

2023 LAND LEASE APPLICATION

Dear Applicant:

We are pleased to offer the included Forms of Application for a Land Lease as you recently requested. The Florida East Coast Railway Company has served the citizens of our State, on its current alignment, for more than 100 years. They have had the good fortune of experiencing both a growing need for an efficient goods transportation service, and a leadership with the foresight to properly manage the physical plant and real properties of the railroad business. No small part of that foresight is the need to accommodate the needs of individuals, partnerships, corporations and governmental entities, such as yours, in the service of your customers. After all, it is most likely that you or your customers are to some extent a customer of the FEC Railway directly, or indirectly.

The founders and their successors of the Railway were in a position to have acquired the right-of-way by Fee Simple instruments. The property is thus private, just as those things you own are private to you. To accommodate your needs we will consider granting a specific non-exclusive license for use of our property. We will accept an application package when submitted with the following: current year application (completely and accurately filled out), plan/sketch, aerial view (11"x17" in U.S. Survey feet) and applicable fees. Handholes, utility installations and planned improvements are required to be shown on your plans. Commonly, we are able to offer a form of agreement in

response to a complete and correct application package in approximately 8-10 calendar weeks. The yearly rent is determined based on the size, length, location and use of the property. Applications will be processed as quickly as possible.

Applications will not be processed if they are not completely and correctly filled out, are missing information, and/or re missing the non-refundable application fees. The fee information can be found on the application page. The fees are non-refundable regardless of the outcome of the application. Multiple locations can not be submitted on one application. We will request an additional fee if the scope of the project requires outsourcing for additional engineering consultant review, a re-submitted application reflects a significantly different project, and/or has numerous revisions. All applications pending a requested correction, update or fees without resolution beyond 90 days will be closed. A new application package, including fees will need to be re-submitted.

A Certificate of Insurance must be provided in accordance with FEC's insurance requirements, before FEC will execute the Agreement. FEC's insurance requirements are attached to this application package and should be provided to the insurance agent to assure the certificate of insurance meets these provisions.

Sincerely,

Land Lease Administration
FEC ROW, LLC

GENERAL INFORMATION

1. **Application Lease of FEC Real Estate**

FEC will begin the review process upon receipt of a completed Application for Lease of Real Estate on FEC's approved forms.

2. **Application Fee**

An Application Fee of \$1,500 must be submitted, payable to FEC ROW LLC, along with the Application. This Application Fee is nonrefundable. Additional fees will apply if improvements are made to FECR property and \$1,500 Engineering Review Fee payable to Florida East Coast Railway, LLC in case of an Aerial Lease or any other improvements are planned for the premises, other than fencing. If lease is not executed within ninety (90) days from the date of the original submittal, then a new application and fees must be submitted.

3. **Credit Check**

A credit check will be conducted on all applicants. Please fill out the attached form and return it with this package.

4. **Security Deposit**

A security deposit, to be determined, will be due upon execution of the lease and before FEC will execute the lease.

5. **Certificate of Insurance**

You must provide an insurance certificate in accordance with FEC's insurance requirements, as set forth in the lease, before FEC will execute the lease. FEC's insurance requirements are attached. You should provide this insurance requirement to your insurance agent to ensure that the insurance certificate your agent provides FEC meets all provisions of the insurance requirements.

6. **Annual Rent**

Annual rent is payable in advance upon execution of the lease. Please send your first payment with the executed lease.

7. **Fencing**

The area to be leased must be fenced, in accordance with FEC's specifications, before occupancy of the property is permitted.

8. **Removal of Improvements**

Upon termination of the lease, you must remove all improvements on the property. Rent will continue to be due and payable to FEC until the date FEC has provided you written notice that FEC has accepted the condition of the property.

FEC Real Estate Services affiliate, FEC ROW LLC (hereinafter "FEC"), has been granted exclusive right by Florida East Coast Railway, L.L.C. (hereafter "FECR"), to lease portions of FECR's railway right of way corridor to third parties. The details above are a brief outline of some of FEC's requirements for entering into a lease of real estate within FECR's right-of-way.

