

CITY OF FERNANDINA BEACH
204 Ash Street
Fernandina Beach, Florida 32034

June 16, 2003

Dear Property Owner:

We are pleased to inform you that the U.S. Army Corps of Engineers is proceeding with the implementation of the Federal, State, County and City-sponsored Nassau County Shore Protection Project, tentatively scheduled for construction beginning in 2004 or 2005. The project will restore the City's eroded shorefront, provide storm protection to upland properties and create additional recreational dry beach for residents and visitors.

This letter is a request that you, as a beachfront property owner, execute and return the attached project-related PERPETUAL BEACH STORM DAMAGE REDUCTION EASEMENT. This easement is a standard requirement for all federally constructed beach restoration projects nationally. This easement will do three things: 1) It will enable the City to conduct the activities necessary to build the proposed beach project; 2) It will provide the required assurances to the Federal Government that public funds are being spent on restoring beaches that are available to the public; and 3) It will enable the Federal Government to continue to nourish the beaches in the future. By granting this easement you are *not* giving up any existing rights with respect to your property, and you are *not* affecting ownership of the property.

The City needs these beach easements to construct the most cost-effective and environmentally sound project possible. Full Federal funding for the project depends upon the City's success at receiving these easements. If the City cannot obtain these easements, County and City costs for the project will increase sharply, or the project will be scaled back or canceled and needed storm protection will be lost.

Attached to this letter are the following items: a Perpetual Beach Storm Damage Reduction Easement; instructions for the notarized execution of the easement; a sheet of frequently asked questions and their answers; and a stamped, pre-addressed return mail envelope for returning the easement to the City's agent for this Task.

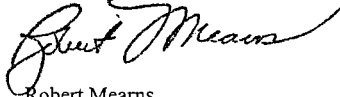
Please execute the easement and have it notarized following the attached instructions. If you have any questions or need assistance in understanding, executing, or notarizing the easement document, please contact Buddy Jacobs or his assistants, BeLinda Gearis at (904)753-5516 or by e-mail at bjjacobs@bellsouth.net or bgearis@bellsouth.net. Following execution of the easement, simply place the document in the stamped, pre-addressed envelope and mail. With your submittal of this easement, you will have completed your very important part in maintaining the City of Fernandina Beaches principal amenity and attraction, our beach.

A public information meeting regarding beach easements has been scheduled for Thursday, July 10, 2003 from 5:00p.m. - 7:00p.m., and Saturday, July 12, 2003 from 3:00 p.m. to 5:00p.m at the Recreational Center on Atlantic Avenue, Fernandina Beach. City staff, expert consultants, and notaries will be on hand with detailed maps and other materials to answer all questions and assist in executing and notarizing the documents. **ALL PROPERTY OWNERS ARE INVITED TO ATTEND.** For security reasons, **PLEASE BRING A COPY OF THIS LETTER WITH YOU TO THE MEETING.** Future meetings will be held as needed to disseminate project information, clarify issues, answers questions, and notarize easements.

Please support the City, County, the State of Florida, and the Federal Government in this collective effort to protect, restore, and enhance the City of Fernandina Beach's precious beach resources.

Sincerely,

CITY OF FERNANDINA BEACH



Robert Mearns
City Manager

This instrument prepared by:
Arthur I. Jacobs, Esquire
Post Office Box 1110
Fernandina Beach, FL 32035
Phone No.: (904) 261-3693

**PERPETUAL BEACH STORM DAMAGE
REDUCTION EASEMENT**

GRANTOR: Nassau County Land
P.O. Box 1010
Fernandina Beach, Florida 32035-1010

FOLIO NO.: 00-00-31-126A-0007-0020

LEGAL DESCRIPTION: The west 1/2 of Lot 7 (Submerged) in Ferriera replat according to the plat thereof recorded in the Plat Book 2, Page 34 of the Public Records of Nassau County, Florida.

That portion of the property described as the "Legal Description" that is landward of the Erosion Control Line and seaward of any rock revetment, dune, or the seawardmost occurrence of the +12-ft NGVD-1929 contour on the property, whichever is more landward.

