

THIS AGREEMENT, made this 25 day of January, 1977, by and between WIN-SAN BUILDING CORPORATION, formerly known as Bal Harbour Towers, Inc., herein after referred to as Grantor, and BAL HARBOUR VILLAGE, a municipality existing under the laws of the State of Florida, hereinafter called the Grantee.

WHEREAS, the parties hereto entered into a certain Easement Agreement, same being dated June 30, 1973, (hereinafter referred to as ORIGINAL EASEMENT); and

WHEREAS, ORIGINAL EASEMENT was recorded as follows:

In Official Records Book 8612, at page 245, among the Public Records of Dade County, Florida; and

WHEREAS, the parties hereto are desirous of amending the terms of the ORIGINAL EASEMENT.

NOW, THEREFORE, in consideration of the mutual covenants herein contained and the sum of Ten Dollars, receipt of which is hereby acknowledged, the parties do mutually agree to amend said ORIGINAL EASEMENT as follows:

1. SAID ORIGINAL EASEMENT is hereby increased in size from its original width of ten (10) feet to a total width of fifteen (15) feet, as same is more particularly described in the legal description and survey sketch prepared by Zurwelle-Whittaker, Inc., Consulting Engineers and Surveyors, dated October 30, 1975, same being attached hereto and initialled by the parties.

2. Provision numbered 2 of the ORIGINAL EASEMENT is hereby amended to read as follows:

The subject easement shall be used solely for purposes of ingress and egress from Collins Avenue to the Atlantic Ocean. The general public is specifically prohibited from using this easement for any other purpose whatsoever, including, but not limited to fishing, skin diving, boating, or loitering. Vehicular traffic shall not be permitted, except City, County or State Authorities may use said easement for ingress and egress by official governmental vehicles, provided same are limited solely to police, fire, maintenance, ambulance, rescue or other patrol purposes, which vehicular use by said governmental agencies shall further be limited to supervising and patrolling activities taking place on or at the beach. Any and all other vehicular traffic whatsoever is strictly prohibited.

3. The first paragraph following provision numbered 10, on the second page of the ORIGINAL EASEMENT, is hereby amended to read as follows:

The Grantee of this easement herein, by the acceptance of same, hereby agrees to save and hold harmless the Grantor, its successors and assigns, from any and all claims, causes, suits and demands whatsoever arising out of the use and enjoyment of the easement herein granted to said Grantee, or anyone using said easement, except for negligence on the part of the Grantor. Provided, however, that the language herein contained is not in any manner meant to indemnify the grantor for liability arising through its own actions, or those of its employees or agents.

4. All the terms and conditions of the ORIGINAL EASEMENT, except as modified herein, are hereby ratified and approved.

5. The granting of the ORIGINAL EASEMENT by the Grantor, together with modifications herein, shall remain, conditioned upon and subject to the enforcement and compliance by the Grantee of the terms and conditions as imposed.

10.01

This agreement shall be binding upon and inure to the benefit of the respective parties, their successors and assigns.

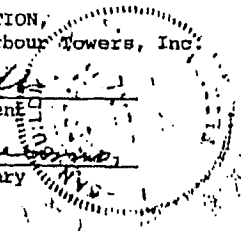
IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed the day and year first above written.

Signed, sealed and delivered in the presence of:

Witness signatures: [Signature] Witness, [Signature] Witness

WIN-SAN BUILDING CORPORATION, formerly known as Bal Harbour Towers, Inc.

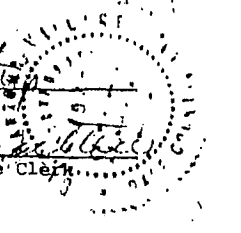
By: [Signature] President, Attest: [Signature] Secretary



Witness signatures: [Signature] Witness, [Signature] Witness

BAL HARBOUR VILLAGE By: [Signature] Mayor

Attest: [Signature] Village Clerk



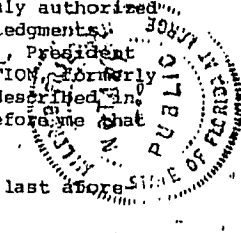
STATE OF FLORIDA COUNTY OF DADE

I HEREBY CERTIFY that on this day before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, personally appeared SOLO JAPLIN and SIDNEY NORRIS, President and Secretary respectively of WIN-SAN BUILDING CORPORATION, formerly known as Bal Harbour Towers, Inc., to me known to be the persons described in and who executed the foregoing instrument and they acknowledged before me that they executed the same.

