

This document was prepared by
and should be returned to
the County Attorney's Office,
1840 25th St., Vero Beach,
Florida 32960

IN THE RECORDS OF
JEFFREY K. BARTON
CLERK CIRCUIT COURT
INDIAN RIVER CO., FLA.

MODIFICATION TO LICENSE AGREEMENT

This Modification to License Agreement made and entered into this 21st day of September, 1999 by and between Indian River County, a political subdivision of the State of Florida, herein referred to as "COUNTY" and the River Boat Club Property Owners' Association, Inc., a Florida corporation, whose mailing address is 5510 95th Street, Sebastian, Florida 32958, hereinafter "LICENSEE".

WHEREAS by License Agreement dated January 17, 1995 the COUNTY and LICENSEE entered into an agreement granting LICENSEE permission to utilize riparian land immediately south of Lots 1-6, River Boat Club Subdivision and across 95th Street for construction of a multi-slip common dock facility for the personal recreational use of residents of River Boat Club Subdivision; and

WHEREAS, this agreement was recorded at O.R. Book 1282, Page 2373, Public Records of Indian River County, Florida; and

WHEREAS, COUNTY and LICENSEE desire to modify paragraph 6 dealing with liability insurance requirements,

NOW, THEREFORE, in consideration of the covenants and agreements of the License Agreement all of which remain in full force and effect, LICENSEE and COUNTY agree to modify paragraph 6 of the January 17, 1995 License Agreement to read:

"6. Licensee agrees to hold County harmless from any damages arising out of the use of County riparian land for the purposes of accessing the canal by any member of Licensee's association, their families or their guests. This indemnification shall be by means of an insurance policy naming Indian River County as an additional insured in

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the amount of \$1,000,000 liability insurance, with an insurance company rated no less than A+ VII by Best's Key Rating Guide;"

All other terms and conditions of the agreement shall remain in full force and effect.

IN WITNESS WHEREOF, COUNTY and LICENSEE have caused this Modification to License Agreement to be signed in their respective names.

BOARD OF COUNTY COMMISSIONERS
INDIAN RIVER COUNTY, FLORIDA

By: Kenneth R. Macht
Kenneth R. Macht, Chairman

BCC approved: 09-21-99

ATTEST:

By: Jeffrey K. Barton
Jeffrey K. Barton, Clerk

By: William D. Ridge, Jr.

Item Rec'd	Approved	Date
Admin.	<u>YSC</u>	<u>9/9/99</u>
Legal	<u>YSC</u>	<u>9/8/99</u>
Budget	<u>(X)</u>	<u>9/8/99</u>
Dept.	<u>YSC</u>	<u>9/8/99</u>
Asst. Mgr.	<u>YSC</u>	<u>9-8-99</u>

RIVER BOAT CLUB PROPERTY
OWNERS' ASSOCIATION, INC., a
Florida corporation

WITNESSES:

signature: Nancy H. Mossal By: Robert Fowler
printed name: Nancy H. Mossal Robert Fowler, President

signature: William Collins
printed name: William Collins

OR 1297 PG 2596

STATE OF FLORIDA
COUNTY OF INDIAN RIVER

The foregoing instrument was acknowledged before me this 21st day of September, 1999 by **Kenneth R. Macht as Chairman of the Board of County Commissioners of Indian River County, Florida**, who is personally known to me.

NOTARY PUBLIC



Kimberly E. Massung
MY COMMISSION # CC855436 EXPIRES
March 26, 2003
BONDED THROUGH FARM INSURANCE INC.

By: Kimberly E. Massung

printed name: Kimberly E. Massung

Commission No.: CC855436

Commission Expiration: 7-15-03

STATE OF FLORIDA
COUNTY OF INDIAN RIVER

The foregoing instrument was acknowledged before me this 9th day of September, 1999 by **Robert Fowler, the President of River Boat Club Property Owners' Association, Inc., a Florida corporation** on behalf of the corporation. He is personally known to me or has produced FL driver's license as identification.

NOTARY PUBLIC



Nancy H. Mossali
MY COMMISSION # CC793825 EXPIRES
March 26, 2003
BONDED THROUGH FARM INSURANCE INC.

By: Nancy H. Mossali

printed name: Nancy H. Mossali

Commission No.: CC793825

Commission Expiration: 3-26-03

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and should be returned to
the County Attorney's Office,
1810 25th St., Vero Beach,
Florida 32960

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IN THE RECORDS OF
JEFFREY K. BARTON
CLERK CIRCUIT COURT
INDIAN RIVER CO., FLA

LICENSE AGREEMENT

This agreement made and entered into this 17 day of
January, 1995 by and between INDIAN RIVER COUNTY, a political
subdivision of the State of Florida, hereinafter referred to as "County" and
RIVER BOAT CLUB PROPERTY OWNERS' ASSOCIATION, INC., a Florida
corporation, whose mailing address is 8730
U.S. 1 Mico, FL 32976, hereinafter "Licensee".

