

SECOND AMENDMENT TO
CITY OF PORT ST. LUCIE IMPACT FEE MITIGATION AGREEMENT BETWEEN CITY OF PORT ST.
LUCIE, ACCEL INTERNATIONAL HOLDINGS, INC AND ACCEL FLORIDA, LLC

THIS AMENDMENT TO CITY OF PORT ST. LUCIE IMPACT FEE MITIGATION AGREEMENT ("Amendment") is executed as of the 6 day of December, 2023, by and among the City of Port St. Lucie, a Florida municipal corporation (the "City"), Accel International Holdings, Inc., a Florida Corporation (the "Company"), and Accel Florida, LLC, a Florida Limited Liability Company (the "Owner/Landlord").

WITNESSETH:

WHEREAS, City, Company, and Owner/Landlord entered into that certain City of Port St. Lucie Impact Fee Mitigation Agreement on December 1, 2021, (the "Agreement"), whereby Company and Owner/Landlord agreed to create one hundred twenty-five new jobs in Port St. Lucie, meeting the threshold requirements set forth in sections 159.506(A)(1) and (4) of the City's Code of Ordinances and remain in the City for a period of at least ten (10) years while maintaining certain job creation and salary commitments in exchange for an Economic Development Impact Fee Waiver; and

WHEREAS, City, Company, and Owner/Landlord entered into that certain Amendment to City of Port St. Lucie Impact Fee Mitigation Agreement on November 29, 2022, (the "Amendment"), and recorded in the Official Records of St. Lucie County, Florida in Book 4927 Page 359, whereby Company and Owner/Landlord agreed to modify the Job Creation Schedule contained in the ninth (9th) Whereas clause of the Agreement to extend the dates by one year; and

WHEREAS, due to supply constraints in delivery of manufacturing equipment, the operation of the new manufacturing facility has been delayed; and

WHEREAS, the parties agree to a second amendment to modify the Job Creation Schedule contained in the ninth (9th) Whereas clause otherwise provided by the Amendment for the creation of one hundred twenty-five (125) new jobs - the first job creation milestone would be extended to 2024. The first (1st) job creation milestone of sixty-three (63) jobs would be applicable for the 2024 calendar year, the second (2nd) job creation milestone of forty (40) jobs would be applicable for the 2025 calendar year, and the third (3rd) job creation milestone of twenty-two (22) jobs would be applicable for the 2026 calendar year.

NOW, THEREFORE, in consideration of the foregoing premises, the mutual covenants herein contained, and for other good and valuable consideration, the receipt of which is hereby acknowledged, City, Company and Owner/Landlord hereby enter into this Second Amendment.

1. **Modified Job Creation Schedule.** The Job Creation Schedule contained in the ninth (9th) Whereas clause of the Agreement is modified as follows:

<u>Year Ending</u>	<u>Number of New Jobs</u>
12/31/2023	60 0
12/31/2024	40 63
12/31/2025	40
12/31/2026	25 22

2. **Additional Terms.** This Amendment shall be incorporated into and made a part of the Agreement, and all provisions of the Agreement not expressly modified or amended hereby shall remain in full force and effect. This Agreement may be executed in several counterparts, each of which shall constitute an original and all of which together shall constitute one and the same instrument. The parties hereby acknowledge and agree that facsimile signatures or signatures transmitted by electronic mail in so-called "pdf" format shall be legal and binding and shall have the same full force and effect as if an original of this Agreement had been delivered.

[SIGNATURES ON FOLLOWING PAGES]

CITY OF PORT ST. LUCIE

Mary Ann Verillo
Witness
Print Name: Mary Ann Verillo

By: [Signature]
Jesus Merejo, City Manager

[Signature]
Witness
Print Name: Elijah Nooten, Jr

STATE OF FLORIDA)
COUNTY OF ST. LUCIE)

The foregoing instrument was acknowledged before me **by means of** ☒ **physical presence** or ☐ **online notarization**, on this 18 day of December, 2023, by Jesus Merejo, the City Manager of the City of Port St. Lucie, a Florida municipality. He is personally known to me.



