

This instrument prepared by:  
David C. Dillender  
Bradley Arant Boult Cummings LLP  
1600 Division Street, Suite 700  
Nashville, Tennessee 37203

### **FIRST AMENDMENT TO DEED OF EASEMENT**

This First Amendment to Deed of Easement (this "Amendment") is executed the \_\_\_\_ day of \_\_\_\_\_, 2023, by and between **HERNANDO COUNTY, FLORIDA**, a political subdivision of the State of Florida ("Grantor"), and **BELLSOUTH TELECOMMUNICATIONS, LLC** (d/b/a AT&T Florida), a Georgia limited liability company ("Grantee").

#### **RECITALS**

A. Spring Hill Regional Hospital, by execution of that certain Deed of Easement dated May 13, 1991 (the "Deed of Easement"), recorded in Official Records Book 822, Page 502, of the Public Records of Hernando County, Florida, granted to Southern Bell Telephone and Telegraph Company, a Georgia corporation ("Southern Bell") an exclusive easement on, in or over the property described in Exhibit "A" of the Deed of Easement (the "Premises") (any and all rights, privileges and authorities granted to Southern Bell in the Deed of Easement being referred to herein as the "Easement Rights");

B. The Easement Rights affect certain real property now owned by Grantor and described more particularly in Exhibit A attached hereto and incorporated herein by reference (the "Subject Property");

C. Grantee is the successor-in-interest to Southern Bell;

D. Grantor and Grantee have agreed to limit and contain the applicability of the Easement Rights to a portion of the Subject Property being five (5) feet in width and lying two and one-half (2 1/2) feet on each side of the centerline of Grantee's existing lines and facilities, the location of which existing lines and facilities are generally shown on the survey attached hereto as Exhibit B (the areas in which the Easement Rights, as herein modified and contained, may be exercised being referred to herein as the "Modified Easement Area"); and

E. The parties desire to amend the Deed of Easement in order to so limit and contain the Easement Rights.

#### **AGREEMENT**

NOW, THEREFORE, for and in consideration of One and 00/100 Dollars (\$1.00) and other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the parties, intending to be legally bound, do hereby agree as follows:

1. Adoption of Recitals. The foregoing Recitals are hereby acknowledged as being true and correct and the same are hereby adopted as part of this Amendment.

2. Easement Rights. Grantee agrees to limit and contain the Easements Rights to the Modified Easement Area. Grantee agrees that it will not exercise or invoke any of the Easement Rights, except as the same may be within the Modified Easement Area. Grantee further agrees that it will not set any poles, guys, anchors, aerial cables or wires within the Modified Easement Area. Should the need arise in the future for

any additional lines or facilities to be installed on the Subject Property, Grantee will request such rights from the owner of record on that date.

3. Miscellaneous. Except as otherwise expressly provided in this Amendment, all of the terms of the Deed of Easement shall continue in full force and effect and are hereby ratified and affirmed. This Amendment may be executed in separate counterparts, each of which shall be deemed an original and all of which shall constitute on and the same document. In the event of any conflict or inconsistency between the terms of this Amendment and the terms of the Deed of Easement, the terms of this Amendment shall control.

*[Remainder of Page Left Intentionally Blank; Signatures on Following Pages.]*

**IN WITNESS WHEREOF**, the parties have caused this Amendment to be executed by their respective duly authorized representatives as of the day and year first above written.

**GRANTOR:**

**BOARD OF COUNTY COMMISSIONERS  
HERNANDO COUNTY, FLORIDA**, a political subdivision of  
the State of Florida

By: \_\_\_\_\_  
Name: John Allocco  
Title: Chairman, Board of County Commissioners

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

  
\_\_\_\_\_  
County Attorney

STATE OF FLORIDA                    )  
  ) SS.  
COUNTY OF HERNANDO            )

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, this \_\_\_\_ day of \_\_\_\_\_, 2023, by John Allocco, as Chairman of the Board of County Commissioners of Hernando County, Florida, a political subdivision of the State of Florida, on behalf of said entity, who  is personally known to me or  has produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
NOTARY PUBLIC, State of \_\_\_\_\_  
Name: \_\_\_\_\_  
Serial No. \_\_\_\_\_