2023 APPLICATION FOR LEASE OF RIGHT-OF-WAY

Date: _____

Applicant Information:

Applicant Name: _____
Address: _____ City, St, ZIP: _____
Contact Person: _____ Contact Email: _____
Contact Work Phone: _____ Contact Cell Phone _____

Billing Contact Information:

Company Name: _____
Address: _____ City, St, ZIP: _____
Contact Person: _____ Contact Email: _____
Contact Work Phone: _____ Contact Cell Phone: _____

Legal Information for Real Estate Lease:

Name of Entity Leasing
Property: _____
Type of Entity Leasing
Property: _____
Address of Entity: _____ City, St, ZIP: _____

Notice of Provision – To whom and where do you want your legal notices to be mailed:

Name: _____
Address: _____ City, St, ZIP: _____
Attention of: (name) _____ Title: _____
Copy to:
Name: _____
Address: _____ City, St, ZIP: _____
Attention of: (name) _____ Title: _____

Business Information:

1. Are you the ☐owner ☐renter ☐neither of the property adjacent to real estate that will be used in conjunction with the property to be leased?
2. If owner or renter, please provide the following about property ownership:

Owner Name: _____
Address of Property Owner: _____ City, St, ZIP: _____
Address of Property: _____ City, St, ZIP: _____

NOTE – If you are a renter, a copy of the lease must be provided.

3. Provide a copy of your business license for the business that is being operated on the property adjacent to FEC ROW, LLC's property.

4. Describe the nature of the business to be operated on the leased premises:

Information regarding property to be leased:

1. Provide the following:

Parcel Number: _____

Nearest Intersection: _____

City: _____ County: _____

2. Provide a sketch of the property with dimensions and any improvements you intend to make on the property. The area to be leased may be NO closer than 25' from the Florida East Coast Railway LLC railroad tracks. Applicants may be required to locate signal wires and handholes on plans.

3. Describe your intended use for the property, i.e. parking, storage, landscape buffer, etc.:

4. Select the one that best applies to the property use:

☐ Ground

☐ Utility

☐ Aerial (i.e. crane)

☐ Cell Tower

☐ Billboard

☐ Other: _____

Submit the Land Lease application and non-refundable \$1,500 application fee to:

FEC ROW, LLC
Attn: Land Lease Manager
7150 Philips Highway
Jacksonville, FL 32256

LEASE OF REAL ESTATE
INFORMATION REQUIREMENTS FOR LEGAL ENTITIES
(Leases within Florida East Coast Railway's right-of-way)

Type of Entity

Documentation Required

Corporation

Legal Name of Corporation
Name of President
State of Incorporation
Federal Identification Number

Individual

Full Name of Individual
Social Security Number
If applicable, any applicable trade name (DBA)
Copy of Business License

Limited Liability Corporation

Name, address, and contact information of
managing
Member State where registered
Federal Identification Number

Limited Partnership

Name, address, and contact information of the General
Partner State where the partnership is registered
Federal Identification Number

INSURANCE REQUIREMENTS (LAND LEASES)

I. Lessee's Insurance

Lessee will throughout the Term and any Renewal Terms (and any other period when Lessee is in possession of the Leased Premises or has failed to comply with the requirements of paragraph 14 of this Lease) carry and maintain, at its sole cost and expense, the following types of insurance, which shall provide coverage on an occurrence basis, with respect to the Leased Premises, in the amounts specified with deductible amounts reasonably satisfactory to Florida East Coast Railway LLC (hereafter "FEC"):

1) Commercial General Liability Insurance

- Minimum limits of \$1,000,000.00 per occurrence
- Minimum limits of \$2,000,000.00 general aggregate
- Florida East Coast Railway named as additional insureds
- A.M Best's rating of A-, Class IX, or otherwise approved in advance

2) Comprehensive Automobile Liability Insurance (required if Company owned/leased vehicles access leased premises)

- Minimum limits of \$1,000,000.00 per occurrence for bodily injury
- Minimum limits of \$500,000.00 per person
- Minimum limits of \$100,000.00 property damage
- or a combined single limit of \$1,000,000 for both owned and non-owned vehicles.
- Florida East Coast Railway named as additional insureds
- A.M Best's rating of A-, Class IX, or otherwise approved in advance

3) Excess Liability Insurance. Lessee shall also carry and maintain umbrella liability insurance with a limit of not less than \$4,000,000.00 per occurrence.

