

SECOND AMENDMENT TO
PRELIMINARY DEVELOPMENT AGREEMENT FOR
PORT FACILITIES DEVELOPMENT
FERNANDINA BEACH, NASSAU COUNTY, FLORIDA
SITES A, B, AND C

THIS AMENDMENT is entered into as of this ____ day of October, 1987 by and between the OCEAN HIGHWAY AND PORT AUTHORITY, NASSAU COUNTY, FLORIDA, hereinafter referred to as "Owner" and the STATE OF FLORIDA, DEPARTMENT OF COMMUNITY AFFAIRS, hereinafter referred to as "Department", and the NORTHEAST FLORIDA REGIONAL PLANNING COUNCIL, hereinafter referred to as "Council", joined by the BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, hereinafter referred to as "County", subject to all other governmental approvals and solely at the Owner's own risk.

WHEREAS, in April, 1986, the above stated parties and the fee owners of certain lands entered into a Preliminary Development Agreement, recorded in Official Records Book 488, Page 283, Public Records of Nassau County, Florida (the "PDA"), and,

WHEREAS, due to circumstances beyond the control of any of the parties, there has been a lengthy delay in obtaining a Development of Regional Impact (DRI) development order on the Port of Fernandina DRI.

WHEREAS, because of said delay, the Owner, the Department, the Council, and the County wish to expedite the issuance of the development order by considering the additional land addressed in this agreement as an automatic substantial deviation to the forthcoming development order.

WHEREAS, these additions will not further impact the affects of the PDA,

NOW, THEREFORE, and in consideration of the premises and the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the undersigned parties hereto agree to amend the PDA as follows:

1. Those parcels as outlined and marked as additions to the PDA which are to become part of the substantial deviation on Exhibit "A" attached hereto, are amended to the description of the PDA and its full force and effect shall apply to those parcels.

2. Those parcels as outlined and marked on Exhibit "A" as property to become part of the substantial deviation ADA, but which are not to be developed under the PDA, are not to be developed until such property undergoes substantial deviation review and the final development order is issued on the substantial deviation ADA.

3. The addition or inclusion of property to the Port of Fernandina DRI as outlined in Exhibit "A" and described in the legal description attached as Exhibit "B", and all other property to be added for further port development, will constitute an automatic substantial deviation to the Port of Fernandina DRI at the time a DRI development order is issued and is to be reviewed as such by the Council and all other appropriate agencies. The substantial deviation ADA, which shall be submitted by the owner for review no later than 30 days after the development order for the Port of Fernandina DRI is issued by the local government, shall include any and all properties to be developed as part of such port development which have not previously undergone DRI review, including, but not limited to, those properties designated in Exhibit "A" to be included in the substantial deviation ADA and those properties designated in Exhibit "A" to be added to the PDA under this agreement.

3. All of the provisions of the PDA shall continue in full force and effect, except as modified and amended hereby.

4. Paragraph 12 of the original PDA shall be amended to read as follows:

The restrictions and conditions of the final development order issued pursuant to Chapter 380, Florida Statutes, shall supersede the restrictions and conditions upon development of this agreement, with the exception of the responsibility of the Owner to submit a substantial deviation ADA on the property considered by this second amendment and to otherwise comply with the requirements of the second amendment to this PDA.

DEPARTMENT OF COMMUNITY AFFAIRS

Approved as to form and
legal sufficiency:

Attorney
Department of Community Affairs

By: _____
2740 Centerview Drive
Tallahassee, Florida 32399

WITNESSES:

STATE OF FLORIDA)
)ss.:
COUNTY OF LEON)

The foregoing instrument was acknowledged before me this
_____ day of _____, 1987, by _____.

Notary Public
State of Florida at Large
My Commission Expires:

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA

Charles A. Pickett

CHARLES PICKETT, CHAIRMAN

T. J. GREESON
Ex-Officio Clerk

By: _____

ATTEST:

OCEAN HIGHWAY AND PORT AUTHORITY

E. F. Lassere

E. F. LASSERE, CHAIRMAN

Barbara A. Thornton

BARBARA A. THORNTON
Secretary

ATTEST:

AREA II
PROPERTY TO BE ADDED TO THE PDA AND DEVELOPED UNDER PDA, AND TO
BE INCLUDED IN SUBSTANTIAL DEVIATION ADA.

