

PREPARED BY:
J. Marshall Conrad
Ausley & McMullen
Post Office Box 391
Tallahassee, FL 32302

AMENDMENT TO CONSERVATION EASEMENT

This Amendment to Conservation Easement is hereby made and entered into this 13th day of May, 2009, by and between Garry Howard and J. L. Howard a/k/a Jackie L. Howard and a/k/a Jacqueline L. Howard, whose mailing address is 87 Poquito Road, Shalimar, Florida 32579 (hereinafter referred to as "Grantor") and Leon County, Florida, a political subdivision of the State of Florida, whose mailing address is 301 South Monroe Street, Tallahassee, Florida 32301 (hereinafter referred to as the "Grantee"),

WITNESSETH:

WHEREAS, the Grantor is the owner of that real property located in Leon County, Florida, described in Exhibit "A" attached (hereinafter the "Parent Tract"), part of which Parent Tract is subject to a Conservation Easement described in Exhibit "B" (hereinafter the "Easement Area"), given by Grantor to Grantee on February 14, 2000, and recorded March 29, 2000 in Official Records Book R2358, Page 00036, public records of Leon County, Florida; and

WHEREAS, under the terms of the Conservation Easement certain activities are prohibited within the bounds of the Easement Area, including the construction or placing of buildings and other improvements and structures above or on the ground; and

WHEREAS, it has been discovered that by inadvertence and oversight construction of part of a building and other improvements or structures was placed within a small area of the southern portion of the Easement Area, hereinafter "the Southern Portion," which the parties hereto recognize is in violation of the terms of the Conservation Easement; and

WHEREAS, the parties hereto agree that it would be in the best interest of both parties to amend the Easement Area description to delete the Southern Portion from the Easement Area on which said building improvements were constructed and, in lieu thereof, include and substitute additional unimproved real property adjoining the northern part of the Parent Tract, subject to the same terms and conditions of the original Conservation Easement;

NOW, THEREFORE, for and in consideration of the mutual promises and other good and valuable consideration as set forth herein, the receipt and sufficiency of which is hereby acknowledged, the Grantor and Grantee do hereby agree to amend the original Conservation Easement more particularly described above by deleting the real property more particularly described in Exhibit "B" of the original Conservation Easement as shown on Official Records Book R2358, Page 00036, public records of Leon County, Florida, and in lieu thereof substitute and add to said Conservation Easement that property more particularly described in Exhibit "C" attached hereto and the Grantor does hereby grant to the Grantee, its successors and assigns, a perpetual Conservation Easement in accordance with the terms of the original Conservation Easement over and across that property more particularly described in Exhibit "C."

The parties further agree that except as specifically hereby amended, said original Conservation Easement shall remain in full force and effect in accordance with all terms thereof.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals the day and year first above written.

WITNESSES:

Francis Kelley
1ST WITNESS - SIGNATURE

FRANCIS KELLEY
1ST WITNESS - PRINTED NAME

Vicky Hinton
2ND WITNESS - SIGNATURE

VICKY HINTON
2ND WITNESS - PRINTED NAME

GRANTORS:

Garry Howard

GARRY HOWARD

James Kelley
1st WITNESS - SIGNATURE
Frances Kelley
1st WITNESS - PRINTED NAME
VICKY HINTON
2nd WITNESS - SIGNATURE
VICKY HINTON
2nd WITNESS - PRINTED NAME

Jackeline L. Howard
J. L. HOWARD a/k/a JACKIE L. HOWARD
and a/k/a JACQUELINE L. HOWARD

GRANTEE:

LEON COUNTY, a political subdivision of the
State of Florida

By: _____
BRYAN DESLOGE, Chairman
Leon County Board of County Commissioners

Approved as to form:
LEON COUNTY ATTORNEY'S OFFICE

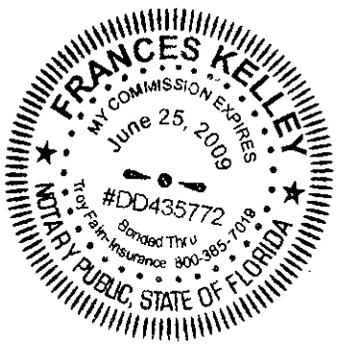
By: _____
Herbert W. A. Thiele
County Attorney
Dated: _____

STATE OF FLORIDA
COUNTY OF Chalooose

The foregoing instrument was acknowledged before me this 13 day of
May, 2009, by GARRY HOWARD, personally known to me, or
 who produced _____ as identification.

