

Return to:

Maggie D. Mooney-Portale, Esq.
Lewis, Longman & Walker, P.A.
1001 Third Avenue West, Ste. 670
Bradenton, FL 34205

Attachment "D"

DECLARATION OF COVENANT AND RESTRICTION

THIS DECLARATION OF COVENANT AND RESTRICTION (hereinafter "Declaration") is made and imposed this 26th day of January, 2010, by Bay Isles Association, Inc. ("Declarant").

The Declarant is the sole owner in fee simple of certain real property located in Sarasota County, Florida and known as the "Bay Isles Perimeter Channel", and which is more fully described in Exhibit "A" attached hereto and made a part hereof ("Property"); and

The Declarant hereby declares and covenants with the Florida Department of Environmental Protection ("Department") that the Property shall be held and subject to the restriction set forth herein that shall run with the title to the Property and shall be binding on all parties that have or shall subsequently have any right, title or interest in the Property.

It is the purpose of this Declaration and it is Declarant's intent to place and Declarant does hereby impose a covenant and restriction on the Property to prohibit mangrove trimming or alteration along the outermost waterward edge or boundary of the Property, except otherwise as permitted under Florida Department of Environmental Protection Permit No. 58-0275394-004.

Declarant and its successors and assigns hereby grant the Department, its successors and assigns access to the Property for the purpose of determining compliance with this Declaration. This Declaration, however does not convey or grant to the public access to the Property or the right to enter the Property for any purpose whatsoever nor any other rights with respect to the Property.

The terms and conditions of this Declaration may be enforced by the Department and its assigns by injunctive relief and other appropriate available remedies

The Declaration of Covenant and Restriction may be modified or released, in whole or in part, only by an express written document or instrument signed by the Declarant and the Department and recorded in the Public Records of Sarasota County, Florida.

IN WITNESS WHEREOF, Declarant has hereunto set its authorized hand the day and year first above written.

BAY ISLES ASSOCIATION, INC., a non-profit Florida corporation

X By: *Richard E. Weber*
(Signature)
Name: Richard E. Weber
(Print)



RECORDED IN OFFICIAL RECORDS
INSTRUMENT # 2010014412 3 PGS
2010 FEB 04 01:15 PM
KAREN E. RUSHING
CLERK OF THE CIRCUIT COURT
SARASOTA COUNTY, FLORIDA
DCOURSEY Recelpt#1246267

Title: President

Signed, sealed and delivered in our presence as witnesses:

By: Ros Nystrom
(Signature)

By: Beth Callans
(Signature)

Name: Rosin Nystrom
(Print)

Name: Beth Callans
(Print)

STATE OF FLORIDA

COUNTY OF SARASOTA

On this 26th day of JANUARY, 2010 before me, the undersigned notary public, personally appeared RODOLPH E. WEBER, the person who subscribed to the foregoing instrument, as the PRESIDENT (title), of _____ a non-profit Florida corporation, and acknowledged that he/she executed the same on behalf of said corporation and he/she was duly authorized to do so. He/She is personally known to me or has produced a _____ (state) driver's license as identification.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

NOTARY PUBLIC, STATE OF FLORIDA

Donna L. Peters-Kratz
(Signature)

Name: DONNA L. PETERS KRATZ
(Print)

My Commission Expires:

NOTARY PUBLIC-STATE OF FLORIDA
Donna L. Peters-Kratz
Commission # DD882270
Expires: APR. 20, 2013
BONDED THRU ATLANTIC BONDING CO., INC.

EXHIBIT "A"

Those areas commonly referred to and described variously as "Perimeter Channel", "Perimeter Channel (Private)", "Channel" (Private)", "Private Perimeter Channel" and "75' R/W Perimeter Channel (Private)" on and as reflected by the plat of Bay Isles, Unit No. 1 recorded in Plat Book 23, Page 35; Bay Isles, Unit No. 2 recorded in Plat Book 24, Page 5; Bay Isles, Unit No. 3 recorded in Plat Book 28, Page 39; Bay Isles, Unit No. 5 recorded in Plat Book 29, Page 9; Bay Isles, Unit No. 6 recorded in Plat Book 30, Page 28 and Bay Isles, Unit No. 8 recorded in Plat Book 29, Page 21, all of the Public Records of Sarasota County, Florida.