

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.*

Indian River Co.	Approved	Date
Adm'n.	<i>MSC</i>	9/9/99
Legal	<i>MSC</i>	9/8/99
Budget	<i>(initials)</i>	9/8/99
Dept.	<i>MSC</i>	9/8/99
Risk Mgmt.	<i>MSC</i>	9-8-99

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

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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  
7-15-03  
BONDING THROUGH 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  
BONDING THROUGH 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.

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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: William G. Collins II  
William G. Collins II, Clerk

APPROVED AND LEGAL SUFFICIENT

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. Mossall  
Witness Nancy H. Mossall  
William G. Collins II  
Witness William G. Collins II

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. Mossall  
NOTARY PUBLIC  
COMMISSION # CC77575 EXPIRES  
1/10/97  
20100 11231001AIN INSURANCE, INC.

By: Nancy H. Mossall  
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