4) Workers' Compensation and Employers' Liability Insurance (waived for an individual with no employees or business/corporation not required by State Law to carry coverage)

- Limits no less than \$500,000 each employee
- Limits no less than \$500,000 each accident
- Limits no less than \$1,000,000 policy limit
- A.M Best's rating of A-, Class IX, or otherwise approved in advance

Florida East Coast Railway, LLC and FEC ROW, LLC named as additional insureds with the address at 7150 Philips Highway, Jacksonville, FL 32256.



Florida East Coast

R O W

CREDIT APPLICATION

GENERAL INFORMATION

Lessee Business/Individual Name:
(use complete legal name)

____ Corporation ____ Partnership ____ Proprietorship ____ Other

Physical Address:

City, State, Zip Code:

Phone number:

Fax Number:

Email:

Name/Title or Principle Officer, Partner,
or Proprietor:

\$ Volume per Month:

Number of years in business:

Duns#:

BILL TO INFORMATION

Lessee Business/Individual Name:
(bill to name)

Bill to Address:

City, State, Zip Code:

Contact name:

Phone Number:

Fax Number:

Email:

REFERENCES

BANK:

Name:

Address (including City, State, Zip Code):

Contact:

TRADE:

Name:

Address (including City, State, Zip Code):

Contact:

The customer acknowledges and agrees to this credit application in their request to their application with FEC ROW.

