



*Office of*  
**INDIAN RIVER COUNTY  
ATTORNEY**

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Dylan Reingold, County Attorney  
William K. DeBaal, Deputy County Attorney  
Susan J. Prado, Assistant County Attorney

MEMORANDUM

TO: The Board of County Commissioners

THROUGH: Jason E. Brown, County Administrator

FROM: William K. DeBaal, Deputy County Attorney

DATE: September 16, 2020

SUBJECT: Ratification of an Amendment to Agreement for Access and Sand Renourishment for Sector 7 Project with Lizabeth Becton-Read, as Trustee of the Lizabeth Becton Revocable Trust

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At its meeting of July 14, 2020, the Board approved an Agreement for Access and Sand Renourishment (Agreement) with Lizabeth Becton-Read, as Trustee of the Lizabeth Becton Revocable Trust, ("Trustee"). The Agreement provided for access to the beach via two oceanfront lots off of Reef Road for the Sector 7 Beach Renourishment Project. The Agreement contained a clause that allowed the County to cancel the Agreement by September 10, 2020, if the County decided not to proceed with the Project.

Since the Board was not scheduled to meet until after the Agreement's September 10 deadline, staff drafted an Amendment to the Agreement to extend the notification date due to the Board's meeting schedule. The Amendment to the Agreement extends the date for the County to cancel the Agreement until September 24, 2020. The County Administrator approved the Amendment on September 10, 2020 pursuant to the authority of IRC Code §105.01. Staff now asks the Board to ratify this action at the upcoming Board meeting of September 22, 2020.

FUNDING. There is no impact to County funds with this Amendment to Agreement.

RECOMMENDATION. Staff recommends the Board ratify the County Administrator's approval of the Amendment to Agreement for Access and Sand Renourishment pursuant to the authority of IRC Code §105.01.

Attachments: Amendment to Agreement for Access and Sand Renourishment

Copies to: Mark Price, Esq. Attorney for the Trustee via [mprice@ralaw.com](mailto:mprice@ralaw.com)  
Eric Charest, Natural Resources Manager

AMENDMENT TO AGREEMENT FOR ACCESS AND SAND RENOURISHMENT  
FOR SECTOR 7 BEACH AREA

THIS Amendment to Agreement For Access and Sand Renourishment and related activities for Sector 7 Beach Area, (Amendment) entered into this 10<sup>th</sup> day of September, 2020, by and between INDIAN RIVER COUNTY a political subdivision of the State of Florida, ("County"), whose address is 1801 27th Street, Vero Beach, FL 32960, and Lizabeth Becton-Read, as Trustee of the Lizabeth Becton Revocable Trust, ("Trustee") whose address is 76 13th Avenue South, Naples, FL, 34102

WITNESSETH:

WHEREAS, the Parties entered into an Agreement for Access and Sand Renourishment on July 14, 2020; and


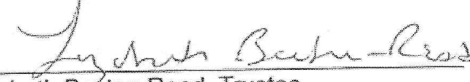
WHEREAS, the Parties seek to amend the Agreement to extend the notification date due to the Board's meeting schedule; and

NOW THEREFORE, in consideration of the mutual covenants contained in this Amendment, the County and Trustee agree as follows:

1. The above recitations are true and correct.
2. Paragraph 4 of the Agreement is hereby amended to give the County until September 24, 2020 to cancel this Agreement.
3. The rest of the Agreement remains unchanged.

IN WITNESS WHEREOF, this Amendment is executed by the duly authorized representatives of the parties below.

Attest: Lizabeth Becton Revocable Trust

  
(printed name) Mark T. Johnson By:   
Lizabeth Becton Read, Trustee

Attest:

  
(printed name) MARK T. JOHNSON

INDIAN RIVER COUNTY, FLORIDA  
BOARD OF COUNTY COMMISSIONERS

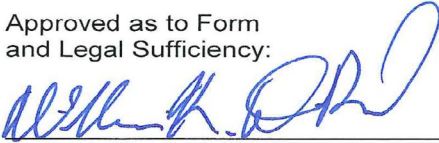


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Jason E. Brown  
County Administrator  
Pursuant to Indian River Code §105.01

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

By:   
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Deputy Clerk

Approved as to Form  
and Legal Sufficiency:



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William K. DeBaal  
Deputy County Attorney

IN WITNESS WHEREOF, the Board has executed this Amendment to Agreement for Access and Sand Renourishment as of the date approved below.

BOARD OF COUNTY COMMISSIONERS  
INDIAN RIVER COUNTY, FLORIDA

BY: \_\_\_\_\_  
Susan Adams, Chairman

BCC Approved: \_\_\_\_\_

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

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