*[Signatures Continue on Following Page.]*



**EXHIBIT A**

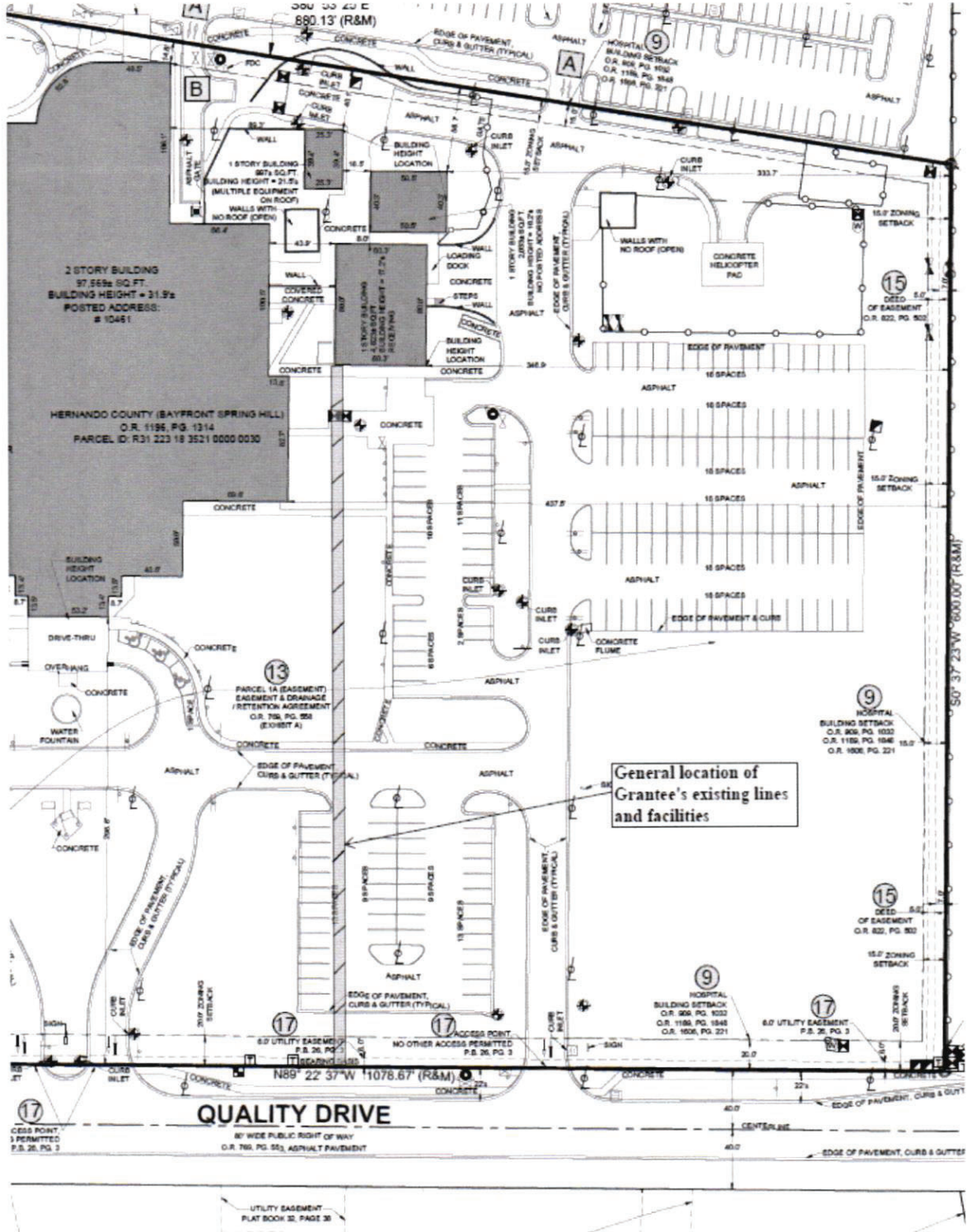
Description of Subject Property

Lot 3, Seven Hills Medical and Business Center, according to map or plat thereof as recorded in Plat Book 26, Pages 3 and 4, public records of Hernando County, Florida.

