

**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 27th 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 16th 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 16th 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 16th 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 16th 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 16th 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 1st day of December, 2016.

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

By: _____,
Chairman

Date Approved by BCC _____

Approved:

Jason E. Brown
County Administrator

Approved as to form and legal
sufficiency:



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

NOT COMPLETE WITHOUT SHEET 2 OF 2.

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

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

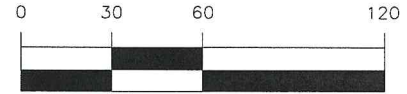
DRAWN BY:
D.SILON
 APPROVED BY:
D.SILON

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

St. FRANCIS MANOR
 FUTURE DEVELOPMENT EASEMENT
 SKETCH OF DESCRIPTION

SHEET
1
 OF *2*

Public Works/ENGINEERING DIVISION PROJECT 151637 St. Francis Manor Cell Tower Legal/Survey/Dwg/1637-St Francis Manor Cell Tower Develop Esmt.dwg, 10/27/2016 7:49:59 AM

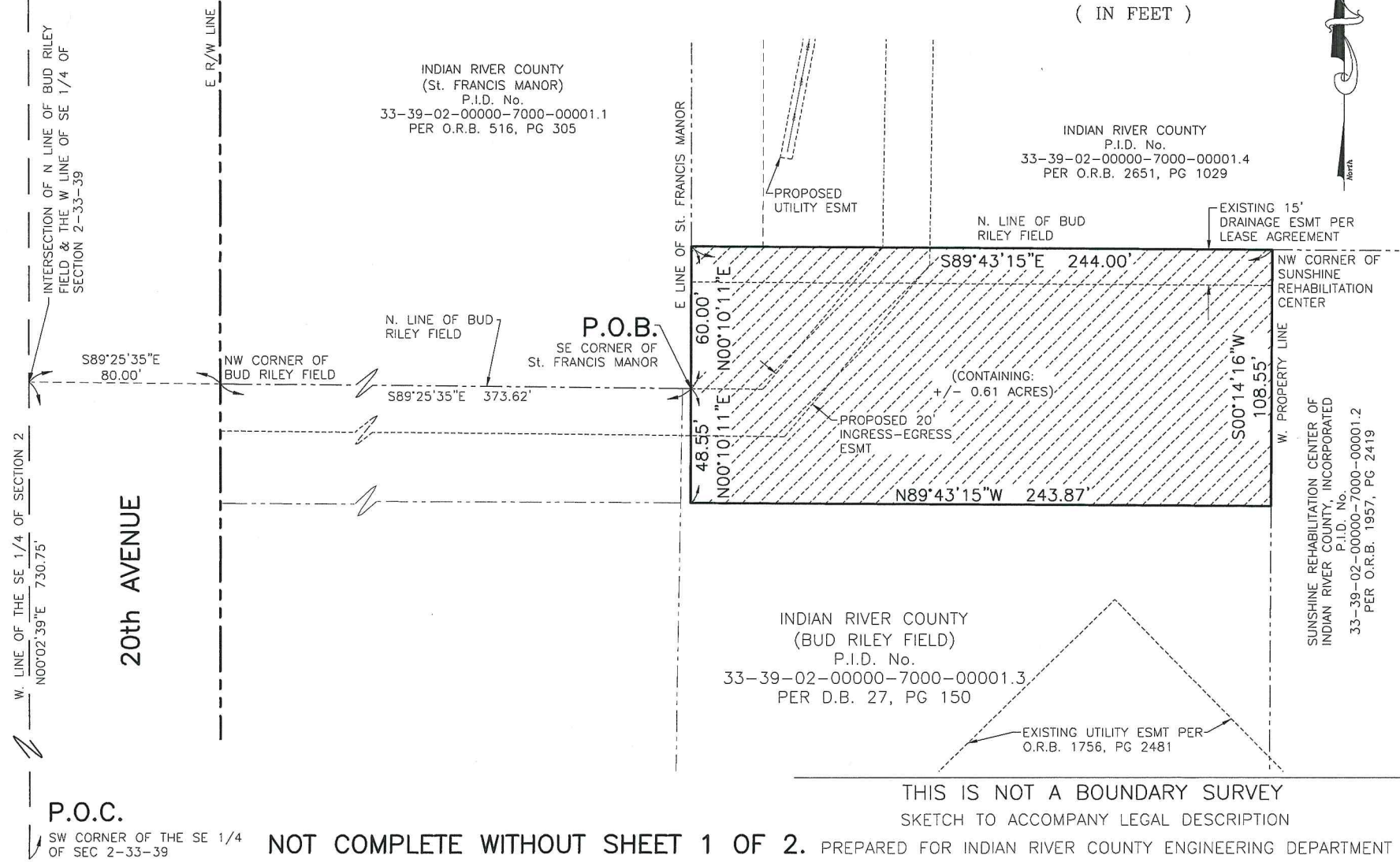


GRAPHIC SCALE
(IN FEET)



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



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

THIS IS NOT A BOUNDARY SURVEY
SKETCH TO ACCOMPANY LEGAL DESCRIPTION

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

Public Works/ENGINEERING DIVISION/PROJECT/51637 St. Francis Manor/CeII Tower/Legals/Survey/Dwg/1637-St.Francis CeII Tower Develop Esmt.dwg, 10/27/2016 7:50:57 AM