

## AERIAL LEASE APPLICATION

Dear Applicant:

We are pleased to offer the included Application Forms for a Temporary Aerial Lease. The Florida East Coast Railway (FEC) Company has served the citizens of our State, on its current alignment, for more than 100 years. Tracing its lineage back to 1885 and owing roots to the legendary Henry M. Flagler (who founded Palm Beach, Miami and most of the east coast of Florida), the Florida East Coast Railway is the sole rail provider operating along the east coast of Florida. FEC provides flexible, cost-effective rail and logistics solutions to meet the demanding transportation needs of domestic and international intermodal and carload customers.

The FEC is a Class II regional railroad that owns all of the 351-mile mainline track, and other Railway properties from Jacksonville to Miami. The founders and their successors of the Railway have acquired the right-of-way and its other properties by Fee Simple title (this includes air-rights). The property is thus private, just as those things you own are private to you. To accommodate your needs, we will consider granting a lease for the use of our property.

We are only able to accept and process a complete application package, that includes all required forms and fees submitted together. A complete package consists of the items listed on the application submittal checklist. The fees can be found on the application page and are non-refundable regardless of the outcome of the application. We may 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. Please note that a ground lease application package must be submitted concurrently for the equivalent land space the crane will occupy.

When an application package is received it will be reviewed, and if complete, it will be processed. Applications missing the properly completed required forms and fees will not be processed. Commonly, we are able to offer a lease in response to a complete and correct application package within ninety (90) business days. Notifications for complete and accurate applications not approved will be provided within sixty (60) business days. Any applications pending a requested correction or update for more than fourteen (14) business days will be closed. Multiple locations must be submitted individually. Each lease is unique and the annual rent for an approved lease is based on various criteria such as purpose, duration of the lease, square footage, city, location, etc...

A Certificate of Insurance must be provided in accordance to FEC's insurance requirements before FEC executes the agreement. FEC's insurance requirements must be provided to the insurance agent to assure the certificate of insurance meets these provisions.

Sincerely,

Real Estate Team  
FEC ROW, LLC

7150 PHILIPS HIGHWAY, JACKSONVILLE, FL 32256

**AERIAL LEASE  
APPLICATION SUBMITTAL CHECKLIST**

- Application Forms fully and accurately completed.
- Application Fee and Engineering Review Fee must be included in the application package.
- One drawing (11"x17" in U.S. Survey feet). The drawing must include:
  - Location of the crane with swing radius of the jib clearly identified
  - Planned improvements
  - Railway right of way and signal equipment
  - Existing handholes and utilities
- An aerial view of the proposed leased area.
- All wording on drawings must be legible.
- Crane specifications must be included.
- A ground lease application package must be submitted for the equivalent area the crane and/or the swing radius of the jib will use. The ground lease may also cover additional area as needed.
- FECR Right-of-Way and property line must be clearly identified on the drawing.
- Credit Check form filled out completely.
- Applicant Business License for operation at location.
- Document required for legal entity type. Documentation must show proof that the entity has authorization to do business in Florida.
- Certificate of Insurance, complying with FEC requirements (see Insurance Requirements), will have to be provided when lease is sent to FEC for execution.

Application Fee 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.

## AERIAL LEASE APPLICATION GENERAL INFORMATION

### 1. **FEC Real Estate Aerial Lease Application**

FEC will begin the review process upon receipt of a completed Application for a Real Estate Lease on FEC's approved forms. If the agreement is not executed within ninety (90) days from the date of the original submittal, then a new application and fees must be submitted.

### 2. **Application Fee**

An Application Fee of \$2,000 must be submitted, payable to FEC ROW LLC, as part of the application package. This Application Fee is non-refundable.

### 3. **Engineering Review Fee**

An Engineering Review Fee of \$1,600 must be submitted, payable to Florida East Coast Railway, LLC. This fee is non-refundable.

### 4. **Credit Check**

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

### 5. **Annual Rent**

The annual rent is payable in advance upon execution of the lease. Please send your first rent payment including sales tax (if applicable) with the executed lease.

### 6. **Security Deposit**

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

### 7. **Certificate of Insurance**

You must provide an insurance certificate in accordance with FEC's insurance requirements before FEC executes the lease, FEC's insurance requirements are attached. You should give this insurance requirement to your insurance agent to ensure that the insurance certificate they provide complies with all the necessary provisions.

### 8. **Removal of Improvements**

Upon termination of the lease, the crane must be removed and should no longer be operating into or over FEC property or closer to the edge of FEC property. Rent will continue to be due and payable to FEC until the date FEC has provided you with written notice that FEC has accepted the condition of the property.

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.

**AERIAL LEASE APPLICATION FORM**

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 contractor neither of the property adjacent to FECR that will be used in conjunction with the property to be leased?
2. If owner, renter or contractor, please provide the following about the property you own or lease:

Owner Name: \_\_\_\_\_  
Address of Property \_\_\_\_\_ City, St, ZIP: \_\_\_\_\_  
Owner: \_\_\_\_\_  
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 FECR ROW, LLC's property.

4. Describe the nature of the business you operate:

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Information regarding FECR property to be leased:

1. Provide the following:

Property Appraiser

Parcel ID Number: \_\_\_\_\_

Nearest Street Crossing \_\_\_\_\_

Railroad tracks: \_\_\_\_\_

City: \_\_\_\_\_

County: \_\_\_\_\_

2. Describe if you intend to operate the crane over FEC property or only during weather-vane free motion:

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3. Provide a drawing showing the location of the crane and the swing radius over FECR property. The area to be leased may be NO closer than 25' from the Florida East Coast Railway LLC railroad tracks.

Submit the application, drawings and non-refundable fees to:

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

## CREDIT APPLICATION

## GENERAL INFORMATION

Lessee Business/Individual Name: (use complete legal name)				
	<input type="checkbox"/> Corporation	<input type="checkbox"/> Partnership	<input type="checkbox"/> Proprietorship	<input type="checkbox"/> 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](mailto: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.

AERIAL LEASE  
INFORMATION AND DOCUMENTATION REQUIRED FOR LEGAL ENTITIES

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, 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

**AERIAL LEASE APPLICATION  
INSURANCE REQUIREMENTS**

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 16 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
  - \$1,000,000.00 per occurrence
  - \$2,000,000.00 general aggregate
  - Florida East Coast Railway named as additional insureds with waiver of subrogation
  - A.M Best's rating of A-, Class IX, or otherwise approved in advance
- 2) Comprehensive Automobile Liability Insurance (required if Lessee owned/leased vehicles access leased premises)
  - A combined single limit of \$1,000,000 for both owned and non-owned vehicles
  - Florida East Coast Railway named as additional insureds with waiver of subrogation
  - 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. FEC ROW LLC and Florida East Coast Railway named as additional insured.
- 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)
  - \$1,000,000 each employee
  - \$1,000,000 each accident
  - \$1,000,000 policy limit
  - A.M Best's rating of A-, Class IX, or otherwise approved in advance
  - Waiver of Subrogation in favor of FEC ROW LLC and Florida East Coast Railway.

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



## PAYMENT INSTRUCTIONS

### **APPLICATION FEE (non-refundable)**

- Amount: \$2,000.00
- Payable to FEC ROW, LLC.

### **ENGINEERING REVIEW FEE (non-refundable)**

- Amount: \$1,600.00
- Payable to Florida East Coast Railway, LLC.

### **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