

AMENDMENT TO MEDIATED SETTLEMENT AGREEMENT

THIS AMENDMENT is entered into as of the ___ day of January, 2023, by and between Indian River County, a political subdivision of the State of Florida, whose address is 1801 27th Street, Vero Beach, FL 32960 (“County”), and Stephen and Shelly Ryan, whose address is 6775 66th Avenue, Vero Beach, FL 32966 (“Ryans”).

WHEREAS, Indian River County and Stephen and Shelly Ryan were parties in an eminent domain lawsuit, Case No. 2009 CA 012783 in the Circuit Court of the Nineteenth Judicial Circuit in Indian River County, Florida; and

WHEREAS, the parties entered into a Mediated Settlement Agreement (Agreement) which settled all aspects of the lawsuit; and

WHEREAS, as a part of the Agreement, the County was required to:

“8. At the time of the road construction Petitioner's contractor will install at Petitioner's expense an opaque landscape buffer within the first seventeen feet of right of way closest to Defendants' property line. This condition shall run with the land. This condition may only be terminated by Petitioner in the event of future widening of the road to six lanes.”

WHEREAS, the Ryans no longer desire to have the opaque landscape buffer planted near their property.

NOW THEREFORE, in consideration of the mutual undertakings herein, and other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the parties agree, as follows:

1. Recitals. The above recitals are true and correct and are incorporated herein.
2. In exchange for payment of the sum of TEN THOUSAND DOLLARS (\$10,000.00) paid to the Ryans by the County, the County is relieved of the requirement of installing the opaque landscape buffer adjacent to the Ryan property as required by paragraph 8 of that Mediated Settlement Agreement dated February 8, 2011, in the above cited lawsuit.
3. The Ryans do hereby release that this condition shall run with the land, and further release that this condition may only be terminated by Petitioner in the event of future widening of the road to six lanes.
4. Each party shall pay its own attorney's fees and costs associated with this Amendment.

5. All other terms of the Mediated Settlement Agreement shall remain in full force and effect.

IN WITNESS WHEREOF the parties hereto have executed this Amendment as of the date set forth above.

STEPEN R. RYAN

BOARD OF COUNTY COMMISSIONERS
INDIAN RIVER COUNTY, FLORIDA

BY: _____
Stephen R. Ryan

BY: _____
Joseph H. Earman, Chairman

BY: _____
Shelly A. Ryan

BCC Approved: _____

WITNESS: _____
(print witness name): _____

WITNESS: _____
(print witness name): _____

Approved:

By _____
Michael C. Zito
Interim County Administrator

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

By: _____
Deputy Clerk

Approved as to form and legal sufficiency

William K. DeBaal
Deputy County Attorney