

SECOND AMENDMENT TO PRE-ANNEXATION AGREEMENT

THIS AMENDMENT is made this ____ day of _____, 2014 by and between THE CITY OF VENICE, FLORIDA, a municipal corporation (hereinafter referred to as "City"), and OB Waterford, LLC, successor in title and interest to BILL J. MORSE (hereinafter referred to as "OB Waterford").

WHEREAS, the City and Bill J. Morse are parties to a Pre-Annexation Agreement dated July 28, 1998.

WHEREAS, OB Waterford has previously sold a portion of the property subject to the Pre-Annexation Agreement to LALP Lots, LLC.

WHEREAS, the City has entered into a separate First Amendment to Pre-Annexation Agreement with LALP Lots, LLC for its portion of the property.

WHEREAS, the City and OB Waterford wish to amend certain terms and conditions of the July 28, 1998 Pre-Annexation Agreement, as it applies to the balance of the property subject to the Pre-Annexation Agreement.

WHEREAS, any structures constructed must be reviewed and comply with all applicable Florida Fire Prevention Code requirements.

NOW, THEREFORE, in consideration of the covenants and promises contained herein and in the July 28, 1998 Pre-Annexation Agreement, the City and the OB Waterford agree as follows:

1. The above recitals are true and correct and are incorporated herein.
2. The portion of the property subject to the Pre-Annexation Agreement owned by OB Waterford is shown on Exhibit A" attached hereto. This second Amendment only applies to that property.
3. Delete Section 19 of the July 28, 1998 Pre-Annexation Agreement in its entirety as follows:

~~"19. FIRE PROTECTION. All structures constructed upon the Subject Property shall be equipped with automatic fire sprinklers designed and installed in accordance with NFPA standards. Required fire flows for the Subject Property shall be determined by the Fire Chief, City Engineer and Director of Utilities."~~

2. The above-described amendments shall be effective as of May 13, 2014.
3. All other terms and conditions of the July 28, 1998 Pre-Annexation Agreement not specifically amended herein remain in full force and effect.

IN WITNESS WHEREOF, the City and the OB Waterford set their hands and seals hereto on the day and year first above written.

CITY OF VENICE, FLORIDA

BY: _____
JOHN HOLIC, MAYOR

ATTEST:

LORI STELZER, City Clerk

**OB Waterford, LLC,
Florida limited liability company
By: IB SPE Management, Inc. as its Managing
Member**

MARK COLLIER, Vice President

STATE OF FLORIDA

COUNTY OF SARASOTA

The foregoing instrument was acknowledged before me this ____ day of _____, 2014, by _____, who is personally known to me or who has produced _____ (type of identification) as identification and who did take an oath.

My Commission Expires:

Notary Public

Printed name of notary

Commission Number: