

SECOND AMENDMENT TO SOLAR LEASE AND EASEMENT AGREEMENT

This SECOND AMENDMENT TO SOLAR LEASE AND EASEMENT AGREEMENT ("**Second Amendment**") is made and effective as of this ____ day of _____, 2016 by and between the City of Venice, a Florida municipal corporation ("**Lessor**") and Florida Power & Light Company, a Florida corporation ("**Lessee**"). Lessor and Lessee being collectively referred to as the "**Parties**".

WITNESSETH:

WHEREAS, the Parties entered into a Solar Lease and Easement Agreement dated September 22, 2015, as amended by that certain First Amendment to Solar Lease and Easement Agreement dated January 27, 2016 (collectively, the "**Lease**"), a Memorandum of which was recorded in the Official Records of Sarasota county, Florida on March 8, 2016, as Instrument No. 20166027623; and

WHEREAS, the Parties wish to define the location of the access to the Leased Area described in Section 5 of the Lease; and

WHEREAS, the survey of the Leased Area and access thereto has been completed, and the Parties wish to amend Exhibit B-1 to the Lease to reflect the survey legal descriptions of the Leased Area and access thereto under Section 5 of the Lease.

NOW THEREFORE, in consideration of the mutual promises set forth in the Lease and other consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. The foregoing recitals are true and correct and incorporated herein by reference.
2. Exhibit B-1 to the Lease is hereby deleted and replaced with Exhibit B-1 to this Second Amendment.
3. Subject to the approval of Lessor and in accordance with Exhibit G attached hereto, Lessee, at its sole cost and expense, will install landscape buffering on the south side of the Leased Area adjacent to Turin Street West, to reduce visibility of the solar array to the neighboring properties. Lessor will be responsible for maintenance of said landscape buffering.
4. This Second Amendment may be executed in any number of counterparts, each of which is an original, and all of which together constitute one and the same instrument.
5. All other provisions and exhibits to the Lease shall remain in full force and effect except as modified by this Second Amendment.

6. From and after the date of this Second Amendment, all references to the Lease shall mean the Lease as modified by this Second Amendment.

IN WITNESS WHEREOF, the Parties have caused this Second Amendment to be executed by their respective duly authorized officer as of the date first above written.

Lessor:
CITY OF VENICE

Attest:

City Clerk

By: _____
John Holic, Mayor

Lessee:

FLORIDA POWER & LIGHT COMPANY

Witness:

By: _____
Alex Rubio,
Vice President,
Corporate Real Estate

Approved as to Form and Correctness:

David Persson, City Attorney

Exhibit B-1

(see attached Site Plan for 200 Turin Street West, Venice, FL
dated 8-29-2016 prepared by Global One Survey, Project Number 160288)

SOLAR ARRAYS LOCATIONS LEGAL DESCRIPTION:

A portion of Block 51A, VENUELA PARK SECTION OF VENICE, according to the Plat thereof, as recorded in the Book 2, Page 486, of the Public Records of Sarasota County, Florida, being more particularly described as follows:

Solar Array I:

Commence at the Southwest corner of said Block 51A, thence North 1° 01' 56" East a distance of 120.00 feet along the Eastern right-of-way line of Nassau Street South, thence South 88° 58' 04" East a distance of 42.00 feet to the POINT OF BEGINNING, thence North 1° 01' 56" East a distance of 40.00 feet thence South 88° 58' 04" East a distance of 38.13 feet thence South 1° 01' 56" West a distance of 38.13 feet thence North 88° 58' 04" West a distance of 38.13 feet to the POINT OF BEGINNING. Containing 3783.39 square feet or 0.086 acres more or less.

Solar Array II:

Commence at the Southwest corner of said Block 51A, thence North 1° 01' 56" East a distance of 120.00 feet along the Eastern right-of-way line of Nassau Street South, thence South 88° 58' 04" East a distance of 120.42 feet to the POINT OF BEGINNING, thence North 1° 01' 56" East a distance of 38.13 feet thence South 88° 58' 04" East a distance of 38.13 feet thence South 1° 01' 56" West a distance of 38.13 feet thence North 88° 58' 04" West a distance of 38.13 feet to the POINT OF BEGINNING. Containing 3783.39 square feet or 0.086 acres more or less.

