SECOND AMENDMENT TO CONSERVATION EASEMENT

THIS SECOND AMENDMENT TO CONSERVATION EASEMENT (this “Second Amendment”) is entered into this 25th day of March, 2005, by and between DEERFIELD LAND CORPORATION, a Delaware corporation (“Deerfield”), having an address of 14901 South Orange Blossom Trail, Orlando, Florida 32837 and SOUTH FLORIDA WATER MANAGEMENT DISTRICT, an agency of the State of Florida, having an address of 3301 Gun Club Road, West Palm Beach, Florida 33406 with a mailing address of Post Office Box 24680, West Palm Beach, Florida 33416-4680 (the “District”).

A. WHEREAS, Deerfield granted in favor of the District that certain Deed of Conservation Easement dated December 20, 1999 and recorded in Official Records Book 5938, Page 3483, of the Public Records of Orange County, Florida and recorded in Official Records Book 1700, Page 1888, of the Public Records of Osceola County, Florida; as amended by that certain First Amendment to Conservation Easement dated August 28, 2003 and recorded in Official Records Book 2342, Page 1604, Public Records of Osceola County, Florida (hereinafter collectively referred to as the “Conservation Easement”) encumbering certain real property as more particularly described in said Conservation Easement (“Original Premises”); and

B. WHEREAS, the District has been requested to amend the Conservation Easement to release the Conservation Easement with respect to only that portion of the Original Premises described on Exhibit “A” attached hereto and made a part hereof (hereinafter referred to as the “Release Parcel”); and

C. WHEREAS, the District is amenable to amending the Conservation Easement to release the Conservation Easement only with respect to the Release Parcel; and

D. WHEREAS, on April 10, 2003, the Governing Board of the District issued Resolution No. 2003-465, delegating to the Executive Director and General Counsel the authority to amend conservation easements that have been conveyed to the District in connection with the District’s issuance of permits.
NOW, THEREFORE, for good and valuable consideration, the adequacy and receipt of which are hereby acknowledged, the District hereby amends the Conservation Easement to discharge, terminate and release the Conservation Easement with respect to only the Release Parcel, without impairing the operation and effect of the Conservation Easement as to the remainder of the Original Premises which are not contained within the Release Parcel, (the Original Premises less and except the Release Parcel is hereinafter referred to as the "Remainder Premises"). The Conservation Easement shall remain in full force and effect with respect to the Remainder Premises and shall remain unaffected by this Second Amendment. All references in the Conservation Easement to "Property" shall hereafter mean and refer to the Remainder Premises.

IN WITNESS WHEREOF, the District and Deerfield have executed this Second Amendment on the day and year first above written.

Signed, sealed and delivered in the presence of:

DEERFIELD LAND CORPORATION, a Delaware corporation

By:  

Print Name:  

By:  

Print Name:  

STATE OF FLORIDA  

COUNTY OF OSCEOLA  

The foregoing instrument was acknowledged before me this 25th day of May, 2004, by Thomas M. Roehl as the Vice President of DEERFIELD LAND CORPORATION, a Delaware corporation, on behalf of the corporation. He is personally known to me or who has produced as identification and who did (did not) take an oath.

(NOTARY STAMP)  

Print Name:  
My Commission Expires:  

Print Name:  
My Commission Expires:  

NOTARY PUBLIC  

The foregoing Second Amendment was acknowledged before me this 25 day of MARCH, 2005 by Sheryl G. Wood, as General Counsel of the South Florida Water Management District, on behalf of the District. She is personally known to me or has produced **ID** as identification.
EXHIBIT "A"

Legal Description for Release Parcel

(SEE ATTACHED)
OSCEOLA CORPORATE CENTER
NON REGIONAL WETLAND NO. 13
Description
Revised December, 1997

A tract of land being a portion of the Northwest 1/4 of Section 4, Township 25 South, Range 29 East, Osceola County, Florida, being more particularly described as follows:

