

RETURN TO:
Pelican Bay Foundation
6251 Pelican Bay Blvd
Naples, FL 34108
39-596-6180 X237

**SECOND AMENDMENT TO
DECLARATION OF PROTECTIVE COVENANTS AND
RESTRICTIONS
FOR
PORTIONS OF SECTIONS 32 AND 33, TOWNSHIP 38 SOUTH,
RANGE 25 EAST AND PORTIONS OF SECTIONS 4, 5, 8, AND 9,
TOWNSHIP 49 SOUTH, RANGE 25 EAST, COLLIER COUNTY,
FLORIDA**

THIS SECOND AMENDMENT TO DECLARATION OF GENERAL PROTECTIVE COVENANTS AND RESTRICTIONS FOR PORTIONS OF SECTIONS 32 AND 33, TOWNSHIP 38 SOUTH, RANGE 25 EAST AND PORTIONS OF SECTIONS 4, 5, 8, AND 9, TOWNSHIP 49 SOUTH, RANGE 25 EAST, COLLIER COUNTY, FLORIDA ("Second Amendment") is made this 26th day of June, 2009, by Pelican Bay Foundation, Inc., a Florida not for profit corporation (hereinafter referred to as the "Declarant" and "Grantor"), as successor to Coral-Ridge Properties, Inc., for itself and its successors, grantees and assigns.

WITNESSETH:

WHEREAS, pursuant to Article III, section 2 of the Declaration of General Protective Covenants and Restrictions for Portions of Section 32 and 33, Township 38 South, Range 25 East and Portions of Sections 4, 5, 8, and 9, Township 49 South, Range 25 East, Collier County, Florida dated April 13, 1982 and recorded in Official Records Book 966 at page 1843 of the Public Records of Collier County, Florida (the "Declaration"), Declarant may, in its sole discretion, modify, amend, waive, or add to the covenants included in the Declaration (limited, however, to the modification or enlargement of existing covenants which does not substantially impair the general and uniform plan of development set forth in the Declaration); and

WHEREAS, Declarant amended and modified the Declaration pursuant to an Amendment dated May 15, 2009 and recorded in Official Records Book 4452 at page 3954 (the "Amendment"); and

WHEREAS, the real property described in Parcel I and Parcel II, respectively, on Exhibit A attached hereto and made a part hereof (referred to in the Declaration and herein, respectively, as the "Park Site" and the "Conservation Area"), is currently subject to the Declaration, as amended; and

WHEREAS, WCI Communities, Inc., a Delaware corporation, is the successor by merger of WCI Communities Limited Partnership, the successor by merger of WCN Communities, Inc., formerly Westinghouse Communities of Naples, Inc., formerly Coral Ridge - Collier Properties, Inc.; and

WHEREAS, the Declarant is the successor to WCI, Inc. pursuant to the Assignment of Rights, Privileges and Obligations (Park Site and Conservation Area) dated April 15, 2009 and recorded in Official Records Book 4446 at page 1101 of the Public Records of Collier County, Florida, and the Assignment of Certain Rights, Privileges and Obligations dated March 7, 2003 and recorded in Official Records Book 3257 at page 2056; and

WHEREAS, the Collier County Commission on May 26, 2009 approved a dredging permit application for Clam Pass located within the Conservation Area (the "Application");

WHEREAS, the Collier County Commission on June 23, 2009 approved the installation of navigational markers in Clam Bay located within the Conservation Area (the "Installation of Markers"); and

WHEREAS, the Declaration, as amended, requires that Collier County obtain the written approval of the Declarant prior to submitting the Application and prior to the Installation of Markers; and

WHEREAS, Collier County has refused, despite repeated requests from the Declarant, to submit the Application and the proposed Installation of Markers to the Declarant for its written approval; and

WHEREAS, while Collier County has not provided Declarant with a reason for its failure to submit the Application and the proposed Installation of Markers to Declarant for its approval, documents made available to Declarant by Collier County indicate that the reasons may have to do with a belief by some of Collier County staff that portions of the Park Site and Conservation Area may be subject to a claim of ownership by the State of Florida (the "Purported State of Florida Ownership Claim"); and

WHEREAS, the State of Florida disclaimed any right, title, and interest in and to the Conservation Area and the Park Site in a Disclaimer dated June 15, 1959 and filed in Official Records Book 45, Page 20 of the Public Records of Collier County (the "Disclaimer"); and

