

**RESOLUTION NO. 2016-\_\_\_**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA, AUTHORIZING THE CHAIRMAN TO EXECUTE DOCUMENTS CONSISTENT WITH THE TENTH AMENDMENT AND MODIFICATION OF 99 YEAR LEASE WITH ST. FRANCIS MANOR AND REQUEST FOR A CITY OF VERO BEACH COMPREHENSIVE PLAN AMENDMENT AND REZONING FOR COUNTY OWNED PROPERTY BY ST. FRANCIS MANOR.**

**WHEREAS**, on the 8th of August, 1973, the County did execute a Ninety-Nine Year Lease covering certain lands therein described, which Lease has been duly recorded in the public records of Indian River County, Florida in Official Record Book 516, at page 305; and

**WHEREAS**, the original 1973 lease has been amended several times over the years and the proposed Tenth Amendment adds a portion of the 16<sup>th</sup> Street Ballfields Site to its Leased Premises; and

**WHEREAS**, St. Francis Manor (SFM) may need to apply to the City of Vero Beach for a comprehensive plan amendment and rezoning to change the land use designation and zoning of the property from governmental use to multi-family housing; and

**WHEREAS**, the Board of County Commissioners finds that such a use of County Property promotes the County interests and welfare and is not needed for County purposes; and

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA:**

1. The Board finds that the Property is not needed for County purposes and that St. Francis Manor of Vero Beach, Florida, Inc. has made application as required by Florida Statutes section 125.38 for a lease of the Property;
2. The Board approves, and authorizes the Chairman to execute a Tenth Amendment and Modification to Ninety-Nine Year Lease between the Board and SFM, in the form set forth in the attached Exhibit "A" at the same term and rental rate, adding the additional property to the existing 99-year lease;
3. The Lease Agreement is entered into pursuant to the authority of Florida Statutes sections 125.38 and 125.01.
4. The Board of County Commissioners of Indian River County hereby expressly provides its consent to St. Francis Manor of Vero Beach, Florida, Inc. to obtain all necessary development orders, including but not limited to, comprehensive land use changes, zoning changes, conditional use permits, building permits, site plan permits, etc., from all necessary jurisdictional entities for the leased properties and hereby authorizes the Chairman to execute such further documents necessary to accomplish

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the SFM comprehensive plan amendment and zoning change. Any costs associated with the changes will be the responsibility of SFM and this resolution does not act as a conveyance of any property interests.

The foregoing Resolution was offered by Commissioner \_\_\_\_\_ and seconded by Commissioner \_\_\_\_\_, and, upon being put to a vote, the vote was as follows:

Commissioner	Susan Adams	_____
Commissioner	Joseph E. Flescher	_____
Commissioner	Peter D. O'Bryan	_____
Commissioner	Bob Solari	_____
Commissioner	Tim Zorc	_____

The Chairman thereupon declared the Resolution duly passed and adopted this 22nd day of November, 2016.

Attest: Jeffrey R. Smith, Clerk of  
Court and Comptroller

INDIAN RIVER COUNTY, FLORIDA  
BOARD OF COUNTY COMMISSIONERS

By \_\_\_\_\_  
Deputy Clerk

By \_\_\_\_\_  
, Chairman

Approved as to form and legal  
sufficiency:



William K. DeBraal  
Deputy County Attorney



**TENTH AMENDMENT AND MODIFICATION  
OF  
NINETY-NINE YEAR LEASE**

**THIS TENTH AMENDMENT AND MODIFICATION OF NINETY-NINE YEAR LEASE** made and entered into on November \_\_\_\_, 2016, by and between **INDIAN RIVER COUNTY, FLORIDA**, a political subdivision of the State of Florida, by and through its Board of County Commissioners, whose address is 1801 27<sup>th</sup> Street, Vero Beach, Florida hereinafter referred to as Lessor, and **ST. FRANCIS MANOR OF VERO BEACH, FLORIDA, INC.**, a Florida non-profit corporation hereinafter referred to as Lessee:

**WITNESSETH:**

**WHEREAS**, on the 8th of August, 1973, the Lessor did execute a Ninety-Nine Year Lease to the Lessee covering certain lands therein described, which Lease has been duly recorded in the public records of Indian River County, Florida in Official Record Book 516, at page 305; and

**WHEREAS**, an Amendment and Modification was executed on February 6, 1980; and a Second Amendment and Modification was executed on July 27, 1993; and a Third Amendment and Modification was executed on September 19, 1994; and a Fourth Amendment and Modification was executed on October 12, 1999; and a Fifth Amendment and Modification was executed on February 7, 2006; and a Sixth Amendment and Modification was executed on May 1, 2012, and a Seventh Amendment and Modification was executed on October 9, 2012, and an Eighth Amendment and Modification was executed on June 4, 2013, and a Ninth Amendment and Modification was executed on June 3, 2014; and