Mary Ann Verillo
Notary Public
Mary Ann Verillo
Typed printed or stamped name of Notary Public

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

[Signature]
Richard Berrios, Interim City Attorney

ACCEL INTERNATIONAL HOLDINGS, INC.

Amanda Jones
Witness
Print Name: Amanda Jones

By: *Tim Cummings*
Tim Cummings, Chief Financial Officer

Gerrick Phillips
Witness
Print Name: Gerrick Phillips

STATE OF CONNECTICUT)
COUNTY OF NEW HAVEN)

The foregoing instrument was acknowledged before me **by means of ☒ physical presence or ☐ online notarization**, on this 15th day of December, 2023, by Tim Cummings, the Chief Financial Officer of Accel International Holdings, a Florida corporation who is either personally known to me [] or has produced his driver's license as identification.

Beth A. Thurz
Notary Public

Typed printed or stamped name of Notary Public

BETH A. THURZ
NOTARY PUBLIC
My Commission Expires Nov 30, 2027

RESOLUTION 23-R132

A RESOLUTION OF THE CITY OF PORT ST. LUCIE, FLORIDA, APPROVING THE SECOND AMENDMENT TO CITY OF PORT ST. LUCIE IMPACT FEE AGREEMENT BETWEEN CITY OF PORT ST. LUCIE, ACCEL INTERNATIONAL HOLDINGS, INC. AND ACCEL FLORIDA, LLC; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Port St. Lucie, a Florida municipal corporation (the "City"), Accel International Holdings, Inc. a Florida corporation (the "Company"), and Accel Florida, LLC, a Florida limited liability company (the "Owner/Landlord") previously entered into an Impact Fee Mitigation Agreement; and

WHEREAS, the parties seek a modification to the job creation schedule otherwise provided by the Agreement for the creation of one hundred twenty-five (125) new jobs; and

WHEREAS, the City desires to accept the terms and conditions of the requested amendment ("Amended Agreement").

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF PORT ST. LUCIE, FLORIDA:

Section 1. Ratification of Recitals. The foregoing recitals are hereby ratified and confirmed as true and correct and are hereby made a part of this Resolution.

Section 2. Approval. The City Council authorizes the Mayor or his designee, or the City Manager or his designee, to enter into, execute and deliver the Second Amended Agreement in substantially the same form that is attached hereto and incorporated herein as **Exhibit "A"**, and such other documents necessary to implement the terms and conditions of said Amended Agreement.

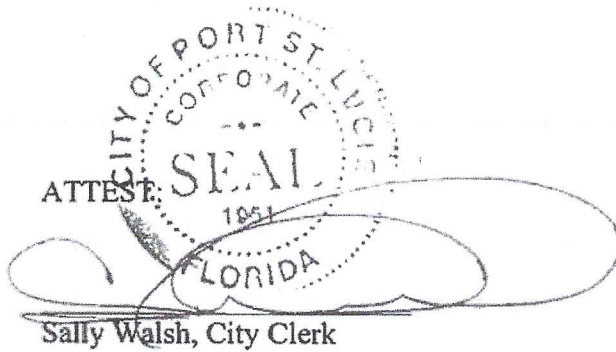
Section 3. Conflict. If any resolutions, or parts of resolutions, are in conflict herewith, this Resolution shall control to the extent of the conflicting provisions.

Section 4. Severability. The provisions of this Resolution are intended to be severable. If any part of this Resolution is determined to be void or is declared illegal, invalid, or unconstitutional by a Court of competent jurisdiction, the remainder of this Resolution shall remain in full force and effect.

RESOLUTION 23-R132

Section 5. Effective Date. This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED by the City Council of the City of Port St. Lucie, Florida, this 11th day of December, 2023.



CITY COUNCIL
CITY OF PORT ST. LUCIE

By: Shannon M. Martin

Shannon M. Martin, Mayor

APPROVED AS TO FORM:

Richard Berrios
Richard Berrios, Interim City Attorney