

FIRST ADDENDUM TO ESCROW AGREEMENT PURSUANT TO  
JUDGMENT IN CASE NUMBER 89-1205-CA

THIS ADDENDUM is entered into this 13th day of August, 2007, by and between the **BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA**, a political subdivision of the State of Florida, (hereinafter referred to as "County") and **WACHOVIA BANK**, 1860 South 8<sup>th</sup> Street, Fernandina Beach, Florida 32034, hereinafter referred to as "Agent").

WHEREAS, the parties entered into an Escrow Agreement Pursuant to Judgment in Case No. 89-1205-CA;

WHEREAS, County deposited and Agent holds the sum of \$120,000.00 in escrow in an account titled *Nassau County Escrow Account, For the Benefit of The Department of Environmental Protection*; and

WHEREAS, County and the Department of Environmental Protection have agreed to a 60 day extension of the deadline for completion of the ecological park until August 29, 2007; and

WHEREAS, extending the deadline for completion resulted in the entry of the Third Amended Modification to Stipulated Final Judgment which necessitates amending the Certificate of Default, Exhibit "A" to the Escrow Agreement, as referenced in Section 4 thereto.

NOW, THEREFORE, in and for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree:

1) To amend "Section 4. Payment to the Escrow" as follows:

"The County shall deposit \$120,000.00 with the Agent. The Agent shall hold such funds in escrow for the benefit of the Department. The Agent is authorized to make payments from the Escrow only as the Department Secretary ("Secretary") shall direct, in writing. Payments shall be made upon written certification by the Secretary of default by the County under the terms of the Modified Judgment, the Second Amended Modification to the Stipulated Final Judgment, dated June 16, 2006; and the Third Amended Modification to the Stipulated Final Judgment, dated June 29, 2007. A form of Certification of Default by the Secretary is attached as Exhibit B."

2) To amend the first sentence of the Certificate of Default as follows:

"The undersigned Secretary of the Department of Environmental Protection (the "Secretary") certifies that Nassau County (the "County") is in default under the terms of that certain Third Amended Modification to the Stipulated Final Judgment (the "Final Judgment"), entered in the case styled: Florida Dept. of Environmental Protection v. Nassau County, Case No.: 89-1205-CA, in the Fourth Judicial District in and for Nassau County Florida."


3) Said Amended Certification of Default is attached to this Addendum as Exhibit "A".

4) All other provisions of the Escrow Agreement Pursuant to Judgment in Case No. 89-1205-CA, not contrary to the amendments contained herein shall remain in full force in effect.

BOARD OF COUNTY COMMISSIONERS  
NASSAU COUNTY, FLORIDA

ATTEST TO CHAIRMAN'S SIGNATURE:

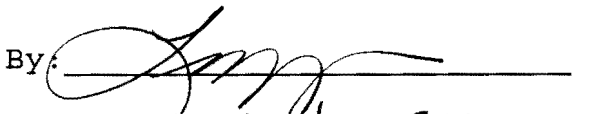
  
\_\_\_\_\_  
JOHN A. CRAWFORD  
Its: Ex-officio Clerk

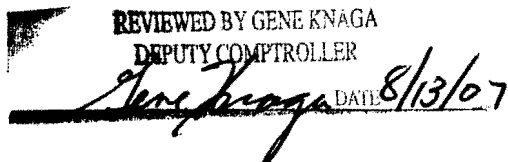
  
\_\_\_\_\_  
JIM B. HIGGINBOTHAM  
Its: Chairman

Approved as to form by the  
Nassau County Attorney:

  
\_\_\_\_\_  
DAVID A. HALLMAN

AGENT:

By:   
\_\_\_\_\_  
Print Name: Leslie Skipper  
Title: SVP

REVIEWED BY GENE KNAGA  
DEPUTY COMPTROLLER  
  
\_\_\_\_\_  
DATE 8/13/07

**EXHIBIT A**  
**AMENDED**  
**CERTIFICATION OF DEFAULT**  
**FOR CASE NO. 89-1205-CA**

\_\_\_\_\_  
(Date)

To: Wachovia Bank  
ATTN: Vice President  
Governmental Banking Division

The undersigned Secretary of the Department of Environmental Protection (the "Secretary") certifies that Nassau County (the "County") is in default under the terms of that certain Third Amended Modification to the Stipulated Final Judgment (the "Final Judgment"), entered in the case styled: Florida Dept. of Environmental Protection v. Nassau County, Case No.: 89-1205-CA, in the Fourth Judicial District in and for Nassau County Florida.

The Secretary further certifies that County was provided notice of the determination of and basis for default.

Pursuant to the terms of the Final Judgment, and the letter Escrow Agreement between Wachovia and the County for the benefit of the Department, the Secretary hereby directs Wachovia Bank to disburse to the Department the funds in the account titled *Nassau County Escrow Account, for the Benefit of the Florida Department of Environmental Protection*, in an amount not less than \$120,000.00. Such disbursement may be by wire transfer or other immediately available funds.