Commence the Northeast corner of the Northwest 1/4 of said Section 4; thence North 89 degrees 47 minutes 52 seconds West (N 89° 47'52" W) along the North line of the Northwest 1/4 of said Section 4 for 108.19 feet; thence South 00 degrees 12 minutes 08 seconds W (S 00°12'08" W), 91.08 feet to the POINT OF BEGINNING; thence South 34 degrees 18 minutes 18 seconds East (S 34°18'18" E), a distance of 81.52 feet; thence South 04 degrees 36 minutes 02 seconds East (S 04°36'02" E), a distance of 50.08 feet; thence South 13 degrees 52 minutes 26 seconds West (S 13°52'26" W), a distance of 74.93 feet; thence South 58 degrees 33 minutes 01 seconds West (S 58°33'01" W), a distance of 111.24 feet; thence North 46 degrees 12 minutes 12 seconds West (N 46°12'12" W), a distance of 110.55 feet; thence North 04 degrees 29 minutes 48 seconds West (N 04°29'48" W), a distance of 109.26 feet; thence North 34 degrees 54 minutes 31 seconds East (N 34°54'31" E), a distance of 82.15 feet; thence South 87 degrees 22 minutes 48 seconds East (S 87°22'48" E), a distance of 104.37 feet to the POINT OF BEGINNING.

Contains: 0.878 Acres, more or less.

Together with a 15 foot wide buffer around the exterior of said wetland, as shown on the accompanying sketch.

Buffer contains 0.27 Acres, more or less.

NOTE: 1.) This description includes written text and a sketch and one is not complete without the other.

2.) The date in this description is subject to verification by field survey.

Prepared by: Tinkdepaugh Surveying Services, Inc.
1104 East Robinson Street
Orlando, Florida 32801
Ph.: (407) 422-0957
SKETCH OF DESCRIPTION

OSCEOLA CORPORATE CENTER
NON REGIONAL WETLAND No. 13
NOT A SURVEY

POINT OF COMMENCEMENT

NORTHEAST CORNER OF THE
NORTHWEST 1/4 OF SECTION 4,
TOWNSHIP 25 SOUTH, RANGE 29 EAST
OSCEOLA COUNTY, FLORIDA

POINT OF BEGINNING

15 FT. BUFFER CONTAINS
0.27 ACRES ±

CL 2005135814 OR 2874/471

38,261 sq.ft.
0.878 ACRES, MORE OR LESS

LINE | DIRECTION | DISTANCE
-----|------------|--------
L1   | S 34°15'18" E | 81.52'
L2   | S 04°36'02" E | 50.08'
L3   | S 13°52'28" W | 74.93'
L4   | S 58°33'01" W | 111.24'
L5   | N 48°12'12" | 110.55'
L6   | N 04°29'48" W | 109.26'
L7   | N 34°54'31" E | 82.15'
L8   | S 87°22'43" E | 104.37'

SURVEYOR NOTES:

A-2

The Sketch shown herein delineates the Description of that Jurisdictional Wetland described on the preceding page or pages and reads in a clockwise direction from the Point of Beginning unless otherwise noted.

Description lines and bearing structure are based on data shown on the Plot of Osceola Corporate Center according to the Plot thereof recorded in Plat Book 6, Pages 147-149 of the Public Records of Osceola County, Florida.

I hereby certify that the sketch of description shown herein was made in accordance with the "Minimum Technical Standards" for land surveying in the State of Florida as set forth in Chapter 61017, Florida Administrative Code and unless it bears the signature and the original ruled seal of a Florida Licensed Surveyor and Mapper, this drawing, sketch, plot or map is for informational purposes only and will not control.

Tinklepaugh
SURVEYING SERVICES, INC.
1104 E. Robinson Street • Orlando, Florida 32801
(407) 422-9557

GERALD L. OBERNIEC, P.L.S.
P.L.S. No. 3517
12/17/97
DATE:
OSCEOLA CORPORATE CENTER  
NON REGIONAL WETLAND NO. 15  
Description  
Revised December, 1997

A tract of land being a portion of the Northeast 1/4 of Section 4, Township 25 South, Range 29 East, Osceola County, Florida, being more particularly described as follows:

Commence at the Northwest corner of the Northeast 1/4 of said Section 4; thence South 89 degrees 55 minutes 06 seconds East (S 89°55'06" E) along the North line of the Northeast 1/4 of Section 4 for 542.96 feet; thence South 00 degrees 04 minutes 54 seconds West (S 00°04'54" W), 138.38 feet to the POINT OF BEGINNING; thence South 76 degrees 01 minutes 24 seconds East (S 76°01'24" E), a distance of 19.08 feet; thence South 86 degrees 56 minutes 18 seconds East (S 86°56'18" E), a distance of 68.95 feet; thence South 24 degrees 34 minutes 53 seconds East (S 24°34'53" E), a distance of 58.24 feet; thence South 02 degrees 14 minutes 29 seconds East (S 02°14'29" E), a distance of 64.35 feet; thence South 24 degrees 30 minutes 21 seconds West (S 24°30'21" W), a distance of 75.23 feet; thence South 54 degrees 18 minutes 48 seconds West (S 54°18'48" W), a distance of 74.55 feet; thence North 67 degrees 23 minutes 15 seconds West (N 67°23'15" W), a distance of 65.07 feet; thence North 19 degrees 26 minutes 08 seconds West (N 19°26'08" W), a distance of 59.53 feet; thence North 11 degrees 33 minutes 43 seconds East (N 11°33'43" E), a distance of 84.48 feet; thence North 55 degrees 20 minutes 16 seconds East (N 55°20'16" E), a distance of 65.92 feet to the POINT OF BEGINNING.

Contains: 0.689 Acres, more or less.

Together with a 15 foot wide buffer around the exterior of said wetland, as shown on the accompanying sketch.

Buffer contains 0.24 Acres, more or less.

NOTE: 1.) This description includes written text and a sketch and one is not complete without the other.

2.) The date in this description is subject to verification by field survey.

Prepared by: Tinklepaugh Surveying Services, Inc.  
1104 East Robinson Street  
Orlando, Florida 32801  
Ph.: (407) 422-0957

A-3
SKETCH OF DESCRIPTION
OSCEOLA CORPORATE CENTER
NON REGIONAL WETLAND No. 15
NOT A SURVEY

POINT OF COMMENCEMENT
NORTHWEST CORNER OF THE NORTHEAST 1/4
OF SECTION 4, TOWNSHIP 25 SOUTH, RANGE 29 EAST
OSCEOLA COUNTY, FLORIDA

NORTH LINE OF THE NORTHEAST 1/4
OF SECTION 4-25-29

POINT OF BEGINNING

BUFFER CONTAINS
0.24 ACRES ±

30,021 sq.ft.
0.689 ACRES, MORE OR LESS

LINE | DIRECTION | DISTANCE
--- | --- | ---
L1 | S 76°01'24" E | 19.08'
L2 | S 66°36'18" E | 68.95'
L3 | S 24°34'53" E | 58.24'
L4 | S 02°14'29" E | 64.35'
L5 | S 24°30'21" W | 75.23'
L6 | S 44°18'48" W | 74.55'
L7 | N 67°23'16" W | 85.07'
L8 | N 19°26'08" W | 59.33'
L9 | N 11°33'43" E | 84.48'
L10 | N 55°20'18" E | 85.92'

SURVEYOR NOTES:
A-4

The Sketch shown herein delineates the Description of that Jurisdictional Wetland described on the preceding page or pages and reads in a clockwise direction from the Point of Beginning unless otherwise noted.

Description lines and bearing structure are based on date shown on the Plat of Osceola Corporate Center according to the Plat thereof recorded in Plat vol. 6, Page 147-149 of the Public Records of Osceola County, Florida.

I hereby certify that the Sketch of description shown herein was made in accordance with the "Minimum Technical Standards", for aerial surveying in the State of Florida as set forth in Chapter 0107. Florida Administrative Code and unless it bears the signature and the original raised seal of a Florida Licensed Surveyor and Mapper, this drawing, sketch, plot or map is for informational purposes only and is not legal.

GERALD J. LIVERNOST, P.L.S.
P.L.S. No. 3517
DATE: 11/17/97

Tinklepaugh
SURVEYING SERVICES, INC.
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