**WHEREAS**, the Eighth Amendment added a portion of the Old County Jail Site to its Leased Premises and the Ninth Amendment added a portion of the area beneath the existing guyed communications tower, the guy wires, adjacent to the tower, and the access easement to the tower, so that it might be used for lawful purposes; and

**WHEREAS**, because of the location of the tower and guy lines, the Old County Jail Site presents construction constraints with Lessee's expansion plans for new units; and

**WHEREAS**, the County has recently declared the property commonly known as the 16<sup>th</sup> Street Ballfields to be surplus property and this property abuts the existing St. Francis Manor property to the south; and

**WHEREAS**, the Lessee has approached the Lessor and inquired if a part of the 16<sup>th</sup> Street Ballfield property might be used for future expansion of St. Francis Manor; and

**WHEREAS**, the Lessor and Lessee desire to execute a Tenth Amendment and Modification to the original Lease in order to add a 0.61 acre section of the 16<sup>th</sup> Street Ballfield property to the existing lease; and

**NOW, THEREFORE**, upon the good and valuable consideration set forth in said original Lease, the Lease is hereby Amended and Modified as followed:

- A. That the real property described in Exhibit "A" attached and incorporated by reference herein, shall be added to the lease and become part of the Leased Premises. The property described in Exhibit "A" shall be known as the 16<sup>th</sup> Street Ballfield parcel and shall be subject to the original 99 year lease and the amendments thereafter.
  
- B. **INDIAN RIVER COUNTY** hereby expressly provides its consent to **ST. FRANCIS MANOR OF VERO BEACH, FLORIDA, INC.** to obtain all necessary development orders, including but not limited to, comprehensive land use changes, zoning changes, conditional use permits, building permits, site plan permits, etc., from all necessary jurisdictional entities for development of the 16<sup>th</sup> Street Ballfield parcel consistent with the terms of the original Lease.
  
- C. This Tenth Amendment and Modification is subject to all of the terms and conditions of the original Lease executed on August 8, 1973, and the nine previous amendments approved and ratified by the parties, except as amended by this agreement, so that the same shall constitute one Lease.

**IN WITNESS WHEREOF**, the undersigned have approved and executed this Tenth Amendment and Modification to Ninety-Nine Year Lease, to take effect on the 1<sup>st</sup> day of December, 2016.

**BOARD OF COUNTY COMMISSIONERS  
INDIAN RIVER COUNTY, FLORIDA**

By: \_\_\_\_\_,  
Chairman

Date Approved by BCC \_\_\_\_\_

Approved:

Approved as to form and legal  
sufficiency:

\_\_\_\_\_  
Jason E. Brown  
County Administrator

  
\_\_\_\_\_  
William K. DeBraal  
Deputy County Attorney

Attest: Jeffrey R. Smith, Clerk of Court  
and Comptroller

By: \_\_\_\_\_  
Deputy Clerk

**ST. FRANCIS MANOR OF VERO BEACH,  
FLORIDA, INC.**

By: \_\_\_\_\_  
Anthony Dzielski, President

Witness: \_\_\_\_\_

Witness: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Date \_\_\_\_\_

Date \_\_\_\_\_

**STATE OF FLORIDA  
COUNTY OF INDIAN RIVER**

The foregoing was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2016, by Anthony Dzielski, President of ST. FRANCIS MANOR OF VERO BEACH, FLORIDA, INC., a Florida non-profit corporation, on behalf of said corporation.

**NOTARY PUBLIC:**

\_\_\_\_\_  
Signature of Notary Public - State of Florida

Stamped Commissioned Name of Notary  
Public with Commission Expiration Date and  
Seal:

\_\_\_\_\_ Personally Known \_\_\_\_\_ OR Produced  
Identification

Type of Identification Produced

\_\_\_\_\_



# EXHIBIT "A"

## LEGAL DESCRIPTION: St. FRANCIS MANOR FUTURE DEVELOPMENT EASEMENT

A PARCEL OF LAND LYING UPON THE BUD RILEY FIELD PARCEL AS DESCRIBED IN DEED BOOK 27, PAGE 150; SAID PARCEL LYING IN SECTION 2, TOWNSHIP 33 SOUTH, RANGE 39 EAST AND RECORDED IN THE PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:



