



Tammy Rowe, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001
Fax: (321) 264-6972
Tammy.Rowe@brevardclerk.us

August 9, 2017

M E M O R A N D U M

TO: Mary Ellen Donner, Parks and Recreation Director Attn: Mike Knight
RE: Item II.B.2., Amendment to Trail Access Lease with Modern, Inc., for Fox Lake Sanctuary

The Board of County Commissioners, in regular session on August 8, 2017, executed an Amendment Access Lease with Modern, Inc. to provide access to Fox Lake Sanctuary. Enclosed is a fully-executed copy of the Lease.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe

Tammy Rowe, Deputy Clerk

/cmw

Encl. (1)

cc: Budget
Finance

AMENDMENT TO TRAIL ACCESS LEASE

THIS AMENDMENT made this 8 day of August 2017, between the **BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA**, a political subdivision of the State of Florida, located at 2725 Judge Fran Jamieson Way, Building C, Viera, Florida, 32940 ("Lessee") and **MODERN, INC.**, a Florida Corporation, whose address is PO Box 1417, Cocoa Beach, Florida, 32932 ("Owner").

WHEREAS, the Lessee owns certain real property known as Fox Lake Sanctuary. The sanctuary is separated from additional County owned land, known as Fox Lake Park, by private land of the "Owner"; and

WHEREAS, although legal access to the Sanctuary does exist through the Lessee's property, an alternate route leased from the Owner would provide visitors with a better recreational trail experience. The parties hereto entered into a Trail Access Lease on May 28, 2013, incorporated herein by this reference, allowing public recreational access through an area of Owner's property designated as the "Trail" and depicted in Exhibits "A" and "B"; and

WHEREAS, the parties desire to relocate the Trail and replace Exhibits "A" and "B" of the Trail Access Lease with the Exhibit "A" attached to this Amendment.

NOW, therefore, for good and valuable consideration, the receipt of which is hereby acknowledged, the Parties affirm the obligations under the Trail Access Lease as follows:

1. LEGAL DESCRIPTION OF TRAIL:

Exhibits "A" and "B" of the Trail Access Lease are deleted and replaced with the Exhibit "A," attached to this Amendment, which represents the location of the relocated recreational access trail.

All other terms and conditions of the Trail Access Lease not inconsistent with this Amendment shall remain in full force and effect.

(Signatures begin on next page)

IN WITNESS WHEREOF, the parties hereto have signed and seal this Amendment to Trail Access Lease as of the day and year first above written.

Signed, sealed and delivered
in the presence of:

"OWNER"

Modern Inc.

By: [Signature]
Name: Michael Moehle
Its: President

"LESSEE"

Board of County Commissioners of Brevard
County, Florida

As approved by the Board on 8/8/17

By: [Signature]
Name: CURT SMITH
Its: CHAIRMAN

Attest:

[Signature]
Scott Ellis, Clerk of Court

Reviewed for legal form and content:

[Signature]
Christine Lepore, Assistant County Attorney
4/3/17
Date