonte
 Name: Enterprise Leasing Company of Florida, LLC
 Title: VP/GM

Title	FOR SIGNATURES - First Amendment to Rental Car Concession.....
File name	FOR COUNCIL - Fir...ise Leasing C.pdf
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Sent for signature to Enterprise Leasing Company of Florida, LLC (elsy.perez@ehi.com) from biverson@ocalaf.org
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Signed by Enterprise Leasing Company of Florida, LLC
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The document has been completed.