GRANTEE: CITY OF FERNANDINA BEACH, a municipal corporation organized and existing under the laws of the State of Florida
204 Ash Street
Fernandina Beach, FL 32034

DATE: _____, 200__

In consideration of the sum of One Dollar (\$1.00) and other valuable considerations, receipt and sufficiency 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 the legal description (the "Easement Area") for use by GRANTEE, its representatives, agents, contractors, and assigns to construct; preserve; survey; operate; maintain; repair; rehabilitate; and replace, a public beach together with appurtenances thereto, including the right to deposit sand; to accomplish any alterations of contours on said land; to construct berms; to nourish and renourish periodically; to move, temporarily 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 Nassau County Shore Protection Project (the "Project"), together with the right of public use only on the Easement Area; to facilitate preservation of the beach, dunes and vegetation; to trim, cut, fill and remove from the Easement Area all trees, underbrush, debris and obstructions within the limits of the Easement Area.

Reserving, however, to the GRANTOR, and the heirs, successors and assigns of GRANTOR, the right to construct and maintain dune vegetation and beach access structures in accordance with any applicable Federal, State or local laws or regulations, provided that such structures shall not violate the integrity of the beach or dune in shape, dimension or functions, and that prior approval of the plans and specifications for such structures is obtained from the designated representative of the GRANTEE, 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, and the heirs, successors and assigns of GRANTOR 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, and pipelines.

This easement shall commence on the date the United States Army Corps of Engineers or the GRANTEE or the GRANTEE'S designate awards the contract for initial construction of the

Project. This easement may not be otherwise conveyed, transferred, altered, encumbered, or impaired without the written consent of the GRANTEE.

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

Signed, sealed and delivered in our presence:

GRANTOR(S):

Joan G. Blanchard
Witness Signature
Joan G. Blanchard
Witness Printed Signature

Vickie Samus
Vickie Samus, Chairman
ATTEST

Joni Branan
Witness Signature
Joni Branan
Witness Printed Signature

J. M. "Chip" Oxley, Jr.
J. M. "Chip" Oxley, Jr.
Ex-Officio Clerk
Approved as to Form by the
Nassau County Attorney

Ann Myers
Witness Signature
Ann Myers
Witness Printed Signature

Michael S. Mullin
Michael S. Mullin

Witness Signature

Witness Printed Signature

Witness Signature

Witness Printed Signature

Witness Signature

Witness Printed Signature

STATE OF FLORIDA : COUNTY OF NASSAU

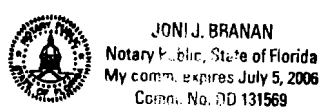
I hereby certify that on this day, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared Vickie Samus and J. M. "Chip" Oxley, Jr., known to me to be the person described in and who executed the foregoing instrument, who acknowledged before me that he executed the same, and an oath was not taken. (Check one:) Said person is personally known to me. Said person provided the following type of identification: _____.

Witness my hand and official seal in the County and State last aforesaid this 14th day of July, 2003.

Notary Public, State and County Aforesaid

Joni J. Branan
Notary Signature

My Commission Expires:



