

**FIRST AMENDMENT TO WATER, WASTEWATER AND RECLAIMED WATER
FRANCHISE AGREEMENT
BETWEEN
THE CITY OF FELLSMERE, FLORIDA
AND
INDIAN RIVER COUNTY, FLORIDA**

THIS FIRST AMENDMENT TO WATER, WASTEWATER AND RECLAIMED WATER FRANCHISE AGREEMENT (hereinafter "Amendment") is entered into as of the ___ day of _____, 2019, (hereinafter "Effective Date") by and between the City of Fellsmere, Florida (hereinafter "FELLSMERE") and Indian River County, Florida (hereinafter "COUNTY").

WHEREAS, on December 4, 2018, FELLSMERE and COUNTY entered into a Water, Wastewater, and Reclaimed Water Franchise Agreement (the "Agreement"), which allowed COUNTY to provide water, wastewater and reclaimed water utility services within those portions of the corporate limits of FELLSMERE in which it is more beneficial for the COUNTY to serve;

WHEREAS, FELLSMERE and COUNTY wish to expand the Service Area set forth in the Agreement to include the property described in the attached Exhibit "A";

NOW, THEREFORE, in consideration of the foregoing and the mutual benefits to be derived from compliance by the parties with the covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the parties, the parties agree as follows:

Section 1. Adoption of "Whereas" Clauses. The foregoing "Whereas" clauses are adopted and incorporated herein.

Section 2. Franchise Service Area Boundary Change. Pursuant to section 9 of the Agreement, the Service Area is expanded to include the property described in the attached Exhibit "A".

Section 3. Other Agreement Provisions. All other provisions of the Agreement shall remain in full force and effect.

Section 4. Effective Date. This Amendment shall not be effective until the property described in Exhibit "A" is annexed into FELLSMERE.

SIGNATURE PAGE FOLLOWS

IN WITNESS THEREOF, the parties have set their hands and seals the date entered below.

ATTEST:

CITY OF FELLSMERE

Deborah C. Krages
City Clerk

By: _____
Mayor

(SEAL)

Date: _____

Reviewed as to form and legal sufficiency:

Warren W. Dill
City Attorney

BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA

By: _____
Bob Solari, Chairman

Date: _____

Approved by BCC: _____

ATTEST:

Jeffrey R. Smith, Clerk of Circuit Court and Comptroller

By: _____
Deputy Clerk

APPROVED BY:

Jason E. Brown, County Administrator

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

Dylan Reingold, County Attorney