(Notarial Seal)

James Kelley
NOTARY PUBLIC
FRANCES Kelley
(Printed Name of Notary)
My Commission Expires: 6/25/09



STATE OF FLORIDA
COUNTY OF Okaloosa

The foregoing instrument was acknowledged before me this 13 day of May, 2009, by J. L. HOWARD a/k/a JACKIE L. HOWARD and a/k/a JACQUELINE L. HOWARD, personally known to me, or who produced _____ as identification.

Frances Kelley
NOTARY PUBLIC
Frances Kelley
(Printed Name of Notary)
My Commission Expires: 6/25/09

(Notarial Seal)



STATE OF FLORIDA
COUNTY OF LEON

The foregoing instrument was acknowledged before me this _____ day of _____, 2009, by BRYAN DESLOGE, as Chairman of the Leon County Board of County Commissioners, personally known to me, or who produced _____ as identification, and who acknowledged execution of this instrument on behalf of Leon County.

NOTARY PUBLIC

(Printed Name of Notary)
My Commission Expires: _____

(Notarial Seal)

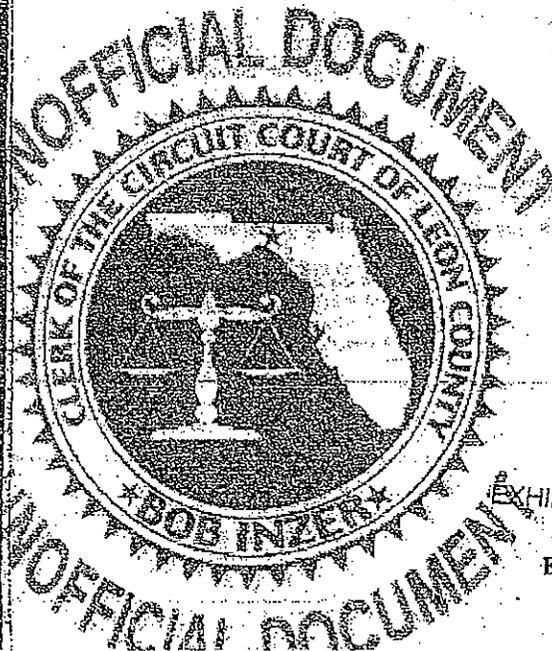
h:\jmc\schnitzer.steel\amendment.conservation easement.doc

FUND TITLE CERTIFICATE NO. 13-95-25 (continued)

