

## GROUND LEASE APPLICATION

Dear Applicant:

We are pleased to offer the included Application Forms for a Ground 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.

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

**GROUND LEASE APPLICATION  
APPLICATION SUBMITTAL CHECKLIST**

- Application Forms fully and accurately completed.
- Application Fee and, if applicable, an Engineering Review Fee must be included in the application package. Expedite fee upon request.
- One drawing (11"x17" in U.S. Survey feet). The drawing must include:
  - Location of the proposed lease area clearly identified
  - Planned improvements (example: trash container, weight scale, drainage, landscape area, utilities, mobile office, etc.)
  - Railway right of way/property line, tracks and signal equipment
  - Existing handholes and utilities and any proposed new utilities clearly identified
- An aerial view of the proposed leased area.
- All wording on drawings must be legible.
- 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 the 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.

## GROUND LEASE APPLICATION GENERAL INFORMATION

### 1. **FEC Real Estate 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 may apply if improvements are proposed to be made on FECR property. This fee should be payable to Florida East Coast Railway, LLC, and 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. **Rent**

The 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-executes 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. **Fencing**

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

### 9. **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 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.

GROUND 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 neither of the property adjacent to FECR that will be used in conjunction with the property to be leased?

2. If owner or renter, please provide the following about the property you own or lease:

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 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 your intended use for the property, i.e. parking, storage, landscape buffer, ingress/egress, etc.:

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3. Describe the existing or proposed new improvements on FECR property (ex. Milling, pavers, landscape, mobile office, weight scale, fence, drainage, utilities):

4. Provide a sketch of the property with dimensions and any existing or new improvements you propose to make or have 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 utilities and signal wires and handholes on plans.

Submit the Real Estate Lease Application and non-refundable fee(s) 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.

GROUND LEASE  
INFORMATION AND DOCUMENTATION REQUIRED FOR LEGAL ENTITIES

<u>Type of Entity</u>	<u>Documentation Required</u>
Corporation	<ul style="list-style-type: none"><li>• Legal Name of Corporation</li><li>• Name of President</li><li>• State of Incorporation</li><li>• Federal Identification Number</li></ul>
Individual	<ul style="list-style-type: none"><li>• Full Name of Individual</li><li>• Social Security Number</li><li>• If applicable, any trade name (DBA)</li><li>• Copy of Business License</li></ul>
Limited Liability Corporation	<ul style="list-style-type: none"><li>• Name, address, and contact information of managing member</li><li>• State where registered</li><li>• Federal Identification Number</li></ul>
Limited Partnership	<ul style="list-style-type: none"><li>• Name, address, and contact information of the General Partner</li><li>• State where the partnership is registered</li><li>• Federal Identification Number</li></ul>

**GROUND LEASE  
INSURANCE REQUIREMENTS**

I. Lessee's Insurance

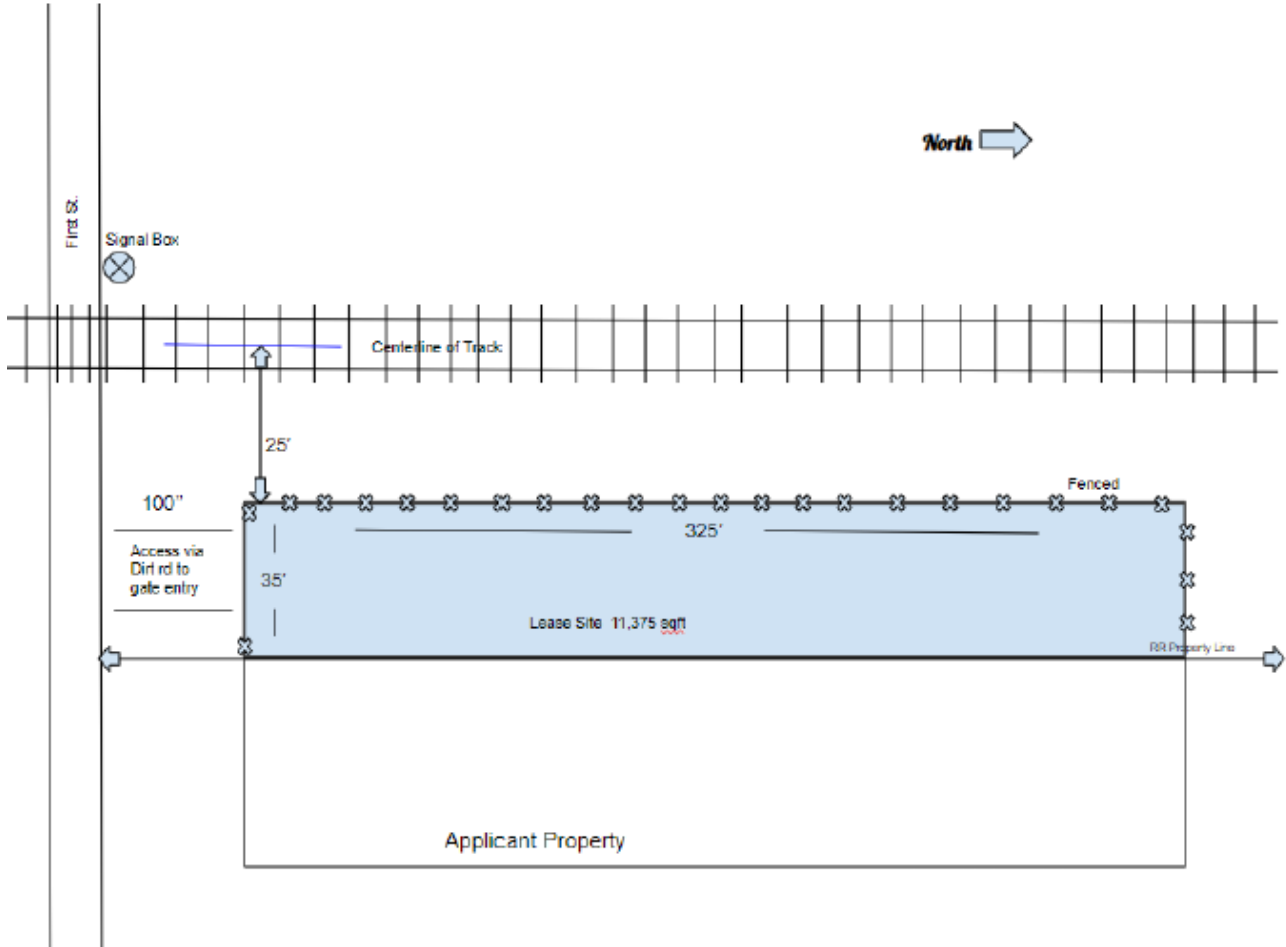
Lessee will throughout the Term and any Renewal Terms (and any other period when Lessee is in possession of the Leased Premises or has failed to comply with the requirements of paragraph 16 of this Lease) carry and maintain, at its sole cost and expense, the following types of insurance, which shall 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.



EXAMPLE OF A PLAN/SKETCH



Sketch/plan must provide or identify the following:

- City and County
- Closest cross street/intersection
- FEC Right-of-Way or FECR Property line
- 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: \$2,000.00
- Payable to FEC ROW, LLC.

### ENGINEERING REVIEW FEE (non-refundable)

- Amount: \$1,600.00
- 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 \$1,600 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