

Remo



DAYTON W. CURRY, JR.  
AYRES, CLUSTER, CURRY, McCALL & BRIGGS, P.A.  
ATTORNEYS AT LAW  
P.O. BOX 1148  
OCALA, FLORIDA 34478

**SECOND AMENDMENT TO  
OPERATION AND EASEMENT AGREEMENT**

**THIS SECOND AMENDMENT TO OPERATION AND EASEMENT AGREEMENT** ("Amendment") is made and entered into as of the 15<sup>th</sup> day of June, 1994, by and among **DAYTON HUDSON CORPORATION**, a Minnesota corporation ("Target"), **OCALA MANUFACTURING COMPANY (not Inc.)**, a Florida general partnership ("Developer") and **FOG 200, INC.**, a Florida corporation ("Fog").

**W I T N E S S E T H:**

**WHEREAS**, Target and Developer entered into that certain Operation and Easement Agreement (the "Original OEA") dated March 24, 1993, recorded in Official Records Book 1911, Page 0144, as amended by that certain First Amendment to Operation and Easement Agreement dated May 12, 1994, recorded in Official Records Book 2033, Page 1154; all of the Public Records of Marion County, Florida (collectively, the "OEA"); and

**WHEREAS**, Developer conveyed a certain portion of the land encumbered by the OEA, referred to as "Outparcel 2" under the Original OEA, by a deed recorded on May 12, 1994 in Official Records Book 2033, Page 1159 of the Public Records of Marion County, Florida; and

**WHEREAS**, Target, Developer and Fog are the sole Owners of all lands that are subject to the OEA and desire to amend the OEA as provided for in this Amendment;

**NOW, THEREFORE**, in consideration of the premises the covenants and agreements hereinafter set forth and in furtherance of the parties' understanding, it is agreed as follows:

1. **Recitals.** The recitals set forth above are true and correct and are incorporated herein as if set forth in full hereinbelow. Any terms defined in the OEA and used herein shall have the same meaning as set forth in the OEA except as expressly provided for in this Amendment.

2. **Parking.** Article II, Paragraph A.(i) of the Original OEA is hereby amended by adding thereto the following:

" , except that so long as Outparcel 2 is not used as a restaurant, the parking required on Outparcel 2 under this Paragraph A.(i) should be reduced by a total of two (2) parking spaces."

3. **Building Height.** Article II, Paragraph D of the Original OEA is hereby amended by adding thereto the following:

**PREPARED BY AND RETURN TO:**

**MARK E. MILLER, ESQUIRE  
RUDNICK & WOLFE  
101 E. Kennedy Boulevard  
Suite 2000  
Tampa, Florida 33602**

MEM3851 05/19/94

Frances E. Thippin, Clerk of the Circuit Court  
File: 94045844  
06/22/94 16:30  
Marion County - *M. Alexander* DC.

OK Book/Page: 2046/0368

"provided that the building to be located upon Outparcel 2 may have a building height of up to twenty-seven (27) feet including all mechanical equipment installed on the roof of such building and surrounding parapet."

4. **Ratification.** The terms of the OEA shall remain in full force and effect, as modified by the terms of this Amendment.

IN WITNESS WHEREOF, the Parties have caused this Amendment to be executed effective as of the day and year first above written.

**DAYTON HUDSON CORPORATION,**  
a Minnesota corporation

ATTEST:

By:

William P. Hise  
Assistant Secretary

By:

Edward J. Bierman  
Name: Edward J. Bierman  
Title: Vice President President -  
Target Stores

(CORPORATE SEAL)

**OCALA MANUFACTURING COMPANY**  
(not Inc.), a Florida general  
partnership

Carole S. Hartman  
Print Name: CAROLE S. HARTMAN

By:

James A. Bailey  
Co-Manager and General Partner

Linda Terracino  
Print Name: LINDA TERRACINO

- AND -

Carole S. Hartman  
Print Name: CAROLE S. HARTMAN

By:

C. Winston Bailey, Jr.  
C. Winston Bailey, Jr.  
Co-Manager and General Partner

Linda Terracino  
Print Name: LINDA TERRACINO

FOG 200, INC., a Florida corporation

Barbara J. Chapman

Print Name: Barbara J. Chapman

Matthew R. O'Kane

Print Name: Matthew R. O'Kane

By:

Mark O. Hackner

Mark O. Hackner  
President

(CORPORATE SEAL)

STATE OF Minnesota )  
 ) SS:  
COUNTY OF Hennepin )

The foregoing instrument was acknowledged before me this 13<sup>th</sup> day of June, 1994, by Edward J. Bierman, as Vice President of Target Stores and William P. Hisc, as Assistant Secretary of DAYTON HUDSON CORPORATION, a Minnesota corporation, on behalf of said corporation. They are personally known to me or have produced as identification. He is

John A. Cornell

NOTARY PUBLIC

Printed Name: John A. Cornell

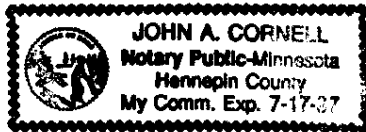
State of Minnesota at Large

Commission No.: \_\_\_\_\_

My Commission Expires:

June 17, 1997

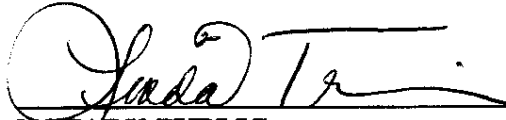
(Notarial Seal)



STATE OF FLORIDA )  
 ) SS:  
COUNTY OF MARION )

The foregoing instrument was acknowledged before me this 21<sup>st</sup> day of June, 1994, by James A. Bailey, as Co-Manager and General Partner of OCALA MANUFACTURING COMPANY (not Inc.), a Florida general partnership, on behalf of said partnership. He is personally known to me ~~or has produced~~ \_\_\_\_\_ as ~~identification~~.


**LINDA TERRACINO**  
Notary Public, State of Florida  
My comm. expires June 21, 1997  
No. CC 296259  
(Notarial Seal)

  
NOTARY PUBLIC  
Printed Name: LINDA TERRACINO  
State of FLORIDA at Large  
Commission No.: CC 296259  
My Commission Expires:  
June 21, 1997

STATE OF FLORIDA )  
 ) SS:  
COUNTY OF MARION )

The foregoing instrument was acknowledged before me this 21<sup>st</sup> day of June, 1994, by C. Winston Bailey, Jr., as Co-Manager and General Partner of OCALA MANUFACTURING COMPANY (not Inc.), a Florida general partnership, on behalf of said partnership. He is personally known to me ~~or has produced~~ \_\_\_\_\_ as ~~identification~~.

**LINDA TERRACINO**  
Notary Public, State of Florida  
My comm. expires June 21, 1997  
No. CC 296259  
(Notarial Seal)

  
NOTARY PUBLIC  
Printed Name: LINDA TERRACINO  
State of FLORIDA at Large  
Commission No.: CC 296259  
My Commission Expires:  
June 21, 1997

STATE OF FLORIDA )

) SS:  
COUNTY OF HILLSBOROUGH)

The foregoing instrument was acknowledged before me this 15<sup>th</sup> day of JUNE, 1994, by Mark O. Hackner, as President of FOG 200, INC., a Florida corporation, on behalf of said corporation. He/She is personally known to me, or has produced \_\_\_\_\_ as identification.



**NOTARY PUBLIC**  
Printed Name: MARK E MILLER  
State of Florida at Large  
Commission No.: \_\_\_\_\_  
**My Commission Expires:** \_\_\_\_\_

(Notarial Seal)



**MARK E. MILLER**  
MY COMMISSION # CC 222250 EXPIRES  
September 27, 1996  
BONDED THRU TROY FAIR INSURANCE, INC.