ACCEPT AND AGREED

CUSTOMER

Signature: _____

Print Name: _____

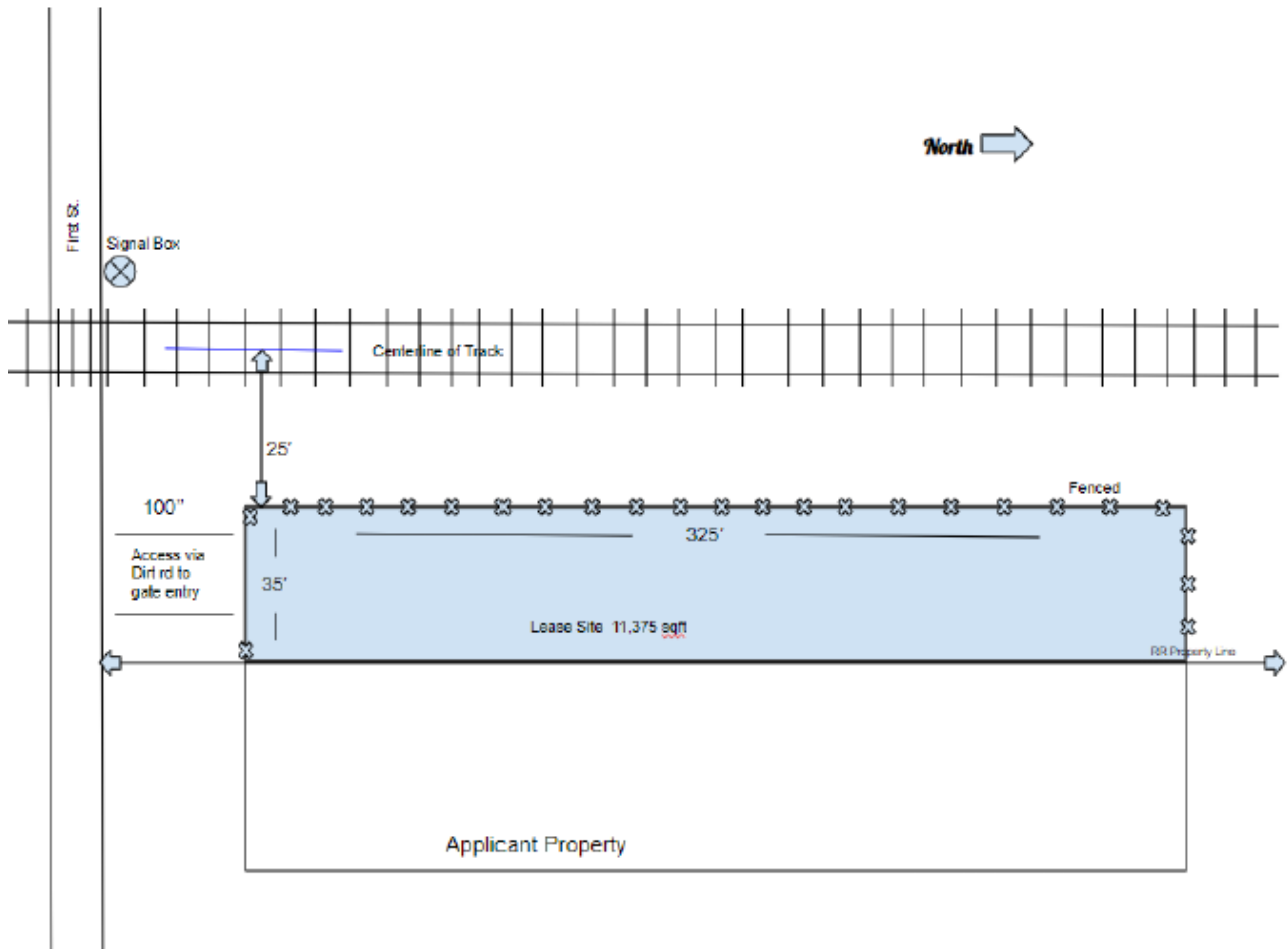
Title: _____

Date: _____

NOTE: Please complete, scan and email to creditapplications@fecrwy.com. For additional questions, please call: 904-538-6203. Please send all written inquiries to: Manager, Credit & Collections, Florida East Coast Railway, 7150 Philips Hwy., Jacksonville, FL 32256.

Rev 3/23

EXAMPLE OF A PLAN/SKETCH



Sketch/plan must provide or identify the following:

- City and County
- Closest cross street/intersection
- FEC Right-of-Way
- Railway gate arms and signal equipment
- Any utilities, handholes
- Landmarks and/or business address
- Improvements: identify any existing or new improvements to be added such as storage building, concrete, signage, plants, fence, etc.
- Identify which improvements are existing and which ones will be new.

PAYMENT INSTRUCTIONS

APPLICATION FEE (non-refundable)

- Amount: \$1,500.00
- Payable to FEC ROW, LLC.
- No additional application fees required if there are no new improvements added to the lease area.

ENGINEERING REVIEW FEE (non-refundable)

- Amount: \$1,500.00
- Payable to Florida East Coast Railway, LLC.
- Paid in addition to Application Fee if there will be ANY NEW improvements made to land lease area not included in the original agreement or previous amendments to the Land Lease, example: asphalt, cement, block wall, trees, etc. Please note: if plans submitted in “phases” requiring additional review by Engineers, additional \$1,500 Engineering Review Fee(s) will be required.

PAYMENT OPTIONS:

If by US Mail: (FEC receives fund within 5-10 business days, except overnight)

FEC ROW, LLC
Attn: Land Lease Manager
7150 Philips Highway,
Jacksonville, FL 32256

If by ACH: (FEC receives fund within 1-2 business days)

Name on Bank Account: FEC ROW, LLC
ABA Number: 111000012
FEC Bank Account Number: 004451236762
REF: FEC ROW/ COMPANY NAME

If by FED Wire Transfer Credit: (FEC receives funds instantly)

Name on Bank Account: FEC ROW, LLC
ABA Number: 026009593
FEC Bank Account Number: 004451236762
SWIFT CODE: BOFAUS3N
REF: FEC ROW/ COMPANY NAME

2023 LAND LEASE APPLICATION SUBMITTAL CHECKLIST

- Current year Land Lease Application Form filled out completely.
- Application fee and Engineering Review Fee must be included in the Land Lease Application package.
- (1) 11"x17" set of the plan/sketch must be included in application package.
- FECR Right-of-Way must be clearly identified on the plan/sketch.
- All wording on plan/sketch must be legible.
- Credit Check form filled out completely.
- Business License for the business intended to be operated.
- Document required for legal entity type.
- Certificate of Insurance will have to be provided when lease is sent to FEC for execution.

Application and ROE fees payable to: FEC ROW, LLC

Engineering Review fee payable to: Florida East Coast Railway, LLC

The checklist above is a guide and is not meant to be all inclusive as each application is individual and additional information may be required.