

COMMERCIAL

RESIDENTIAL

**AMENDMENT TO HOLD HARMLESS & RESTRICTIVE COVENANT  
ENCROACHMENT AGREEMENT**

**THIS AMENDMENT** is made and entered this \_\_\_ day of February, 2013, by and between Ca'd'Oro, LLC, d/b/a Ca' d'Oro Art Gallery, whose address is 135 S. Lorenzo Avenue, Suite 130, Coral Gables, FL 33146 hereinafter referred to as "GALLERY" and the City of Coral Gables, a Florida municipal corporation, hereinafter referred to as "CITY".

**RECITALS**

**WHEREAS**, pursuant to Resolution No. 2012-208, passed by the Coral Gables City Commission on November 13, 2012, the Gallery and City entered into a Hold Harmless and Restrictive Covenant Encroachment Agreement dated December 5, 2012 (the "Agreement"), for the temporary display of the art sculpture, "The Spiral" by Enzo Carnebianca, as shown on Exhibit A, (the "Sculpture") on City property located on the outside plaza of the Coral Gables Museum for a 2 month period (the "Exhibition Period");

**WHEREAS**, the Coral Gables Museum has requested that the Exhibition Period be extended by up to four months, and the Gallery is amenable; and

**WHEREAS**, the CITY is willing to extend the Exhibition Period as set forth herein, subject to the terms and conditions of the Agreement.

**NOW, THEREFORE**, in consideration of the mutual covenants herein contained, and as further consideration for the CITY's approval to encroach upon its property, the sufficiency of which is hereby acknowledged by the parties hereto, the parties agree as follows:

1. The foregoing Recitals are true and correct and incorporated herein.
2. Any capitalized term not otherwise defined herein, shall have the meaning ascribed thereto in the Agreement.
3. The Exhibition Period is hereby extended for up to four months from the date of this Amendment.
4. All other terms, covenants, and conditions of the Agreement not otherwise amended by these presents are hereby confirmed, ratified, and extended accordingly.

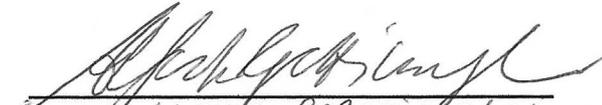
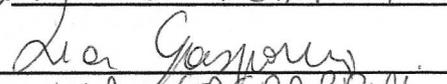
5. This Amendment may be executed in any number of counterparts, each of which, when executed and delivered, shall be an original, but such counterparts shall together constitute one and the same instrument.

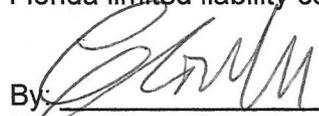
**IN WITNESS WHEREOF**, the Gallery has executed this Amendment as of the date and year first above written.

**ATTEST:**

**GALLERY:**

Ca'd'Oro, LLC, d/b/a Ca' d'Oro Art Gallery, a  
Florida limited liability company

  
Name: ALFREDO RAPETTI MOGOL  
  
Name: LIA GASPARRI

  
By: \_\_\_\_\_  
Name: Gloria Porcella  
Title: Owner

**IN WITNESS WHEREOF**, the City has executed this Amendment as of the date and year first above written.

By authority of Resolution No. \_\_\_\_\_  
duly passed and adopted by the Coral  
Gables City Commission on February 19,  
2013.

**ATTEST:**

**CITY:**

CITY OF CORAL GABLES, a  
Florida municipal corporation

By: \_\_\_\_\_  
Name: Walter J. Foeman  
Title: City Clerk

By: \_\_\_\_\_  
Name: Patrick G. Salerno  
Title: City Manager

**APPROVED AS TO FORM AND LEGAL  
SUFFICIENCY:**

By: \_\_\_\_\_  
Name: Craig E. Leen  
Title: City Attorney