## EXHIBIT B

### General Location of Modified Easement Area

The cross-hatched portion of the Subject Property shown below and identified as the “[g]eneral location of Grantee’s existing lines and facilities”.



15.00  
55

Document No. 55  
Int: S  
K: S  
L: S  
M: S  
R: S  
S: S  
T: S  
U: S  
V: S  
W: S  
X: S  
Y: S  
Z: S

DEED OF EASEMENT

The undersigned owner(s) of the premises herein described ("Grantor"), for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, the adequacy and receipt of which are acknowledged, hereby grant, sell and convey to Southern Bell Telephone and Telegraph Company, a Georgia corporation, authorized to do business in Florida, whose post office address is 20A53 Southern Bell Center, Atlanta, Georgia 30375, its successors, assigns and affiliated and associated companies ("Grantee"), an exclusive easement for the construction, operation and maintenance of:

1. Telecommunications electrical equipment structures commonly described as \_\_\_\_\_ or substantially similar equipment structures;
2. Poles, guys, anchors, aerial cables and wires;
3. Buried cables and wires, cable terminals, markers, splicing boxes and pedestals;
4. Conduit, manholes, underground cables and wires;
5. Driveways or other vehicular access; and
6. Other amplifiers, boxes, appurtenances or devices;

as well as appurtenant facilities reasonably required for the support, use, operation and maintenance of such equipment structures to be installed from time to time with the right to reconstruct, improve, add to, enlarge and remove the same on, in or over the premises described in the attached Exhibit "A" ("Premises"):

Grantee may allow any other person to construct wires or lay cable or conduit within the Premises for water, communications or electric power transmission or distribution. Grantee shall have the right of ingress, egress and regress to and upon said Premises at all times for the purposes of installing, constructing, operating, inspecting, maintaining and repairing its facilities. The Grantee shall have the right to clear and keep the Premises clear of all trees, undergrowth or other obstructions and to trim, cut and keep trimmed and cut all dead, weak, leaning or dangerous trees or limbs outside the Premises which might interfere with the lines or systems of communication or electric power serving the Grantee.

The grant of this Easement shall in no way restrict the right and interest of the Grantor in the use, maintenance and quiet enjoyment of the Premises to the extent that such use does not interfere with the rights granted herein. Any ad valorem taxes accruing from Grantee's improvements shall be chargeable to and paid by Grantee when due if separately assessed by the taxing authority as the personal or real property of Grantee. The Grantee shall be liable for personal injuries and damage to real or personal property that may result from its use of the Premises, and shall indemnify the Grantor in the event Grantor is required to pay any claim arising from said use by Grantee.

This Easement shall run with the land in perpetuity and shall be binding on and shall inure to the benefits of the parties hereto, their successors or assigns.

Grantor covenants that it is the fee simple owner of the Premises, has full right, title and capacity to grant this Easement, that the property is free and clear of any encumbrances or liens of whatsoever character, except for \* and that it will defend the same against the claims of all parties.

This instrument prepared by: Thomas C. Johnson/SCJ Enterprises  
Agent for Southern Bell Telephone  
and Telegraph Company  
610 Forest Street  
Alachua, Fl. 32615

**R** RETURN TO: \_\_\_\_\_

\* a first mortgage in favor of NCNB as trustees of the Series 1990 Hernando County Revenue Bonds.

Page 2 of Deed of Easement  
From: Spring Hill Regional Hospital  
To: Southern Bell Telephone and  
Telegraph Company

IN WITNESS WHEREOF, the undersigned Grantor has executed this Deed of  
Easement, this 13 day of May, 1991.