OR 1876 PG 1949

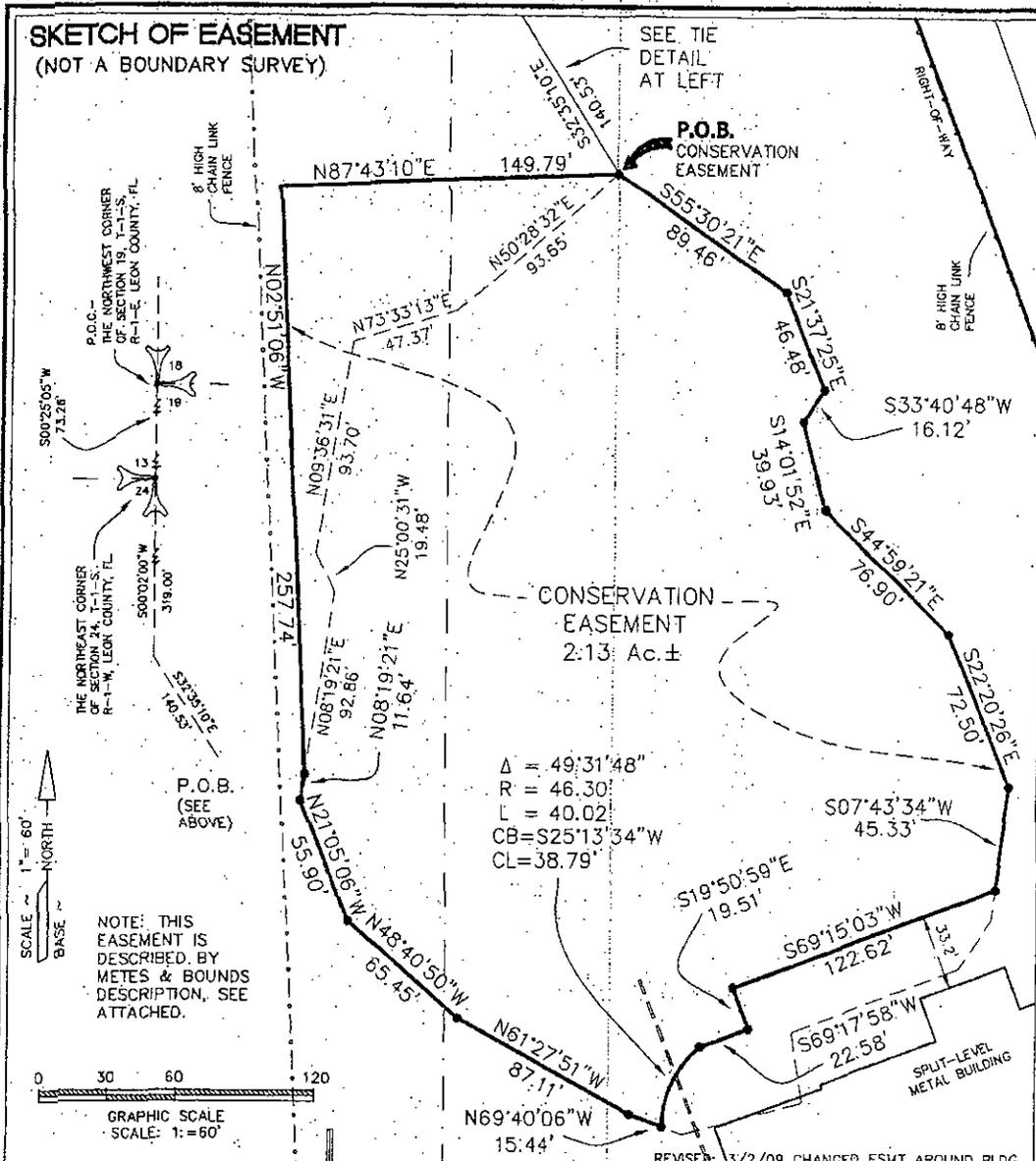
EXHIBIT "A"

7.81 ACRES OF LAND LYING IN SECTION 12, TOWNSHIP 1 SOUTH, RANGE 1 EAST, LEON COUNTY, FLORIDA
COMMENCE AT AN OLD 4 INCH CONCRETE MONUMENT KNOWN AS MARKING THE NORTHWEST CORNER OF SECTION 19, TOWNSHIP 1 SOUTH, RANGE 1 EAST, SAID MONUMENT BEING LOCATED NORTH 30 DEGREES 25 MINUTES 25 SECONDS EAST OF AN OLD 1 1/2 INCH IRON PIPE KNOWN AS MARKING THE NORTHEAST CORNER OF SECTION 24, TOWNSHIP 1 SOUTH, RANGE 1 WEST, LOCATED IN LEON COUNTY, FLORIDA. FROM SAID NORTHWEST CORNER OF SAID SECTION 19, RUN THENCE ALONG THE WEST BOUNDARY SOUTH 00 DEGREES 25 MINUTES 05 SECONDS WEST 73.28 FEET THENCE SOUTH 00 DEGREES 02 MINUTES 00 SECONDS WEST 319.00 FEET ALONG SAID SECTION LINE TO THE POINT OF BEGINNING FROM SAID POINT OF BEGINNING CONTINUE ALONG SAID SECTION LINE SOUTH 00 DEGREES 02 MINUTES 00 SECONDS WEST 1007.18 FEET THENCE NORTH 70 DEGREES 44 MINUTES 34 SECONDS EAST 534.89 FEET TO THE WESTERN RIGHT OF WAY OF THE ABANDONED ST. MARKS BRANCH OF THE S.A.L. RAILROAD MARKED BY A 1/2 INCH IRON PIPE THENCE NORTH 20 DEGREES 57 MINUTES 36 SECONDS WEST ALONG SAID RIGHT OF WAY 892.92 FEET TO CONCRETE MONUMENT (1254) THENCE SOUTH 89 DEGREES 02 MINUTES 36 SECONDS WEST 184.99 FEET TO THE POINT OF BEGINNING



RECORDING NOTICE
Document legibility unsatisfactory
for clear reproduction in the public
records.

