

**FIRST AMENDMENT TO
AD VALOREM TAX EXEMPTION PERFORMANCE AGREEMENT
BETWEEN POLK COUNTY AND BANANA GEORGE, LLC**

THIS FIRST AMENDMENT (“Amendment”) is hereby entered into effective as of the date last executed (the “Effective Date”) by and between Polk County, a political subdivision of the State of Florida (the “County”), and Banana George, LLC, a Delaware limited liability company (the “Company”).

WHEREAS, the County and the Company entered into that certain Ad Valorem Tax Exemption Performance Agreement dated January 17, 2023 (the “Agreement”) in connection with the Banana George Economic Development Ad Valorem Tax Exemption Ordinance approved by the County on the same date (Ord. No. 2023-010, referred to hereinafter as the “Ordinance”); and

WHEREAS, the Exemption Period is defined in the Ordinance as ten tax years commencing with Tax Year 2026 through Tax Year 2035; and

WHEREAS, the Agreement provides that it is effective from January 17, 2023 through the last day of the Exemption Period; and

WHEREAS, the Company has requested, and the County has agreed, to amend the dates of the Exemption Period in both the Ordinance and the Agreement; and

WHEREAS, the Ordinance has been amended by Resolution of even date herewith, and the parties desire to similarly amend the Agreement to accurately reflect the ten-year period in which the exemption should apply.

NOW THEREFORE, the County and the Company hereby agree as follows:

1. The recitals stated above are true and correct and fully incorporated herein.
2. Section 3.c. of the Agreement is hereby amended to replace the definition of “Exemption Period” as follows: “ten (10) tax years commencing with Tax Year 2028 through Tax Year 2037.”
3. The Agreement, as amended by this First Amendment, continues in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this First Amendment effective as of the Effective Date.

ATTEST:
STACY M. BUTTERFIELD
CLERK

COUNTY:
POLK COUNTY, FLORIDA

By: _____
DEPUTY CLERK

By: _____
T.R. Wilson, Chair
Board of County Commissioners

Date signed by Chairman: _____

WITNESSES:

BANANA GEORGE, LLC, a Delaware
limited liability company

By: _____

Print Name

By: _____

Print Name: _____

By: _____

Print Name

Title: _____

Date: _____

Reviewed as to form and legal sufficiency:

County Attorney's Office Date