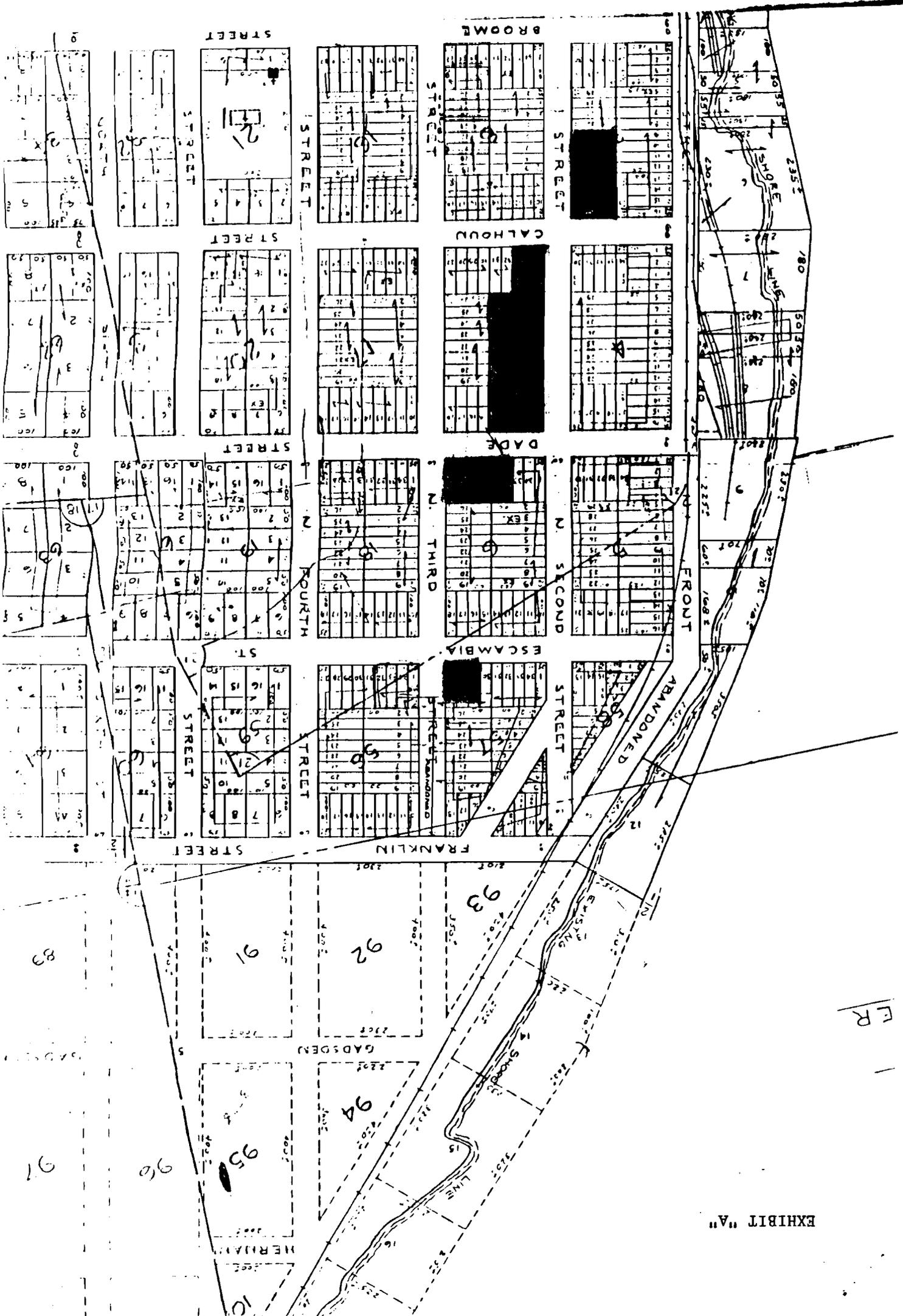


EXHIBIT "A"

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EXHIBIT "B"

LEGAL DESCRIPTIONS

LEGAL DESCRIPTIONS OF AREA II (PROPERTY TO BE ADDED TO PDA AND DEVELOPED UNDER PDA, AND TO BE INCLUDED IN SUBSTANTIAL DEVIATION ADA.