Signed, Sealed and Delivered  
in the presence of:

Mary C. Beld  
WITNESS

John Clayton  
WITNESS

GRANTOR:

SPRING HILL REGIONAL HOSPITAL  
(Type or Print)

BY: Kenneth W. Thompson

TITLE: Vice President for Operations

ATTEST: Elaine M. Wakely

TITLE: Assistant Secretary

(Corporate Seal)

ACKNOWLEDGMENT

STATE OF Florida  
COUNTY OF Hernando

The foregoing instrument was acknowledged before me, this 13  
day of May, 1991 by Kenneth W. Thompson  
and Elaine M. Wakely of Spring Hill  
Regional Hospital corporation, on behalf of the corporation.

(Official Seal)

Elaine M. Wakely  
Notary Public

My Commission Expires:

NOTARY PUBLIC, STATE OF FLORIDA,  
MY COMMISSION EXPIRES APR. 14, 1992.  
RENDEZ-VOUS NOTARY PUBLIC REGISTRATION.

FILED FOR RECORD  
KAREN NICOLAUS  
HERNANDO COUNTY, FL  
91 JUN -4 4:11:46

016874

O. R. 822 P6 0503



SEC. 31 TWP. 25S. RNG. 18 E.

**LEGEND**

- - FOUND CONCRETE MONUMENT
- - SET CONCRETE MONUMENT
- - FOUND IRON ROD (SIZE AS NOTED)
- - SET 3/8" IRON ROD NO. 4888
- - SET WOOD LATH
- - SET WOOD NAIL
- - FOUND IRON PIPE (SIZE AS NOTED)



- N.A.S.D. - NATIONAL GEODETIC SURVEY DATUM
- P.L.S. - PROFESSIONAL LAND SURVEYOR
- E.L.S. - DEPARTMENT OF ENVIRONMENTAL REGULATION
- D.T.S. - DEPARTMENT OF TRANSPORTATION

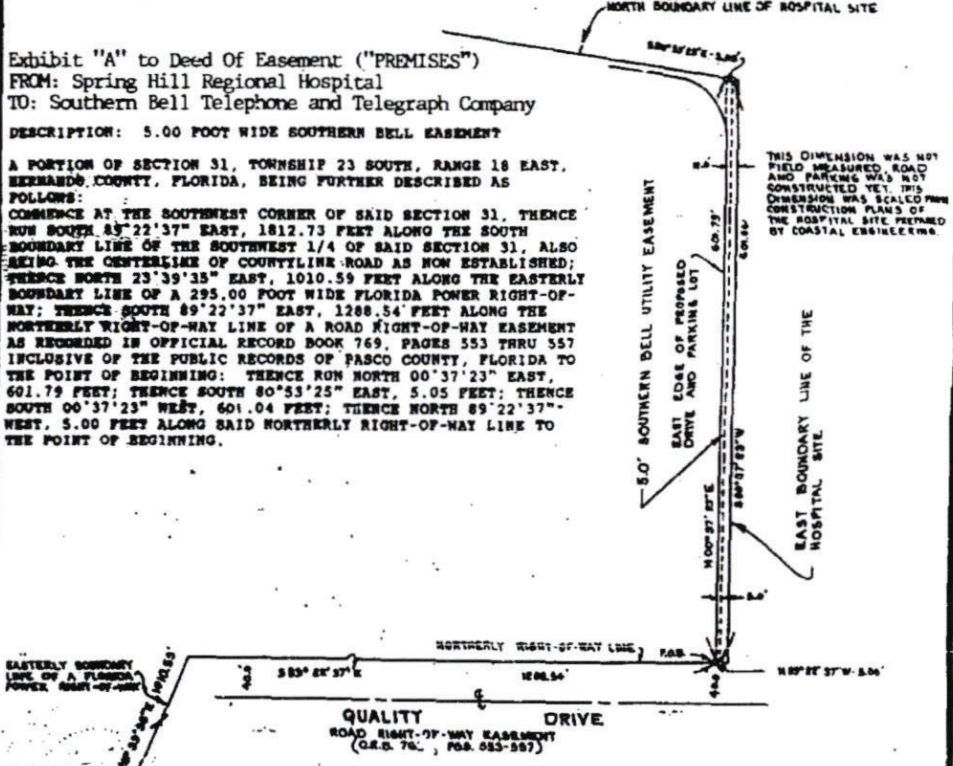
- NOTE:** BEARING MERIDIAN BASED ON AN ASSUMED BEARING OF  $389^{\circ} 22' 37'' E$  FOR THE SOUTH BOUNDARY LINE OF THE S-W 1/4 OF SEC. 31
- NOTE:** (NUMBER IN PARENTHESIS) INDICATES ELEVATION REFERENCED TO DAN ASSUMED DATUM OR N.V.S.D. DATUM
- NOTE:** THIS LOT IS SHOWN TO BE IN A **C-1** FLOOD ZONE. BASE FLOOD ELEVATION  $4-7-84$  COMMUNITY PANEL NO.  $100230-0300 B$
- NOTE:** IF THIS FLOOD INFORMATION IS TO BE USED FOR CONSTRUCTION PURPOSES, CHECK WITH THE PROPER COUNTY AGENCY FOR A FINAL FLOOD ZONE AND BASE FLOOD ELEVATION DETERMINATION. IT MAY CONFLICT WITH THE INFORMATION SHOWN ABOVE.
- NOTE:** UNLESS OTHERWISE STATED, THE PROPERTY DESCRIPTION SHOWN HEREON WAS PROVIDED BY THE CLIENT.
- NOTE:** UNDERGROUND IMPROVEMENTS, INCLUDING BUILDING FOUNDATIONS, HAVE NOT BEEN LOCATED EXCEPT AS SHOWN HEREON.
- NOTE:** ABOVE GROUND IMPROVEMENTS, INCLUDING BUILDING OVERHANGS, HAVE NOT BEEN LOCATED EXCEPT AS SHOWN HEREON.
- NOTE:** THERE MAY BE ADDITIONAL EASEMENTS AND RESTRICTIONS NOT SHOWN ON THIS DRAWING THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