\_\_\_\_\_  
Secretary for the  
Florida Department  
of Environmental Protection



**NASSAU COUNTY**  
**BOARD OF COUNTY COMMISSIONERS**  
 P.O. Box 1010  
 Fernandina Beach, Florida 32035-1010

Jim B. Higginbotham	Dist. No. 1 Fernandina Beach
Michael H. Boyle	Dist. No. 2 Fernandina Beach
Tom Branan	Dist. No. 3 Yulee
Barry Holloway	Dist. No. 4 Hilliard
Marianne Marshall	Dist. No. 5 Callahan

JOHN A. CRAWFORD  
 Ex-Officio Clerk

DAVID A. HALLMAN  
 County Attorney

August 14, 2007

Ms. Leslie E. Skipper  
 Senior Vice President  
 Government & Institutional Banking  
 Wachovia Bank, N.A.  
 225 Water Street, 2<sup>nd</sup> Floor, FL0074  
 Jacksonville, FL 32202

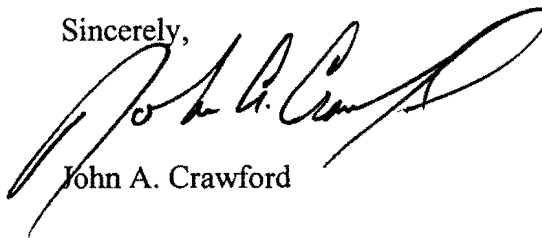
RE: First Addendum to Escrow Agreement Pursuant to  
 Judgment in Case No. 89-1205-CA

Dear Ms. Skipper:

During a regular session of the Nassau County Board of County Commissioners held August 13, 2007, the Board approved and authorized the Chairman to sign the referenced addendum extending the deadline for completion of the John Muir Ecological Park until August 29, 2007. A copy of the addendum is enclosed for your records.

If I can be of any service to you, please do not hesitate to let me know.

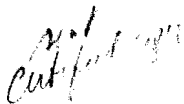
Sincerely,



John A. Crawford

/ca

Enclosure



WACHOVIA AGREEMENT

QUALIFIED PUBLIC DEPOSITORY - \$120,000 IN KIND FOR DEP FINE  
BACK IN AN 1989 LANDFILL FINE MATTER.

THE PURPOSE OF THE AMENDMENT IS TO COINCIDE WITH THE THIRD  
AMENDED MODIFICATION TO STIPULATED FINAL JUDGMENT.

CREATED ACCOUNT FOR THE ESCROW AGREEMENT AND CANNOT RELEASE  
UNTIL BOTH SIDES AGREE (DEP AND COUNTY)

ACCOUNT FOR FUNDS DEPOSITED IN SPECIFIC ACCOUNT - HAS  
RESTRICTIONS ON THE MONEY.

ONCE DEP NOTIFIES US TO RELEASE THE FUNDS THE MONEY GOES  
INTO THE COUNTY CAUPHER. \$120,000

*June 29,*

reports on US1 near this property in order for Mr. Hallman to prepare a legal analysis as to whether or not there is a basis to recommend Board action.

10:01 Chairman Higginbotham read the remaining Consent items, and it was moved by Commissioner Boyle and seconded by Commissioner Holloway to approve the following items:

- (1) Approve the Board minutes from the special sessions held February 13 and March 19, 2007, the Special Executive session held March 26, 2007, and the regular sessions held March 14, 21 and April 9, 2007, as presented.
- (2) Approve to remove \$1,090 from the Law Enforcement Trust Fund to donate to Sutton Place of Nassau County for scholarships to attend the Florida School of Addictions Studies.
- (3) Approve payment to the City of Fernandina Beach in the amount of \$92,566.50 for the Emergency Dune Enhancement Project. Funding Source: 37525539-563726.
- (4) Approve to advertise the annual Drinking Water Quality Report in the *NewsLeader* in the amount of \$1,490.92 as required by the Florida Department of Environmental Protection (FDEP). Funding Source: 71500536-549002.
- (5) Approve for the Sheriff's Department to utilize the Yulee Sports Complex July 16 - 20, 2007 for the Florida Sheriff's Youth Ranch Harmony in the Streets Summer Camp Program.
- (6) Approve and authorize the Chairman to sign a letter to the DEP requesting a second extension of time for completion of the John Muir Ecological Park (to August 29, 2007).
- (7) Approve and authorize the Chairman to sign a five year service agreement in the amount of \$3,825.00 with Smith-Detection for the Historic Courthouse x-ray equipment. Funding Source: 01192712-546020.
- (8) Approve and authorize the Chairman to sign a new lease agreement with Pitney Bowes to accommodate new postal regulations effective May 14, 2007. Cost of \$331 per month for 48 months to be divided by percentage of actual usage by each