

**AMENDMENT TO  
UTILITY SERVICE AND CONVEYANCE AGREEMENT  
with  
ARCADIA 70/31 PROPERTY OWNERS  
ASSOCIATION, INC., ARCADIA PROPERTIES, LLC,  
KEYSTONE ARCADIA, LLC, and PENN ARCADIA, LLC**

THIS AMENDMENT is made and entered into this \_\_\_\_ day of November, 2017, by and between Arcadia 70/31 Property Owners Association, Inc., a Florida non-profit corporation (the "Association"), Arcadia Properties, LLC, a Florida limited liability company ("Arcadia"), Keystone Arcadia, LLC, a Florida limited liability company ("Keystone"), and Penn Arcadia, LLC, a Florida limited liability company ("Penn"), (the Association, Arcadia, Keystone, and Penn are hereinafter referred to singularly and collectively as "Customer"), and DeSoto County, Florida, a political subdivision located within the State of Florida, hereinafter referred to as the "County".

**RECITALS**

1. Customer and the County entered into a Utility Service and Conveyance Agreement ("Agreement") on July 28, 2015, which allocated 32 Water and Wastewater ERUs to meet the Customer's requirements as set forth in the Agreement.
2. Customer has used 17 Water and Wastewater ERUs and has a remaining balance of 15 Water and Wastewater ERUs.
3. In order to reduce its monthly reservation charges, Customer now wishes to reduce its remaining allocation of ERUs from 15 to 9 Water and Wastewater ERUs.
4. Customer understands and acknowledges that if in the future it needs additional ERUs above the remaining allocation of 9 Water and Wastewater ERUs, Customer will be responsible for payment of applicable capital and reservation charges for any such additional ERUs.

**SECTION 1. RECITALS.** The above Recitals are true and correct, and form a material part of this Agreement.

**SECTION 2. SPECIAL CONDITIONS.** Exhibit D of the Agreement sets forth Special Conditions that have been agreed to by the Customer and the County. Section 1 of Exhibit D is hereby amended to reduce the number of allocated ERUs identified in Exhibit D from 32 to 9 Water and Wastewater ERUs.

SECTION 3. BINDING AMENDMENT; EFFECTIVE DATE. This Amendment shall be binding upon and shall inure to the benefit of Customer, the County and their respective assigns and successors by merger, consolidation or conveyance. The Agreement as amended shall not be sold, conveyed, assigned or otherwise disposed of by Customer without the written consent of the County first having been obtained. The County agrees not to unreasonably withhold such consent. This Amendment shall take effect on the date first written above.

SECTION 4. RECORDATION. The parties hereto agree that an executed copy of this Amendment shall be recorded in the Public Records of DeSoto County, Florida at the expense of the Customer.

SECTION 5. Except as specifically modified hereby, the Agreement remains in full force and effect.

IN WITNESS WHEREOF, Customer and the County have executed or have caused this Amendment to be duly executed in several counterparts, each of which counterpart shall be considered an original executed copy of this Amendment.

BOARD OF COUNTY COMMISSIONERS,  
DESOTO COUNTY, FLORIDA

ATTEST:

\_\_\_\_\_  
Elton Langford, Chairman

\_\_\_\_\_  
Mandy Hines  
County Administrator

Approved as to form and correctness:

\_\_\_\_\_  
Donald D. Conn, County Attorney

STATE OF FLORIDA \_\_\_\_\_  
COUNTY OF DESOTO \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_ 2017 by \_\_\_\_\_ of DESOTO COUNTY, FLORIDA, on behalf of DESOTO COUNTY. He is personally known to me and did (did not) take an oath.

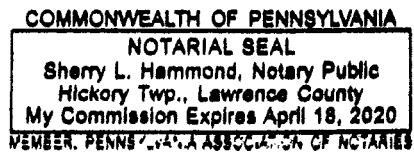
\_\_\_\_\_  
Notary Public State at Large  
My Commission Expires:

ARCADIA PROPERTIES, LLC

By: J. Richard McClure  
J. Richard McClure, Managing Member

STATE OF ~~FLORIDA~~ Pennsylvania  
COUNTY OF

The foregoing instrument was acknowledged before me this 23 day of October, 2017 by J. Richard McClure, as Managing Member, of ARCADIA PROPERTIES, LLC, on behalf of said company. He/She is personally known to me or has produced Florida DL as identification and did (did not) take an oath.



Sherry L Hammond  
Notary Public State at Large  
My Commission Expires:  
04/18/2020

ARCADIA 70/31 PROPERTY OWNERS ASSOCIATION, INC.

By: J. Richard McClure  
J. Richard McClure, President

STATE OF FLORIDA Pennsylvania  
COUNTY OF Lawrence

The foregoing instrument was acknowledged before me this 23 day of October, 2017 by J. Richard McClure, as President of ARCADIA 70/31 PROPERTY OWNERS ASSOCIATION, INC., on behalf of said corporation. He/She is personally known to me or has produced Florida DL as identification and did (did not) take an oath.

COMMONWEALTH OF PENNSYLVANIA  
NOTARIAL SEAL  
Sherry L. Hammond, Notary Public  
Hickory Twp., Lawrence County  
My Commission Expires April 18, 2020  
MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES

Sherry L Hammond  
Notary Public State at Large  
My Commission Expires:  
04/18/2020

PENN ARCADIA, LLC

By: J. Richard McClure  
J. Richard McClure, Managing Member

Pennsylvania  
STATE OF ~~FLORIDA~~  
COUNTY OF Lawrence

The foregoing instrument was acknowledged before me this 23 day of October 2017 by J. Richard McClure, as Managing Member of PENN ARCADIA, LLC, on behalf of said company. He/She is personally known to me or has produced Florida DL as identification and did (did not) take an oath.

COMMONWEALTH OF PENNSYLVANIA  
NOTARIAL SEAL  
Sherry L. Hammond, Notary Public  
Hickory Twp., Lawrence County  
My Commission Expires April 18, 2020  
MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES

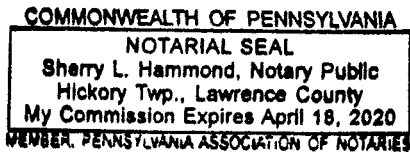
Sherry L. Hammond  
Notary Public State at Large  
My Commission Expires:  
04/18/2020

KEYSTONE ARCADIA, LLC

By: J. Richard McClure  
J. Richard McClure, Managing Member

STATE OF ~~FLORIDA~~ Pennsylvania  
COUNTY OF Lawrence

The foregoing instrument was acknowledged before me this 23 day of October, 2017 by J. Richard McClure, as Managing Member of KEYSTONE ARCADIA, LLC, on behalf of said company. He/She is personally known to me or has produced Florida DL as identification and did (did not) take an oath.



Sherry L. Hammond  
Notary Public State at Large  
My Commission Expires:  
04/18/2020