**ABBREVIATIONS**

- |                               |                   |                   |                      |                      |
|-------------------------------|-------------------|-------------------|----------------------|----------------------|
| ACC. - ACCURSED               | BL. - DRIVE       | S.E. - SOUTHEAST  | TWP. - TOWNSHIP      | BLD. - BUILDING      |
| CALC. - CALCULATED            | BLVD. - BOULEVARD | S.W. - SOUTHWEST  | REG. - RANGE         | AV. - AVENUE         |
| MEAS. - MEASURED              | CT. - COURT       | S.W. - SOUTHWEST  | R/O/W - RIGHT-OF-WAY | PH. - PHASE          |
| G.S.B. - OFFICIAL RECORD BOOK | S. - SOUTH        | E. - CENTERLINE   | BOUN. - BOUNDARY     | RAD. - RADIUS        |
| P.S. - PLAT BOOK              | S. - SOUTH        | STY. - STREET     | CON. - CONCRETE      | CR. - CROSS          |
| PL. - PAGE                    | E. - EAST         | L.A. - LAKE       | NO. - NUMBER         | C.B. - CHORD BEARING |
| FL. - FLORIDA                 | W. - WEST         | ASPH. - ASPHALT   | A/C - AIR CONDITION  | EL. - ELEVATION      |
| C/S - CONC. SLAB              | N.E. - NORTHEAST  | SEC. - SECTION    | COV. - COVERED       | TYE - TYPICAL        |
| R.O.S. - RIGHT OF WAY         | RES. - RESIDENCE  | S.R. - STATE ROAD | ST. - STREET         | COL. - COLUMN        |
| C/S - CONCRETE BLOCK          | INV. - INVERT     | HWY. - HIGHWAY    | ENG. - ENCLOSURE     |                      |

Exhibit "A" to Deed Of Easement ("PREMISES")  
 FROM: Spring Hill Regional Hospital  
 TO: Southern Bell Telephone and Telegraph Company  
 DESCRIPTION: 5.00 FOOT WIDE SOUTHERN BELL EASEMENT

