



**Diamond State Port Corporation
Board of Directors**

Resolution 26-12

Authorizing USACE Lease (No. DACW-31-1-24-1084) and Sublease

WHEREAS, pursuant to the concession agreement (the "Concession Agreement") between Diamond State Port Corporation ("DSPC") and Enstructure Wilmington Holdings LLC ("Enstructure"), Enstructure leases certain real property from DSPC.

WHEREAS, DSPC desires to enter into a lease agreement with the Department of the Army. Pursuant to the Department of the Army Lease No. DACW-31-1-24-1084 (the "Lease"), the Department of the Army would lease to DSPC the South Jetty containing approximately 1520 linear feet of steel sheet pile jetty/bulkhead, including the 120-foot wing wall section at the western end of the jetty, for the purpose of installing, modifying and operating certain proposed docking facilities and for the installation and operation of a mooring dolphin with catwalks and utilities over, across, in and upon lands of the United States located at the Wilmington Harbor Navigation Project, New Castle County, Delaware.

WHEREAS, in connection with the Concession Agreement, DSPC desires to sublease the premises described in the Lease to Enstructure pursuant to a sublease agreement (the "Sublease" and together with the Leases, the "USACE Lease Documents" and each, individually, a "USACE Lease Document").

WHEREAS, the Board of DSPC (the "Board") has been provided with the final forms of each USACE Lease Documents.

WHEREAS, DSPC desires for the Board to approve each USACE Lease Document and authorize the execution, delivery and performance of each USACE Lease Document, all other agreements related thereto and the expenditure of funds related thereto.

NOW, THEREFORE, BE IT RESOLVED: The Board hereby approves each USACE Lease Document;

FURTHER RESOLVED, that the Board hereby authorizes each of the Chair and the Vice-Chair of the Board, the Interim Executive Director and any authorized officer of DSPC (each, an "Authorized Signatory"), acting individually, to execute, deliver and perform each USACE Lease Document in substantially the form presented to the Board and all documents related thereto;

FURTHER RESOLVED, that each Authorized Signatory be, and each acting individually hereby is, authorized and directed to take such further actions and to execute and deliver, and to cause DSPC to perform its obligations under, the agreements referenced in the foregoing resolution and such further agreements, instruments, certificates and any other documents as may be contemplated by or related to the agreements referenced in the foregoing resolution or as such Authorized Signatory determines to be necessary, appropriate or advisable to carry out the intent and effectuate the purpose of the foregoing resolution and the transactions contemplated thereby, the taking of such further action or the execution of



such further agreement, instrument, certificate or other document by such Authorized Signatory to be conclusive evidence of such determination and the authority therefor; and

FURTHER RESOLVED, that any and all actions heretofore taken by any Authorized Signatory in connection with or related to any of the matters set forth herein or contemplated hereby, including, without limitation, any and all actions taken in connection with the negotiation, preparation and execution of the agreements referenced in the foregoing resolutions, be, and hereby are, ratified, confirmed and approved in all respects as fully as if such actions had been presented to the Board for its approval and approved prior to the taking of such action.

Resolution NUMBER: 26-12: Authorizing USACE Lease (No. DACW-31-1-24-1084) and Enstructure Sublease

☒	Approved by DSPC Board of Directors
☐	Denied by DSPC Board of Directors
☐	Decision Deferred by DSPC Board of Directors
Date:	October 19, 2026 DSPC Board of Directors Meeting