ACCESS EASEMENT / LEGAL DESCRIPTION:

A 15-foot access easement, to access and maintain the Solar Array, being on a portion of Block 51A, VENUELA PARK SECTION OF VENICE, according to the Plat thereof, as recorded in the Book 2, Page 486, of the Public Records of Sarasota County, Florida, being more particularly described as follows:

A 15-foot wide strip of land 8 feet on each side of the following described centerline:

Commence at the Southwest corner of said Block 51A, thence North 1° 01' 56" East a distance of 120.00 feet along the Eastern right-of-way line of Nassau Street South to the POINT OF BEGINNING, thence South 88° 58' 04" East a distance of 120.00 feet to the POINT OF TERMINATION. Containing 3323 square feet or 0.076 acres more or less.

ACCESS EASEMENT / LEGAL DESCRIPTION:

A 15-foot access easement, to access and maintain the Solar Array, being on a portion of Block 51A, VENUELA PARK SECTION OF VENICE, according to the Plat thereof, as recorded in the Book 2, Page 486, of the Public Records of Sarasota County, Florida, being more particularly described as follows:

A 15-foot wide strip of land 8 feet on each side of the following described centerline:

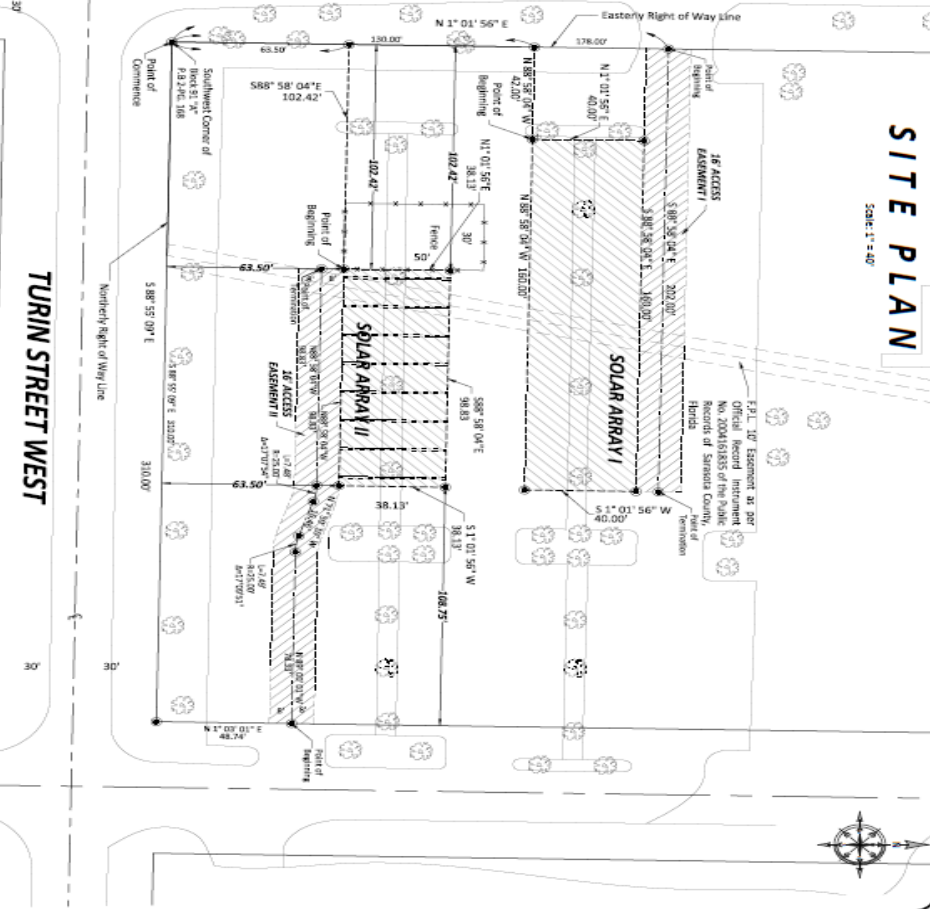
Commence at the Southwest corner of said Block 51A, thence North 1° 01' 56" East a distance of 120.00 feet along the Eastern right-of-way line of Nassau Street South to the POINT OF BEGINNING, thence South 88° 58' 04" East a distance of 120.00 feet to the POINT OF TERMINATION. Containing 3323 square feet or 0.076 acres more or less.