FREQUENTLY ASKED QUESTIONS

- What is the Nassau County Shore Protection Project?** The shore protection project, also known as a beach nourishment project, is designed to dredge sand from an offshore borrow area and pump it ashore to both widen and raise the elevation of the existing beach. The project area nominally extends from Ft. Clinch State Recreation Area, adjacent to the navigation project south jetty, southward to Sadler Road. A major portion of the funding for the beach project will be provided by the Federal Government. Initial construction of the project is estimated to cost about \$15M, with a Federal contribution of about \$11.34M, a State of Florida contribution of about \$1.83M and a local contribution of about \$1.83M. The project is designed to restore the eroded beaches of Fernandina Beach in order to a) provide protection to upland property from storm waves; b) ensure adequate recreational beach space for residents and visitors; and c) enhance the environmental and aesthetic functions of the beach resource, including increasing sea turtle nesting habitat.
- Why are easements necessary?** The Nassau County Shore Protection Project is a Federal public works project that is co-administered by Nassau County and the City of Fernandina Beach. It is jointly funded by the Federal, State, County and City governments. The easements will allow the temporary construction activities necessary to build the beach and will guarantee that the public will be able to use the publicly funded beach after construction. The public use provision is necessary because the participating governments require that public funds only be spent on beaches that are useable by the public.
- Why is it called a Perpetual Storm Damage Reduction Easement?** It is called Perpetual because it guarantees that the public will have long-term use of the beach after public funds are spent on restoring it. It will also allow the City and other governmental sponsors to conduct future beach nourishment, as necessary, without the need to pursue easements again. The easement is called a Storm Damage Reduction Easement because one of the main functions of a restored beach is to protect upland property, structures, and infrastructure from damage by storm waves and storm surge. It is well documented that a wide beach significantly reduces wave and surge damage from most storms.
- How will granting this easement affect your property?** You have received this easement request because you are assumed to own a portion of the sandy beach which will be affected by the upcoming shore protection project. Granting this easement will allow temporary construction activities as well as sand placement on this portion of the beach and will allow the public to use the beach. You are not giving up any ownership rights over this portion of beach. You still have the right to plant vegetation, construct dune overwalks, operate concessions, or conduct other beneficial activities subject to existing rules, regulations and laws. The beach nourishment project actually benefits you, the shorefront owner, by providing increased storm protection, increased recreational opportunities, and enhanced environmental quality.
- Does the easement allow people or equipment to cross my property?** No. The easement affects only that portion of your property that is on the sandy beach seaward of the revetment or dune line. It does not allow persons or equipment to access the beach, or to conduct any other activity on the upland property, landward of the revetment or dune line.
- When you grant the easement, can the government do something else with your beach?** No. The easement is specific to the "storm damage reduction" project only, which is limited to beach restoration, beach nourishment and beach disposal of high quality sand from the St. Marys navigation project and/or adjacent seabed.
- Do you have to supply a survey or an appraisal of my property as part of the easement acquisition process?** No. Federal rules governing property acquisition for Federal projects (49 CFR Sec. 24.102) provide that an appraisal is not required if the valuation is uncomplicated and the fair market value is estimated at \$2,500 or less, based on a review of available data. A State-certified MAI Appraiser has provided an easement evaluation report that documents that the valuation problem is uncomplicated and that the fair market value

of this easement is less than \$2,500. The report is available for review by the public at the offices of Arthur I Jacobs, Esq., 401 Center St., Fernandina Beach between the hours of 10:00am and 4:00pm weekdays.

- Will you be compensated for the easement?** No. The above-referenced rules also provide that the Agency (City) "shall establish an amount which it believes is just compensation for the real property. The amount shall not be less than the approved appraisal of the fair market value of the property, taking into account the value of allowable damages or benefits to any remaining property." The report by the certified Appraiser states that the Nassau County Shore Protection Project will provide benefits which are equal to or exceed the fair market value of the easement. Therefore no direct compensation will be offered for the easement. Instead, the easement allows for the placement of beach quality sand in a manner which offers significant benefits to the oceanfront properties.
- What if you do not grant the easement?** Current Federal policy states that in the case of those properties for which the attached easement is not supplied by the local sponsor (City), the Federal government will *not* share in the cost of sand placed on the beach fronting that property. For properties for which no easement is supplied, the Federal government will *not* place sand on the beach fronting that property. In the event that the easement along the beach cannot be established for a particular parcel, the City could choose to: 1) skip (not fill) that section of beach; 2) assess the applicable property owner for the amount not funded by the Federal government; or 3) absorb the additional local costs which could exceed \$500./ft of shorefront. No decisions have been made with respect to these options.
- What will happen during construction of the beach?** The sand will be dredged from the offshore seabed and will be pumped to the beach through a 30" (approximate) diameter steel submerged pipeline. From the point on the beach where the submerged pipeline comes ashore, pipe sections will be laid along the beach as construction progresses. As the sand is pumped onto the beach, bulldozers will spread and shape the beach. At any one location, actual beach construction will only last one to three days, but a pipeline may remain along the beach for a month or so while an entire section of beach is built. Sand ramps over the pipe at frequent intervals will allow easy access to the ocean. When a section of beach is completed, the pipe is removed and the new beach is groomed. Construction of the project is expected to occur 24 hours, seven days a week, unless interrupted by weather or equipment problems.
- What will the new sand look like?** The new sand is required by law to be "compatible" with the existing beach sand. In fact the new sand will be very similar to the sand which is currently on the beach. When it is first pumped ashore, the sand will appear a darker shade of gray, but it will lighten quickly to become indistinguishable from the existing sand.
- Why do we need this beach project?** The rationale for conducting these type projects is primarily economic, i.e. storm protection. The beaches are also a primary nesting grounds for threatened and endangered sea turtles. Economically, the beaches are critical to the economy and Tax Base of Fernandina Beach as well as Nassau County.