All that certain lot, piece or parcel of land situate, lying and being in the City of Fernandina Beach, (formerly named Fernandina), County of Nassau and State of Florida and being further described according to the official map or plat of said City as lithographed and issued by the Florida Town Improvement Company in 1887 and 1901 as:

Lots ~~25~~ thru 30, Block 57, Fernandina Beach, Florida. Together with that portion of the West One-Half (1/2) of North Third Street Right-of-way. (A 60.0' R/W now closed) That lies Easterly of and adjoins the East line of Lots 23, 24, 25, 26, and the North 25.0' feet of Lot 27, Block 57, aforementioned. As shown on the official Plat of said City (as lithographed and issued by the Florida Railroad Company in 1857 and enlarged, revised, and re-issued by the Florida Town Improvement Company in 1887 and 1901).

All of that certain piece or parcel of land situate, lying and being in the City of Fernandina Beach (formerly named Fernandina), County of Nassau and State of Florida and being further described according to the Official map or plat of said City (as lithographed and issued by the Florida Town Improvement Company in 1887 and 1901) as:

The South One-half (S 1/2 of Lots Twenty-seven (27), Twenty-eight (28), Twenty-nine (29) and Thirty (30), Block Six (6).

All of that certain piece or parcel of land situate, lying and being in the City of Fernandina Beach (formerly named Fernandina), County of Nassau and State of Florida and being further described according to the Official map or plat of said City (as lithographed and issued by the Florida Railroad Company in 1857 and enlarged, revised and reissued by the Florida Town Improvement Company in 1887 and 1901) as:

The North One-half (N 1/2) of Lots Twenty-seven (27), Twenty-eight (28), Twenty-nine (29) and Thirty (30), Block Six (6).

All of that certain piece or parcel of land situate, lying and being in the City of Fernandina Beach (formerly named Fernandina), in the County of Nassau and State of Florida and known and described upon and according to the Official Plat of said City (as lithographed and issued by the Florida Town Improvement Company in 1887 and 1901) as:

Lots Eight (8), Nine (9), Ten (10), Eleven (11), Twelve (12) and Thirteen (13), Block Seven (7).

All of that certain piece or parcel of land situate, lying and being in the City of Fernandina Beach (formerly named Fernandina), County of Nassau and State of Florida and being further described according to the Official map or plat of said City (as lithographed and issued by the Florida Town Improvement Company in 1887 and 1901) as:

The South One-half (S 1/2) of Lots Numbered Twenty (20), and Twenty-one (21), Block Three (3).

All that certain lot, piece or parcel of land situate, lying and being in the City of Fernandina Beach, (formerly named Fernandina), County of Nassau and State of Florida and being further described according to the official plat of said city (as lithographed and issued by the Florida Railroad Company in 1857 and enlarged, revised and reissued by the Florida Town Improvement Company in 1887 and 1901) as:

The North One-half (N 1/2) of Lot Twenty-one (21), Block Three (3).

All of that certain piece or parcel of land situate, lying and being in the City of Fernandina Beach (formerly named Fernandina) in the County of Nassau and State of Florida and known and described upon and according to the official plat of said City (as lithographed and issued by the Florida Railroad Company in 1857 and enlarged, revised and reissued by the Florida Town Improvement Company in 1887 and 1901) as:

Lots Numbered One (1), Thirty-three (33) and thirty-four (34) in Block Numbered Seven (7) and Lots numbered Twenty-two (22), Twenty-three (23), Twenty-four (24) and Twenty-five (25), Block Three (3).

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That certain piece, parcel or tract of land, lying and being in the City of Fernandina Beach, Florida, Nassau County, known and described as Lots Numbered Eighteen (18), Nineteen (19), and the North One-half (½) of Lot Twenty (20), Block Three (3). All of the Official Records of Nassau County, Florida.

BLOCK 6 LOTS 31 32
IN OR 500 PG 1176
CITY OF FDNA BEACH

Block 56, Lots 1, 34, 33, and 32, City of Fernandina Beach