COMMENCE AT THE SOUTHWEST CORNER OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 2; THENCE RUN N00°02'39"E, ALONG THE WEST LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 2, A DISTANCE OF 730.75 FEET TO THE INTERSECTION OF SAID LINE AND THE WESTERLY EXTENSION OF THE NORTH LINE OF THE AFORESAID BUD RILEY FIELD PARCEL; THENCE RUN S89°25'35"E, A DISTANCE OF 80.00 FEET TO THE NORTHWEST CORNER OF THE AFORESAID BUD RILEY FIELD PARCEL, SAID POINT ALSO LYING ON THE EAST RIGHT OF WAY LINE OF 20TH AVENUE; THENCE RUN S89°25'35"E, ALONG SAID NORTH LINE, A DISTANCE OF 373.62 FEET TO THE SOUTHEAST CORNER OF St. FRANCIS MANOR, AS DESCRIBED IN OFFICIAL RECORDS BOOK 516, PAGE 305, FOR A POINT OF BEGINNING; THENCE RUN N00°10'11"E, ALONG SAID NORTH LINE, SAID LINE ALSO BEING THE EAST LINE OF SAID St. FRANCIS MANOR, A DISTANCE OF 60.00 FEET TO A POINT ON THE NORTH LINE OF THE AFORESAID BUD RILEY FIELD PARCEL; THENCE DEPARTING SAID EAST LINE RUN S89°43'15"E, ALONG THE NORTH LINE OF SAID BUD RILEY FIELD PARCEL, A DISTANCE OF 244.00 FEET TO THE NORTHWEST CORNER OF THE SUNSHINE REHABILITATION CENTER AS DESCRIBED IN OFFICIAL RECORDS BOOK 1957, PAGE 2419, OF THE PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA; THENCE RUN S00°14'16"W, ALONG THE WEST LINE OF SAID SUNSHINE REHABILITATION CENTER, A DISTANCE OF 108.55 FEET; THENCE DEPARTING SAID WEST LINE RUN N89°43'15"W, A DISTANCE OF 243.87 FEET; THENCE RUN N00°10'11"E, A DISTANCE OF 48.55 FEET TO THE POINT OF BEGINNING.

CONTAINING: 0.61 ACRES (26,478 SQUARE FEET), MORE OR LESS.

### SURVEYOR'S NOTES:

1. THIS SKETCH OF DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF THE FLORIDA REGISTERED SURVEYOR AND MAPPER NAMED HEREON.
2. THIS SKETCH OF DESCRIPTION MEETS OR EXCEEDS ALL APPLICABLE REQUIREMENTS OF THE STANDARDS OF PRACTICE AS ESTABLISHED IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE.
3. THIS SKETCH OF DESCRIPTION AND ADJOINING PARCELS MAY BE SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, AND/OR RIGHT-OF-WAYS NOT SHOWN HEREON, BUT MAY BE FOUND IN THE PUBLIC RECORDS.
4. THIS SKETCH AND DESCRIPTION WAS PREPARED WITH THE BENEFIT OF A BOUNDARY SURVEY FOR BUD RILEY FIELD, PREPARED BY INDIAN RIVER COUNTY PERSONNEL ON THE DATE OF OCTOBER 1, 2013. THE FENCE, CELL TOWER AND GUY WIRES WERE LOCATED ON THE DATE OF OCTOBER 17, 2016.
5. THE BEARINGS SHOWN HEREON ARE BASED UPON THE NORTH AMERICAN DATUM OF 1983, 2011 ADJUSTMENT AND PROJECTED IN THE FLORIDA STATE PLANE COORDINATE SYSTEM, FLORIDA EAST ZONE. THIS SURVEY WAS TIED TO THE INDIAN RIVER COUNTY REAL-TIME KINEMATIC GLOBAL POSITIONING NETWORK; DERIVING A GRID BEARING OF N00°02'39"E ALONG THE WEST LINE OF THE SOUTHEAST ONE-QUARTER OF SECTION 2, TOWNSHIP 33 SOUTH, RANGE 39 EAST.

### SYMBOLS AND ABBREVIATIONS:

- C.L.F. = CHAIN LINK FENCE  
 D.B. = DEED BOOK  
 ESMT = EASEMENT  
 O.R.B. = OFFICIAL RECORDS BOOK  
 P.I.D. = PARCEL IDENTIFICATION PER PROPERTY APPRAISER  
 P.O.B. = POINT OF BEGINNING  
 P.O.C. = POINT OF COMMENCEMENT  
 R/W = RIGHT OF WAY  
 SEC = SECTION-TOWNSHIP-RANGE
-  = CELL TOWER  
 = GUY WIRE