WITNESS my hand and official seal in the County and State last aforesaid, this 14 day of DEC, 1976

My commission expires: NOTARY PUBLIC STATE OF FLORIDA AT LARGE MY COMMISSION EXPIRES SEPT. 6 1980 BONDED THRU GENERAL INS. UNDERWRITERS

[Signature] Notary Public, State of Florida at Large



STATE OF FLORIDA COUNTY OF DADE

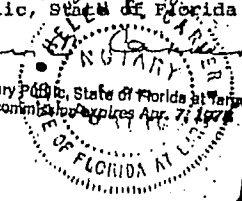
I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, personally appeared [Signature] and [Signature], Mayor and Village Clerk respectively of BAL HARBOUR VILLAGE, a Dade County municipal corporation, to me known to be the persons described in and who executed the foregoing instrument, and they acknowledged before me that they executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 14 day of DEC, 1976 25<sup>th</sup> January 1977

My commission expires: NOTARY PUBLIC STATE OF FLORIDA AT LARGE MY COMMISSION EXPIRES SEPT. 6 1980 BONDED THRU GENERAL INS. UNDERWRITERS

[Signature] Notary Public, State of Florida at Large

[Signature] Notary Public, State of Florida at Large My commission expires Apr. 7, 1978



[Signature]

Metes and bounds description of a Fifteen (15) foot Access Easement contiguous to the Northerly boundary line of TRACT "E", BAL HARBOUR OCEAN FRONT ADDITION, recorded in Plat Book 57, Page 68, Public Records of Dade County, Florida, said Easement being more fully described as follows:

Beginning at the intersection of the Easterly Right of Way line of Collins Avenue and the Northerly line of TRACT "E", run N. 85° 29' 35" E., along the Northerly line of said TRACT "E" and its production Easterly, or, the dividing line between said TRACT "E" and Bakers Haulover Cut, a distance of 654.621 feet to a point, said point being 25.0 feet Easterly of the Easterly line of said TRACT "E", said point also being the Northerly terminus of the Erosion Control Line, the location of which was approved by State of Florida Board of Trustees of the Internal Improvement Fund on the 16th. day of January, 1973, recorded in Road Map Book 88, Page 65, Dade County, Florida records.

Thence run S. 04° 32' 20" E., along said Erosion Control Line which is parallel with and 25 feet distant Easterly of the Easterly line of said TRACT "E", a distance of 15.0 feet to a point;

Thence run S. 85° 29' 35" W., along a line parallel with and Fifteen (15) feet distant Southerly of the Northerly line of said TRACT "E" and its production Easterly, a distance of 654.659 feet to a point on the Westerly line of said TRACT "E", or, the Easterly Right of Way line of Collins Avenue;

Thence run N. 04° 58' 06" W., along the Easterly Right of Way line of Collins Avenue, a distance of 15.0 feet to the Point of Beginning.

As said "TRACT", "CUT" and "AVENUE" is shown and designated on a plat entitled "BAL HARBOUR OCEAN FRONT ADDITION" and recorded in Plat Book 57, Page 68 of the Public Records of Dade County, Florida.

Initialed:  
 Grantor                       
 Grantee

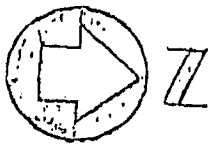
RECORDED IN OFFICIAL RECORDS BOOK  
OF DADE COUNTY, FLORIDA.  
RECORD VERIFIED  
RICHARD F. BRINKER,  
CLERK CIRCUIT COURT

TRACT "E"  
BAL HARBOUR OCEAN FRONT  
PLAT BK. 57, P. 68 ADDITION

HARBOUR HOUSE

PREPARED BY:  
ZURVELLE, WHITTAKER, INC  
Consulting Engineers & Surveyors  
MIAMI BEACH, FLORIDA

Scale: 1" = 60'  
Date: Oct. 30, 1975



Initialed: \_\_\_\_\_  
Grantor \_\_\_\_\_  
Grantee \_\_\_\_\_

BULKHEAD  
E'LY LINE TRACT E }

25 S. 04° - 32' - 20" E 125  
EROSION CONTROL LINE

Atlantic

Ocean

50' DADE COUNTY EASEMENT (O.R. Book 4001, P. 659  
S. 85° - 29' - 35" W. 654.659

15' ACCESS EASEMENT

50 (NORTHERLY LINE OF TRACT E)  
N. 85° - 29' - 35" E 654.621

NORTHERLY TERMINUS  
OF EROSION CONTROL  
LINE

BAKERS HAULOVER CUT

SKETCH TO ACCOMPANY METES AND BOUNDS  
DESCRIPTION OF FIFTEEN (15) FOOT ACCESS  
EASEMENT CONTIGUOUS TO NORTH LINE OF TRACT "E",  
BAL HARBOUR OCEAN FRONT ADDITION (57-03)