EXHIBIT A
EXHIBIT "A"



NOTE: UNDERGROUND ENCROACHMENTS AND UTILITIES, IF ANY, NOT LOCATED. FENCE OWNERSHIP IS NOT DETERMINED BY THIS SURVEY.

REVISIONS: 3/2/09 CHANGED ESMT AROUND BLDG

FILE NAME: 08-415T.dwg DRAWING DATE: 3-2-09 9:28:11 am EST

The undersigned surveyor has not been provided a current title opinion or abstract of matters affecting title boundary to the subject property. It is possible there are deeds of record unrecorded deeds, easements or other instruments which could affect the boundaries.

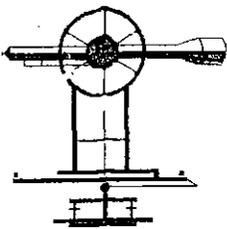
NOTE: THE FLOOD ZONE DESIGNATION DENOTED ON THIS SURVEY SKETCH WAS DERIVED FROM THE FEDERAL INSURANCE RATE MAP AS INDICATED. THE LOCATION OF ANY ZONE LINES WERE GRAPHICALLY SCALED FROM THIS MAP. THIS INFORMATION IS PROVIDED AS IS AND IS NOT INTENDED TO REPRESENT ANY ENGINEERING OR FLOOD PROOF AREA DETERMINATIONS BY THIS FIRM.

| | | | |
|--|---|--|---|
| <p>LEGEND: (GENERAL)</p> <p>FCM - FOUND CONCRETE MONUMENT (4" X 4") FIR - FOUND IRON ROD FIP - FOUND IRON PIPE FNV/C - FOUND NAIL & CAP SMC - SET NAIL & CAP #85509 SCM - SET CONCRETE MONUMENT #4016 SIR - SET 5/8" IRON ROD WITH CAP #85509 PRM - PERMANENT REFERENCE MONUMENT (P) - PLAT DISTANCE AND/OR BEARING (C) - SURVEY DISTANCE AND/OR BEARING (O) - CALCULATED DISTANCE AND/OR BEARING</p> | <p>LEGEND: (LABELS)</p> <p>N - NORTH E - EAST S - SOUTH W - WEST ° - DEGREES ' - MINUTES " - SECONDS R - RADII OR RANGE Δ - DELTA (CENTRAL ANGLE) L - CURVE LENGTH CL - CHORD LENGTH (CURVE) CB - CHORD BEARING (CURVE) P.O.B. - POINT OF BEGINNING P.O.C. - POINT OF COMMENCEMENT R.W. - RIGHT OF WAY</p> | <p>LEGEND: (DISTANCES)</p> <p>ALL DISTANCES ARE IN ACCORDANCE WITH THE UNITED STATES STANDARD FEET.</p> | <p>NOTE: UNLESS OTHERWISE DENOTED</p> <p>ALL DISTANCES SHOWN ARE FIELD MEASURED OR COMPUTED FROM FIELD DATA.</p> |
|--|---|--|---|

LAND SURVEYING License LB #5509
 CIVIL ENGINEERING License EB #5509

GARY G. ALLEN
 Registered Land Surveyor, Inc.
 4101 Apalachee Parkway
 Tallahassee, Florida 32311
 Phone: (850)-877-0541
 Fax: (850)-877-0041
 E-mail: garyallen05@comcast.net

| | | |
|---|--|---|
| <p>DESCRIPTION: SKETCH OF A CONSERVATION EASEMENT FOR PICK-N-PULL ON WOODVILLE HIGHWAY</p> <p>SECTION: 10 TOWNSHIP: 1-SOUTH RANGE: 1-EAST COUNTY: LEON</p> <p>RECORDED IN BOOK: DRAWING FILE NAME: 08-415T.dwg PAGE: RECERTIFIED:</p> | <p>SKETCH DATE: 12/30/08</p> <p>FIELD BOOK NUMBER: PAGE: SCALE: 1"=60'</p> <p>I hereby certify that this survey meets the minimum technical standards as established by chapter 61G17-6 of the Florida Administrative Code.</p> <p>Tonia R. Green, P.S.M. Professional Surveyor & Mapper Florida Registration No. 4485</p> | <p>FOUNDATION ADDED: BY: FINAL ADDITIONS: BY: REVISION: BY:</p> <p>UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER, THIS DRAWING, SKETCH, PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.</p> <p>SHEET ____ OF ____</p> |
|---|--|---|