A PORTION OF SECTION 31, TOWNSHIP 23 SOUTH, RANGE 18 EAST, HERNANDO COUNTY, FLORIDA, BEING FURTHER DESCRIBED AS FOLLOWS:  
 COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 31, THENCE RUN SOUTH  $89^{\circ} 22' 37''$  EAST, 1812.73 FEET ALONG THE SOUTH BOUNDARY LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 31, ALSO BEING THE CENTERLINE OF COUNTYLINE ROAD AS NOW ESTABLISHED; THENCE NORTH  $23^{\circ} 39' 35''$  EAST, 1010.59 FEET ALONG THE EASTERLY BOUNDARY LINE OF A 295.00 FOOT WIDE FLORIDA POWER RIGHT-OF-WAY; THENCE SOUTH  $89^{\circ} 22' 37''$  EAST, 1288.54 FEET ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF A ROAD RIGHT-OF-WAY EASEMENT AS RECORDED IN OFFICIAL RECORD BOOK 769, PAGES 553 THRU 557 INCLUSIVE OF THE PUBLIC RECORDS OF PASCO COUNTY, FLORIDA TO THE POINT OF BEGINNING; THENCE RUN NORTH  $00^{\circ} 37' 23''$  EAST, 601.79 FEET; THENCE SOUTH  $80^{\circ} 53' 25''$  EAST, 5.05 FEET; THENCE SOUTH  $00^{\circ} 37' 23''$  WEST, 601.04 FEET; THENCE NORTH  $89^{\circ} 22' 37''$  WEST, 5.00 FEET ALONG SAID NORTHERLY RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING.



NOTE: DUE TO REDUCTION DRAWING IS NOT TO SCALE

NOTE: BECAUSE POSSIBLE MOVEMENT OF THE MONUMENTATION BY OTHER PERSONS FROM THEIR ORIGINAL PLACEMENT BY THE SURVEYOR, IT IS RECOMMENDED THAT PRIOR TO ANY NEW IMPROVEMENTS ON THE PROPERTY, THE POSITION OF THE MONUMENTATION BE VERIFIED.

PREPARED FOR: SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY	TYPE OF SURVEY: BOUNDARY SURVEY	REVISIONS
CERTIFIED TO: SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY	BOUNDARY DATE: 4-22-84	
	PLAT THE IN DATE:	
	FINAL SURVEY DATE:	
	UPDATE SURVEY DATE:	

<p><b>CERTIFICATION</b></p> <p>I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE AND BELIEF THAT THE SURVEY SHOWN HEREON MEETS THE STATUTORY REQUIREMENTS FOR LAND SURVEYING AS PROVIDED IN THE STATE OF FLORIDA RULE 31B-6. FURTHER, THIS CERTIFICATION SHALL NOT EXTEND TO ANY OTHER PORTIONS OF THIS SURVEY OTHER THAN THOSE SHOWN ON THIS SURVEY AND SHALL NOT BE VALID AND BINDING UNLESS THE UNDERSIGNED SURVEYOR WOULD DEAL WITH AN HONESTLY ACQUIRING PARTY.</p> <p>DATE: 4-22-84</p>	<p>DESIGN BY: T.F.</p> <p>CHECKED BY:</p> <p>CREW CHIEF: T.F.</p> <p>NOTES FILED: SUBFILE</p>	<p><b>CORNERSTONE LAND SURVEYING INC.</b> (813) 848-1041</p> <p>PROFESSIONAL LAND SURVEYORS AND LAND PLANNERS</p> <p>KENNETH A. LANDREADEL P.L.S.          PAUL A. COLLINS E.L.S.          THOMAS A. PETERMAN</p> <p>8833 PINNACLE CIRCLE          PORT RICHEY, FLA.</p> <p>P.O. BOX 2077          NEW PORT RICHEY, FLA. 34666</p>	<p>SCALE: 1" = 100'</p> <p>WORK ORDER NUMBER: 89-715</p> <p>MAP NUMBER: B-1510</p>
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