SITE PLAN

Scale: 1" = 40'

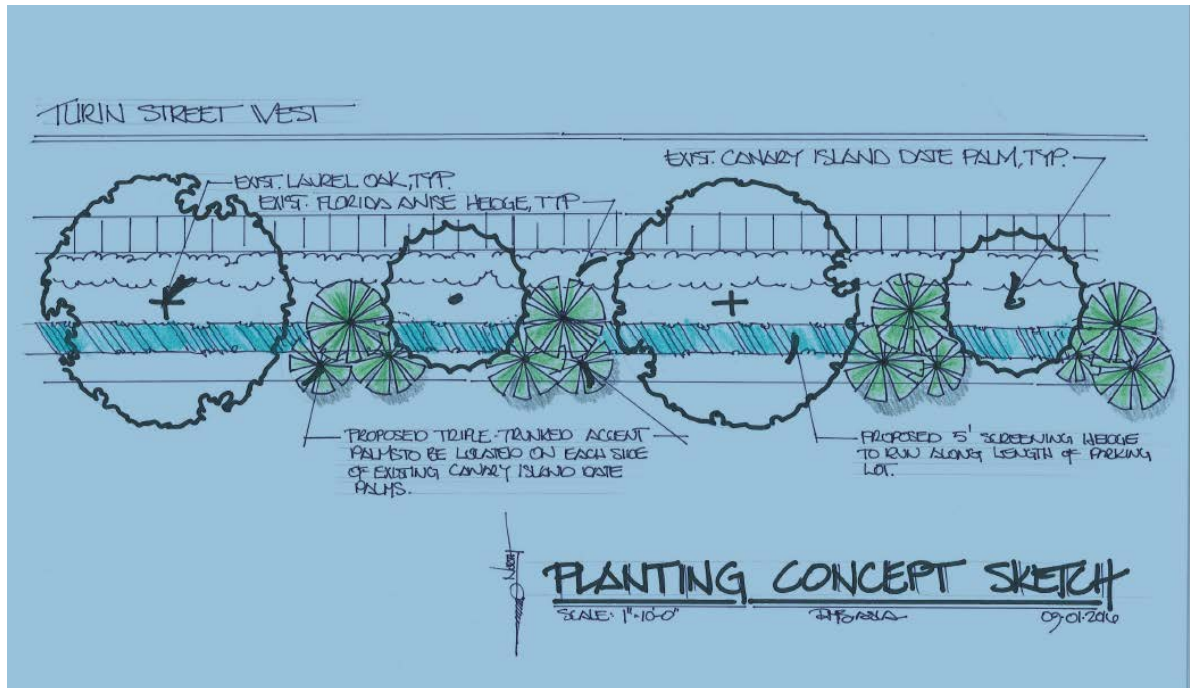
TURIN STREET WEST

NASSAU STREET SOUTH



FLOOD ZONE INFORMATION: COMMUNITY NAME: VENUELA PARK SECTION OF VENICE FLOOD ZONE: 1A FLOOD ZONE NUMBER: 0000		PROPERTY ADDRESS AND TRAIL STREET WEST, VENUELA PARK, MIAMI PARCEL NUMBER: 121514 FLOOD ZONE: 1A FLOOD ZONE NUMBER: 0000	
LAND SURVEYORS, LAND PLANNERS 7735 S.W. 12TH COURT MIAMI, FLORIDA 33183 BY: JOSE M. RIVES, JR. P.L.M. No. 6685 STATE OF FLORIDA		CERTIFICATION: I, JOSE M. RIVES, JR., a duly Licensed Professional Engineer, do hereby certify that the foregoing is a true and correct copy of the original survey as shown to me by the owner thereof.	
LEGEND AND ABBREVIATIONS: 1 = EASEMENT 2 = EASEMENT 3 = CENTER LINE 4 = NUMBER		REVISIONS: DATE:	

Exhibit G
(Planting Concept Sketch and Potential Plant Palette)



Potential Plant Palette

200 Turin Street West, Venice Florida
09.01.16

BOTANICAL NAME	COMMON NAME
-------------------	----------------

HEDGE MATERIAL

Podocarpus macrophyllus
Myrcianthes fragrans
Ligustrum japonicum
Capparis cynophallophora

Podocarpus
Simpson's Stopper
Privet
Jamaican Caper

PALM ACCENT

Phoenix roebelenii
Trachycarpus fortunei
Chamerops humilis

Pygmy Date Palm
Windmill Palm
European Fan Palm