

## FOURTH AMENDMENT TO LEASE AGREEMENT

THIS FOURTH AMENDMENT TO LEASE AGREEMENT ("Fourth Amendment") dated as of December \_\_\_\_, 2019, between the **BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA**, a political subdivision of the State of Florida (hereinafter called the "Board") whose address is 1801 27<sup>th</sup> Street, Vero Beach, FL 32960 and **GIFFORD YOUTH ACTIVITY CENTER, INC. n/k/a GIFFORD YOUTH ACHIEVEMENT CENTER, INC.**, a Florida not for profit corporation (hereinafter called "Tenant" or "GYAC") whose address is 4875 43<sup>rd</sup> Avenue, Vero Beach, FL 32967.

### BACKGROUND RECITALS

- A. On January 6, 1998, the Indian River County Board of County Commissioners as landlord entered into a lease agreement with the Progressive Civic League of Gifford, Florida, Inc. as tenant for the Gifford Youth Activities Center.
- B. On April 9, 2002, the Board considered a request made by the Gifford Youth Activity Center, Inc. with the support of the Progressive Civic League to become the tenant of the Gifford Youth Activity Center pursuant to a new lease.
- C. On November 19, 2002, the Board approved a new lease with the Gifford Youth Activity Center, Inc. as tenant, for a term of forty (40) years at a rate of \$1.00 per year.
- D. On January 20, 2015, the Board extended the lease with the GYAC, now known as the Gifford Youth Achievement Center to a 99-year lease, with an ending date of December 31, 2114.
- E. On March 6, 2018, the Board approved a Second Amendment to Lease Agreement in order for plans for GYAC to build an additional structure on the leased premises consisting of a one story, 13,000 square foot classroom building that could be expanded to add a second story of 13,000 square feet in the future.
- F. On March 7, 2019, the Board approved a Third Amendment to Lease Agreement in order to add the property needed for the required stormwater treatment.
- G. Both parties wish to further amend the Lease Agreement to allow GYAC to serve alcoholic beverages under certain circumstances.

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and intending to be legally bound, the parties agree as follows:

**BACKGROUND RECITALS.** The Background Recitals are true and correct and form a material part of this Fourth Amendment.

**AMENDMENT.** The Lease dated November 19, 2002, shall be amended to add the following paragraph:

**CONSUMPTION OF ALCOHOLIC BEVERAGES.**

Tenant may serve alcoholic beverages up to four times per calendar year on the leased premises under the following conditions:

- A. Tenant shall employ a caterer or similar agent to serve alcoholic beverages who holds all required state alcoholic beverage licenses;
- B. Tenant has made adequate plans, and is ready, willing and able to implement such plans, for security or police presence;
- C. Tenant has obtained liability and any other insurance required by the Indian River County Risk Manager, and has provided certificates evidencing such insurance, in amounts and all other respects acceptable to the Indian River County Risk Manager;
- D. The service of alcoholic beverages can only occur after 6 PM;
- E. The service of alcoholic beverages cannot occur when children are present;
- F. Alcoholic beverages cannot be offered for sale;
- G. Tenant cannot assign, sublease or transfer the leased premises for the consumption of alcoholic beverages.

**UNCHANGED.** Unless amended above, the terms and conditions of the Lease dated November 18, 2002 shall remain unchanged.

IN WITNESS WHEREOF, Landlord and Tenant have executed this Fourth Amendment to Lease Agreement the day and year first above written.

GIFFORD YOUTH  
ACHIEVEMENT CENTER, INC.

Witnessed by:

By: \_\_\_\_\_  
Angelia Perry  
Executive Director

signature: \_\_\_\_\_  
printed name: \_\_\_\_\_

signature: \_\_\_\_\_  
printed name: \_\_\_\_\_

BOARD OF COUNTY COMMISSIONERS OF  
INDIAN RIVER COUNTY, FLORIDA

By: \_\_\_\_\_  
Susan Adams, Chairman

Date approved by Board: 12/\_\_/19

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

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

Approved as to Form and  
Legal Sufficiency

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Dylan Reingold  
Deputy County Attorney

Approved

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Jason E. Brown  
County Administrator