W I T N E S S E T H :

That, in consideration of the following covenants and agreements,
the parties hereto state as follows:

1. Indian River County is presumptively the holder of riparian
rights to the canal lying southerly of 95th Street, by virtue of the
dedication of 95th Street adjacent to said canal to the public, recorded in
Plat Book 14, Page 39, Public Records of Indian River County, Florida;
2. Licensee is the owner of common elements within the River
Boat Club Subdivision, which subdivision lies immediately north of 95th
Street (hereinafter the "PROPERTY");
3. Licensee has sought permission to utilize the riparian land
immediately south of Lots 1 through 6 and across 95th Street for the
construction of a multi-slip common dock facility for the personal recreational
use of residents of the River Boat Club Subdivision. By seeking such
permission, Licensee does not waive or concede any riparian rights it might
possess;
4. County agrees to allow Licensee to construct the proposed
dock facility (subject to normal County building permit, site plan, and
platting requirements) and to utilize said dock facility for personal
recreational uses of the residents of the River Boat Club Subdivision for so
long as they honor the covenants of this License Agreement. This right
shall not be assignable, nor shall Licensee rent the dock facility to third
parties other than residents of the River Boat Club Subdivision;
5. Licensee agrees to pay County \$100.00 per dock slip per year
for the exclusive right to utilize said dock facility for the purposes stated
herein, on each anniversary date of this License Agreement. On each

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5-year anniversary of the date of this License Agreement, the license fee shall be adjusted to reflect the change in the Consumer Price Index (all urban consumers) of the Department of the United States Department of Labor, Atlanta/Southeast Region. For base line purposes, the initial CPI at the time of this License Agreement is 448.6 on the 1967 base;

6. Licensee agrees to hold County harmless from any damages arising out of the use of County riparian land for the purposes of accessing the canal by any member of Licensee's association, their families or their guests. This indemnification shall be by means of an insurance policy naming County as an additional insured in the amount of \$5,000,000.00 liability insurance, with an insurance company rated no less than A+ VII by Best's Key Rating Guide;

7. Licensee agrees that County may make annual inspections of the dock facility licensed. Licensee further agrees to correct any maintenance deficiencies within 30 days of notification of any such deficiencies identified by an annual inspection.

8. Licensee shall maintain a 6-foot chain link fence with two lock entrances to restrict access to the multi-slip common dock facility.

9. The parties agree that this License Agreement shall terminate in the event of default by the Licensee, at which time any dock improvements under this License Agreement shall become the property of County.

10. This License Agreement may be terminated by County if covenants 4, 5, 6, 7 or 8 above are violated. Licensee may terminate this agreement upon sixty (60) days' written notice to County. Any event of termination shall cause any and all dock improvements to become the property of County;

11. This License Agreement shall become effective upon recordation in the Public Records of Indian River County, Florida by County at such time as Licensee obtains minor site plan approval for a multi-slip common dock facility accessory to the River Boat Club Subdivision, and until the River Boat Club Subdivision receives final plat approval from the Board of County Commissioners of Indian River County, Florida.

DR1282PC2374

IN WITNESS WHEREOF, County and Licensee have caused this License Agreement to be signed in their respective names.

BOARD OF COUNTY COMMISSIONERS
INDIAN RIVER COUNTY, FLORIDA

By: Kenneth R. Macht
Kenneth R. Macht, Chairman
approved by Board 1-17-95

ATTEST:

By: James K. Barton
James K. Barton, Clerk

APPROVED AND LEGAL SUFFICIENCY

BY William G. Collins II
WILLIAM G. COLLINS II
DEPUTY COUNTY ATTORNEY

RIVER BOAT CLUB PROPERTY
OWNERS' ASSOCIATION, INC., a
Florida corporation

By: Henry J. Muller
Henry J. Muller, President

(SEAL)

Nancy H. Messall
Witness Nancy H. Messall
William G. Collins
Witness William G. Collins

STATE OF FLORIDA
COUNTY OF INDIAN RIVER

The foregoing instrument was acknowledged before me this 2nd day of July, 1995 by Kenneth R. Macht as Chairman of the Board of County Commissioners of Indian River County, Florida, who is personally known to me.

NOTARY PUBLIC



Nancy H. Messall
MY COMMISSION # CC71575 EXPIRES
March 24, 2003
BONDED BY TROY TANK INSURANCE, INC.

By: Nancy H. Messall
printed name:
Commission No.:
Commission Expiration:

STATE OF FLORIDA
COUNTY OF INDIAN RIVER

The foregoing instrument was acknowledged before me this 5th day of January, 1995 by Henry J. Muller, the President of River Boat Club Property Owners' Association, Inc., a Florida corporation, on behalf of the corporation. He is personally known to me ~~or has produced~~ (passport or driver's license) as identification.

NOTARY PUBLIC

By: Lea R. Keller
printed name:
Commission No.:
Commission Expiration:



OFFICIAL SEAL
LEA R. KELLER
My Commission Expires
May 15, 1996
Comm. No. CC 194154