GARY GEE ALLEN
REGISTERED LAND SURVEYOR, INC.
LAND SURVEYING – CIVIL ENGINEERING
4101 APALACHEE PARKWAY
TALLAHASSEE, FLORIDA 32311

GARY G. ALLEN, P.S.M., PRES.
MARK T. HENDERSON, P.S.M.
R. MICHAEL LATIMER, P.E.
TONIE R. GREEN, P.S.M.
Email: garyallen05@comcast.net
PHONE: (850) 877-0541
FAX NO. (850) 877-0041

LEGAL DESCRIPTION – A CONSERVATION EASEMENT

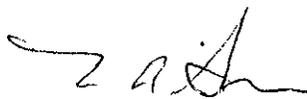
A Conservation Easement being a revision to that description as recorded in O.R. Book 2358, Page 0036, of the Official Records of Leon County, Florida and more particularly described as follows:

Commence at an old 4 inch concrete monument known as marking the Northwest corner of Section 19, Township 1 South, Range 1 East, Leon County, Florida and run thence South 00 degrees 25 minutes 05 seconds West 73.26 feet to an old 1 ½ inch iron pipe known as marking the Northeast corner of Section 24, Township 1 South, Range 1 West, Leon County, Florida, thence South 00 degrees 02 minutes 00 seconds West 319.00 feet, thence South 32 degrees 35 minutes 10 seconds East 140.53 feet to the **POINT OF BEGINNING**.

From said **POINT OF BEGINNING** run South 55 degrees 30 minutes 21 seconds East 89.46 feet; thence South 21 degrees 37 minutes 25 seconds East 46.48 feet; thence South 33 degrees 40 minutes 48 seconds West 16.12 feet; thence South 14 degrees 01 minutes 52 seconds East 39.93 feet; thence South 44 degrees 59 minutes 21 seconds East 76.90 feet; thence South 22 degrees 20 minutes 26 seconds East 72.50 feet; thence South 07 degrees 43 minutes 34 seconds West 45.33 feet; thence South 69 degrees 15 minutes 03 seconds West 122.62 feet; thence South 19 degrees 50 minutes 59 seconds East 19.51 feet; thence South 69 degrees 17 minutes 58 seconds West 22.58 feet to a point of curve to the left, thence run Southerly along said curve having a radius of 46.30 feet, through a central angle of 49 degrees 31 minutes 48 seconds, for an arc distance of 40.02 feet (the chord of said curve bears South 25 degrees 13 minutes 34 seconds West 38.79 feet); thence North 69 degrees 40 minutes 06 seconds West 15.44 feet; thence North 61 degrees 27 minutes 51 seconds West 87.11 feet; thence North 48 degrees 40 minutes 50 seconds West 65.45 feet; thence North 21 degrees 05 minutes 06 seconds West 55.90 feet; thence North 08 degrees 19 minutes 21 seconds East 11.64 feet; thence North 02 degrees 51 minutes 06 seconds West 257.74 feet; thence North 87 degrees 43 minutes 10 seconds East 149.79 feet to the **POINT OF BEGINNING**; containing 2.13 acres, more or less.

The undersigned surveyor has not been provided a current title opinion or abstract of matters affecting title or boundary to the subject property. It is possible there are deeds of record, unrecorded deeds, easements or other instruments which could affect the boundaries.

I hereby certify that the legal description shown hereon meets the Minimum Technical Standards for Land Surveying as established by chapter 61G17-6 of the Florida Administrative Code.

 6-25-09

Tonie R. Green, P.S.M. date:
Professional Surveyor & Mapper
Florida Registration No. 4485