

Paul R. Amos
Kevin M. Barry^{5,6}
Brooke M. Benzio²
Rebecca F. Emmons⁷
Stephen J. Lacey^{1,4,8}
Krista M. Runte
Chelsea A. Miller
J. Cole Oliver
Román Ortega-Cowan
Tyler G. Puttick
Clifford R. Repperger, Jr.
Bradley W. Rossway
Jason D. Slater³
R. Blake Smith
John M. Stewart
Michael J. Swan
Thomas W. Tierney³

William J. Stewart,
Of Counsel

LLM: Masters of Law –

¹ Taxation

² Estate Planning

³ Also admitted in CA

⁴ Also admitted in GA

⁵ Also admitted in MA

⁶ Also admitted in NY

⁷ Also admitted in OH

⁸ Also admitted in VA

LOCATIONS

VERO BEACH

The Modern One Building
2101 Indian River Blvd.
Suite 200
Vero Beach, FL 32960
772.231.4440

MELBOURNE

One Harbor Place
1901 S. Harbor City Blvd.
Suite 500
Melbourne, FL 32901
321.984.2700

CORAL GABLES*

Gables International Plaza
2655 LeJeune Rd.
Penthouse 1-C9
Coral Gables, FL 33134
305.443.5020

*By Appointment

January 29, 2020

Via Email: bbarkett@verolaw.com

Bruce Barkett, Esq.
Collins Brown Barkett, Chartered
756 Beachland Blvd.
Vero Beach, FL 32963

RE: CEMEX Property Rezoning

Dear Bruce:

As you are aware, my firm represents The Moorings Club. Please allow this letter to follow up on our meeting between CEMEX and The Moorings Club on January 9, 2020. During that meeting, CEMEX stated that they may be amenable to certain site restrictions on the parcels, if their rezoning requests are approved. The Moorings Club hereby requests that CEMEX covenant not to use the following properties (as shown on the attached map) for the following uses (as defined by sections 911.10 and 911.11 of the Indian River County Land Development Regulations):

Property 1: Mulch products & services, kennels & animal boarding, body & paint shops, general automotive repair, heavy machinery, marine repair & services, fruit & vegetable juice extraction, fruit & vegetable packing houses, lumber & wood, paper manufacturing, tanning & finishing, brick & tile, other nonmetallic mineral products, primary metal industries, fabricated metal products, machine shops, and industrial machinery & equipment.

Property 2: Kennels & animal boarding, body & paint shops, general automotive repair, marine repair & services, machine shops, trucking terminals, and freight transport & arrangement.

Property 3: Kennels & animal boarding, general automotive repair, marine repair & services, and freight transport & arrangement.

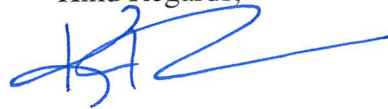
The Moorings Club also would like to inquire as to whether CEMEX would consider a sale of Property 3 to The Moorings Club for fair market value (based upon a mutually agreeable appraisal) or, in the alternative, the granting of a right of first refusal for any sale of Property 3.

The Moorings Club very much appreciates your email confirmation on January 27, 2020 that CEMEX is actively taking steps to limit the noise from the properties by attempting to locate a quieter loadout alarm or one that uses a series of warning

lights. Additionally, confirming that CEMEX has ordered a replacement wind sock to install on top of the silo. I would further like to confirm the following points made by CEMEX at the meeting: (1) CEMEX has no current plans to sell any of the parcels in the medium or short term; and (2) CEMEX does not intend to further develop the parcels to expand the cement facility.

Thank you for your time and attention to this matter.

Kind Regards,

A handwritten signature in blue ink, appearing to be 'KB', with a long horizontal line extending to the right.

Kevin M. Barry

Enc.

CC: Mr. Craig Lopes, w/enc. (clopes@themooringsclub.com)
Mr. Bill Schutt, w/enc. (bschutt@ircgov.com)