

**FIRST ADDENDUM TO LIBERTY PARK, PHASE 1A AND 1B DEVELOPER'S AGREEMENT
BETWEEN INDIAN RIVER COUNTY AND RYALL DEVELOPMENT GROUP, LLC**

THIS FIRST ADDENDUM TO LIBERTY PARK, PHASE 1A AND 1B DEVELOPER'S AGREEMENT BETWEEN INDIAN RIVER COUNTY AND RYALL DEVELOPMENT GROUP, LLC (this "Addendum") is made this _____ day of _____, 2023.

BACKGROUND

This addendum is attached to and made a part of that "Liberty Park, Phase 1A and 1B Developer's Agreement Between Indian River County and Ryall Development Group, LLC" dated May 18, 2021.

AGREEMENT

1. Indian River County ("County") and Ryall Development Group, LLC, ("Developer") desire to make certain modifications and additions to the above referenced Developer's Agreement ("DA") and desire to set forth such modifications and additions in this Addendum.
2. In the event of a conflict between the terms and conditions of the DA and this Addendum, this Addendum shall control.
3. Developer shall make the following dedications to the County within 90-day of execution of this Addendum by both Parties, subject to the conditions listed below:
 - a. 64th Avenue right-of-way, 60 feet in width, as shown on Exhibit A hereto, subject to modification as described below.
 - b. 74th Avenue right-of-way, 60 feet in width, as shown on Exhibit B hereto, subject to modification as described below.
 - c. Fire Station right-of-way, 60 feet in width, as shown on Exhibit C hereto, subject to modification as described below.
 - d. Pond parcel, as shown on Exhibit D hereto, subject to modification as described below.
 - e. 81st Avenue right-of-way, 10 feet in width, as shown on Exhibit E hereto.
4.
 - a. County acknowledges that Developer has pending before County its conceptual PDTND application for administrative approval. In the event the final PDTND approval requires modification to the legal descriptions for any of the dedications described above, County and Developer will cooperate to approve such modifications of the legal descriptions for said dedications. Further, all such dedications shall be made within 60 days of approval by the county of the conceptual PDTND or within 60 days of final approval of the legal descriptions as modified, if such modifications are necessary.
 - b. County hereby agrees Developer shall retain an easement giving the Developer the absolute right to modify the size and shape of the "Pond" to accommodate the future stormwater runoff from the proposed Liberty Park park, storage facility, civic site, and other approved PDTND facilities, provided such modifications shall not cause stage up to an elevation greater than 18.92 NAVD-88.

5. Developer shall not be responsible for any of the costs or fees associated with the design, permitting, or construction of the 64th Avenue road segment described above, nor for the 74th Avenue road segment south of 81st Street to the southern boundary of Liberty Park described above. County shall, at its own cost and expense, build any master-planned stormwater piping which is required to cross under the 64th St. roadway and also all stormwater conveyance piping from the 64th Avenue and the 74th Avenue right-of-way to Liberty Park stormwater lakes LP-East-N and LP-East-S (also known as 66G in the County's 66th Avenue project) and to Lake S-5.

6. At the County's own cost and expense, County will deposit all excess fill from the County's 66th Avenue Phase 4 – Lake 66G as designed by Kimley Horn for Indian River County to the location shown on Exhibit "F" hereto.

7. County shall provide access from 64th Street to the future storage facility to be developed by Developer.

8. The parties acknowledge that, except as provided herein, the DA remains in full force and effect.

This Addendum may be executed in any number of duplicate originals and any such duplicate original shall be deemed to constitute one and the same instrument.

RYALL DEVELOPMENT GROUP, LLC,
a Florida limited liability company

By: _____
Print Name: _____
Its: _____

WITNESS:

Printed Name: _____

Printed Name: _____

(Corporate seal is acceptable in place
of witnesses)

IN WITNESS WHEREOF, the Board has executed this Addendum as of the date approved below.

BOARD OF COUNTY COMMISSIONERS
INDIAN RIVER COUNTY, FLORIDA

BY: _____
Joseph H. Earman, Chairman

BCC Approved: _____

Attest: Ryan L. Butler, Clerk of Court and
Comptroller

By: _____
Deputy Clerk

Approved as to form and legal sufficiency



William K. DeBraul
County Attorney

Approved:

By _____
John A. Titkanich, Jr.
County Administrator