



BEACH STORM DAMAGE REDUCTION EASEMENT

GRANTOR: BOARDWALK OF BREVARD CONDOMINIUM ASSOCIATION, INC.,
a Florida corporation
15 N. Atlantic Avenue
Cocoa Beach, Florida 32931

GRANTEE: BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY,
FLORIDA, a political subdivision of the State of
Florida
Sandy Crawford
Clerk Of Courts, Brevard County
2725 Judge Fran Jamieson Way
Viera, Florida 32940

DATE: 7-23, 1998

#Pgs: 3 #Names: 2
Trust: 2.00 Rec: 13.00 Serv 0.00
Deed: 0.70 Excise: 0.00
Mtg: 0.00 nt Tax: 0.00

Prepared by and return to:
Harold T. Bistline, Esq.
P.O. Box 8248
Cocoa, FL 32924-8248

In consideration of the sum of One Dollar (\$1.00) and other valuable considerations, receipt of which is acknowledged, Grantor grants to Grantee, its agents, successors and assigns, an assignable easement and right-of-way in, on, over and across the land described in Schedule "A" for use by the Board of County Commissioners of Brevard County, Florida ("County"), its representatives, agents, contractors, and assigns, to construct; preserve; patrol; operate; maintain; repair; rehabilitate; and replace; a public beach and dune system and other erosion control and storm damage reduction measures together with appurtenances thereto, including the right to deposit sand; to accomplish any alterations of contours on said land; to construct berms and dunes; to nourish and renourish periodically; to move, store and remove equipment and supplies; to erect and remove temporary structures; and to perform any other work necessary and incident to the construction, periodic renourishment and maintenance of the Brevard County Shore Protection Project, together with the right of public use only on the portion of Grantor's property described in Schedule "A"; to plant vegetation on said dunes and berms; to facilitate preservation of dunes and vegetation; to remove from said land debris and obstructions within the limits of the easement reserving, however, to the grantor, its successors and assigns, the right to construct dune overwalk structures in accordance with any applicable federal, state or local laws or regulations, provided that such structures shall not violate the integrity of the dune in shape, dimension or function, and that prior approval of the plans and specifications for such structures is obtained from the designated representative of the County, and provided further that such structures are subordinate to the construction, operation, maintenance, repair, rehabilitation and replacement of the project; and further reserving to the grantor, its successors and assigns all such rights and privileges as may be used and enjoyed without interfering with or abridging the rights and easements hereby acquired; subject however to existing easements for public roads and highways, public utilities, railroads and pipelines.

The term of this easement shall commence on the date the United States Army Corps of Engineers ("Corps") or the County

awards the contract for the first construction of the Brevard County Shore Protection Project and shall terminate fifty (50) years after the date of completion of the first construction of the project. In the event the Corps or the County fails to award the contract for construction of the Brevard County Shore Protection Project on or before December 31, 2010, this easement shall automatically terminate and be cancelled of record.

IN WITNESS WHEREOF, Grantor has caused these presents to be executed on the date first above written.

Signed, sealed and delivered in the presence of:

GRANTOR: Jim Filson
BOARDWALK OF BREVARD
CONDOMINIUM-ASSOCIATION, INC.,
a Florida corporation

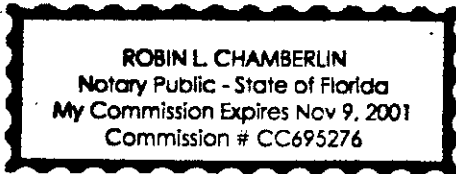
Witness:

By: James A. Filson
Name and Title

Witness:

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 23 day of July, 1998, by James A. Filson, as President of BOARDWALK OF BREVARD CONDOMINIUM ASSOCIATION, INC., a Florida corporation, on behalf of said corporation, who is personally known to me or who has produced _____ as identification.



Robin L. Chamberlin
Printed Name: Robin L. Chamberlin
Notary Public - State of Florida
My Commission expires: 11/9/2001



CFN 98165775

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All of that land which lies seaward of the plus 9 foot contour on the seaward side of the dune, as measured vertically from the National Geodetic Vertical Datum, of the land lying within the following parcel of real property:

Lots 8, 9, 10 and 11, Block "A" of Cocoa Beach Subdivision according to the plat thereof as recorded in Plat Book 3, Page 54, of the Public Records of Brevard County, Florida.



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Boardwalk of Brevard Condominium Association, Inc.

Schedule "A"