### CERTIFICATION

SURVEYOR AND MAPPER IN RESPONSIBLE CHARGE

DAVID M. SILON P.S.M.  
 FLORIDA REGISTRATION No. 6139  
 INDIAN RIVER ASSISTANT COUNTY SURVEYOR

DATE

**NOT COMPLETE WITHOUT SHEET 2 OF 2.**

THIS IS NOT A BOUNDARY SURVEY  
 SKETCH TO ACCOMPANY LEGAL DESCRIPTION

PREPARED FOR INDIAN RIVER COUNTY ENGINEERING DEPARTMENT

INDIAN RIVER COUNTY ADMINISTRATION BUILDING  
 1801 27th STREET  
 VERO BEACH, FL 32960  
 (772) 567-8000



**INDIAN RIVER COUNTY**  
*Department of Public Works*  
*Engineering Division*

DRAWN BY:  
*D.SILON*  
 APPROVED BY:  
*D.SILON*

SECTION *2*  
 TOWNSHIP *33S.*  
 RANGE *39E.*

St. FRANCIS MANOR  
 FUTURE DEVELOPMENT EASEMENT  
 SKETCH OF DESCRIPTION

SHEET  
*1*  
 OF *2*

INDIAN RIVER COUNTY ENGINEERING DIVISION PROJECT 151637 St. Francis Manor Cell tower legal survey Vero Beach St. Francis Manor Cell tower Develop. Esmt.dwg. 10/27/2016 7:49:59 AM

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GRAPHIC SCALE  
( IN FEET )



INDIAN RIVER COUNTY  
(St. FRANCIS MANOR)  
P.I.D. No.  
33-39-02-00000-7000-00001.1  
PER O.R.B. 516, PG 305

INDIAN RIVER COUNTY  
P.I.D. No.  
33-39-02-00000-7000-00001.4  
PER O.R.B. 2651, PG 1029

INTERSECTION OF N LINE OF BUD RILEY  
FIELD & THE W LINE OF SE 1/4 OF  
SECTION 2-33-39

E. R/W LINE

E. LINE OF St. FRANCIS MANOR

N. LINE OF BUD  
RILEY FIELD

EXISTING 15'  
DRAINAGE ESMT PER  
LEASE AGREEMENT

S89°25'35"E  
80.00'

NW CORNER OF  
BUD RILEY FIELD

N. LINE OF BUD  
RILEY FIELD

P.O.B.  
SE CORNER OF  
St. FRANCIS MANOR

S89°25'35"E  
373.62'

60.00'  
N00°10'11"E  
48.55'  
N00°10'11"E

PROPOSED  
UTILITY ESMT

S89°43'15"E  
244.00'

NW CORNER OF  
SUNSHINE  
REHABILITATION  
CENTER

(CONTAINING:  
+/- 0.61 ACRES)

PROPOSED 20'  
INGRESS-EGRESS  
ESMT

S00°14'16"W  
108.55'

W. PROPERTY LINE

N89°43'15"W  
243.87'

SUNSHINE REHABILITATION CENTER OF  
INDIAN RIVER COUNTY, INCORPORATED  
P.I.D. No.  
33-39-02-00000-7000-00001.2  
PER O.R.B. 1957, PG 2419

INDIAN RIVER COUNTY  
(BUD RILEY FIELD)  
P.I.D. No.  
33-39-02-00000-7000-00001.3  
PER D.B. 27, PG 150

EXISTING UTILITY ESMT PER  
O.R.B. 1756, PG 2481

THIS IS NOT A BOUNDARY SURVEY  
SKETCH TO ACCOMPANY LEGAL DESCRIPTION

P.O.C.

SW CORNER OF THE SE 1/4  
OF SEC 2-33-39

NOT COMPLETE WITHOUT SHEET 1 OF 2. PREPARED FOR INDIAN RIVER COUNTY ENGINEERING DEPARTMENT

INDIAN RIVER COUNTY ADMINISTRATION BUILDING  
1801 27th STREET  
VERO BEACH, FL 32960  
(772) 567-8000



INDIAN RIVER COUNTY  
Department of Public Works  
Engineering Division

DRAWN BY:  
D.SILON  
APPROVED BY:  
D.SILON

SECTION 2  
TOWNSHIP 33S  
RANGE 39E

St. FRANCIS MANOR  
FUTURE DEVELOPMENT EASEMENT  
SKETCH OF DESCRIPTION

SHEET  
2  
OF 2

INDIAN RIVER COUNTY ENGINEERING DIVISION PROJECT 151637 St. Francis Manor Cell Tower Legal Survey Dwg 151637 St. Francis Manor Cell Tower Develop Esmt.dwg, 10/27/2016, 7:50:57 AM