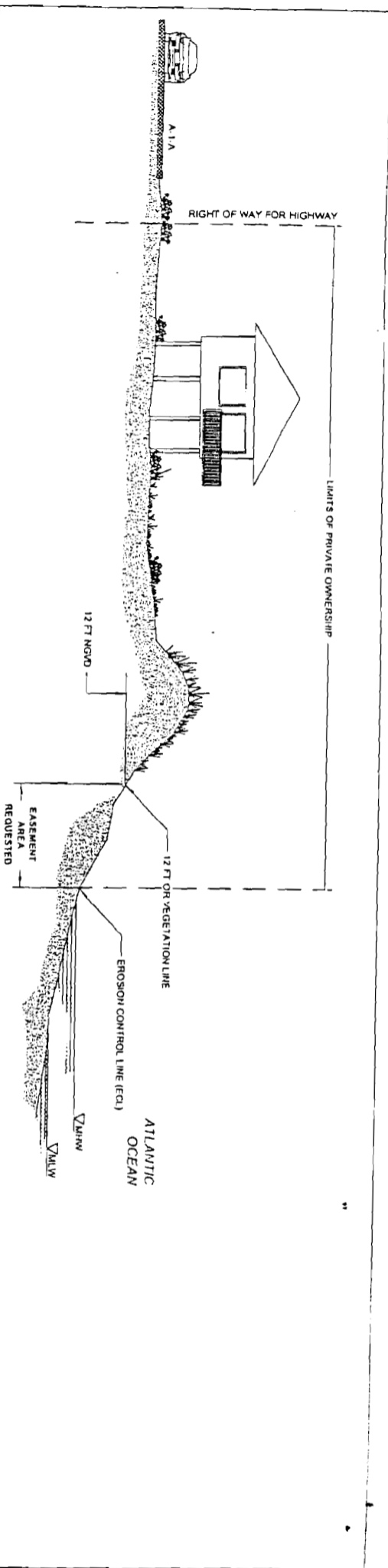
INSTRUCTION FOR EXECUTING EASEMENT DOCUMENT

To properly execute the Beach Storm Damage Reduction Easement document, please sign in the presence of a notary and two witnesses. Each witness must both sign and print his/her name. The notary section must be filled in, signed and sealed by the notary. The date on the first page must match the notarization date.

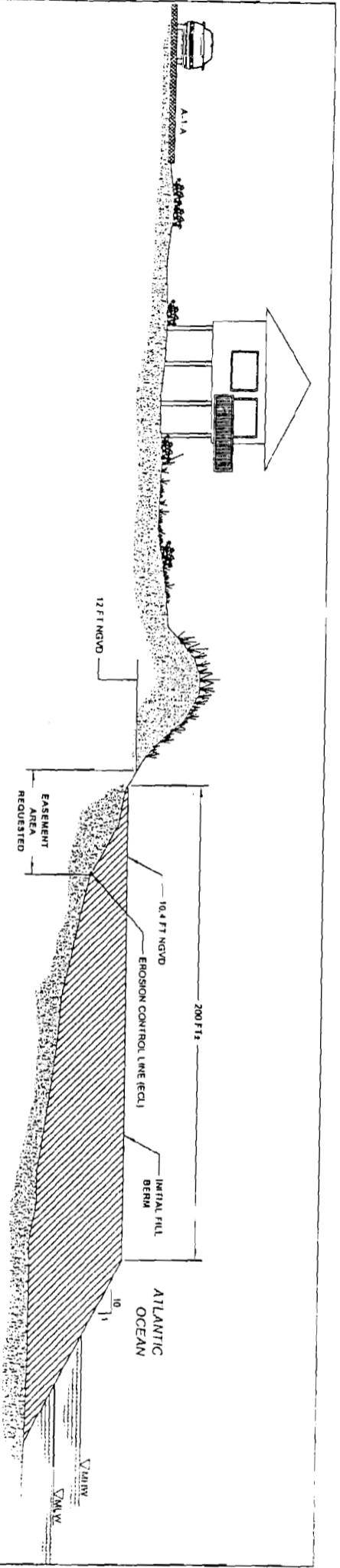
Please put the two page easement document in the stamped envelope provided and mail back.

If you are not the current property owner, please write "not owner" on the easement document and return it in the enclosed envelope. If you know the name of the current property owner, please provide such information.

Thank you.



TYPICAL LOCATION OF EASEMENT



TYPICAL BEACH FILL CONSTRUCTION BERM

NASSAU COUNTY SHORE PROTECTION PROJECT