WHEREAS, Collier County accepted the transfer of title to the Conservation Area and Park Site from Coral Ridge - Collier Properties, Inc., on April 13, 1982, pursuant to a Quit Claim Deed of the same date (the Quit Claim Deed), which Quit Claim Deed was expressly made subject to the Declaration, which was attached thereto; and

WHEREAS, pursuant to the contractual relationship between Collier County and Grantor as evidenced by the Quit Claim Deed and the Declaration, Collier County is bound by the terms of the Quit Claim Deed and the Declaration with respect to the entire Park Site and Conservation Area notwithstanding any Purported State of Florida Ownership Claim; and

WHEREAS, actions undertaken by Collier County in portions of the Conservation Area and/or the Park Site that might be subject to any Purported State of Florida Ownership Claim will affect the conservation and protection of other portions of the Conservation Area and/or the Park Site owned by Collier County; and

WHEREAS, Declarant is concerned that Collier County's failure to request Declarant's approval for the Application and the Installation of Markers could lead to adverse or harmful or other consequences objectionable to Declarant with respect to the conservation and protection of the Park Site and/or Conservation Area, including portions of the Park Site and Conservation Area not subject to any Purported State of Florida Ownership Claim, and wishes to clarify the Declaration to ensure that the discretion reserved by the Declarant in the Declaration with respect to activities in the Park Site and Conservation Area be broadly construed and that such discretion includes the right of the Declarant to approve, in its sole discretion, any activity of Collier County within all of the Park Site and Conservation Area, notwithstanding any Purported State of Florida Ownership Claim; and

WHEREAS, the proposed amendment and modification to the Declaration is limited to a modification or enlargement of existing covenants and does not substantially impair the general and uniform plan of development set forth in the Declaration; and

NOW, THEREFORE, in consideration of the premises and the covenants contained herein, Declarant declares that the Properties as described on Exhibit "A" to this Declaration (which include the Park Site and the Conservation Area) shall be held, transferred, sold, conveyed and occupied subject to the Declaration of Restrictions, dated April 13, 1982, and recorded in Official Records Book 966 at page 1830 of the Public Records of Collier County, Florida, and to the restrictions, covenants, servitudes, impositions, easements, charges, liens, and other provisions as set forth in the Declaration, as amended by the Amendment and as further amended herein. The covenants, conditions, restrictions and other provisions contained in this Second Amendment shall run with the land and be binding upon all parties having any right, title or interest in or to the property or any part thereof within the Park Site and the Conservation Area, their heirs, successors and assigns, and shall inure to the benefit of all present and future owners of the property encumbered by the Declaration as amended by the Amendment and as further amended herein.

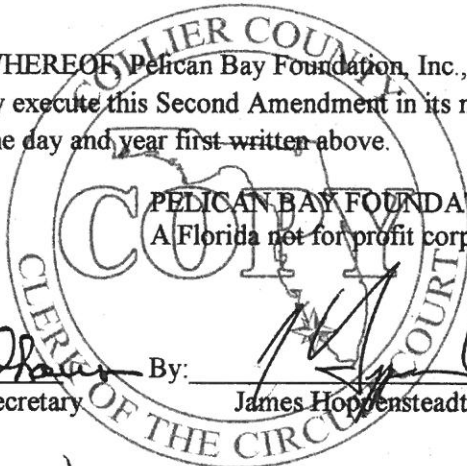
1. Article III, section 4 of the Declaration is hereby amended by adding the following sentence at the end thereof:

"In the event that any portion of the PARK SITE or CONSERVATION AREA is ever determined to be owned by a party other than the OWNER, the covenants, conditions, restrictions, and other provisions under these COVENANTS are nonetheless binding and shall continue to be binding as between DECLARANT and OWNER with respect to all of the PARK SITE and CONSERVATION AREA, including any such portion that may be determined to be owned by a

party other than the OWNER, in order to ensure that DECLARANT has the opportunity to prevent, in its sole and absolute discretion, any adverse or harmful or other consequence objectionable to DECLARANT in its sole discretion with respect to the PARK SITE and CONSERVATION AREA, including those portions of the PARK SITE and CONSERVATION AREA owned by OWNER.”

- 2. Other than as set forth in this Second Amendment, all of the restrictions, covenants, servitudes, impositions, easements, charges, liens and other provisions as set forth in the Declaration, as amended by the Amendment, shall remain in full force and effect.

IN WITNESS WHEREOF, Pelican Bay Foundation, Inc., a Florida not for profit corporation, does hereby execute this Second Amendment in its name by its undersigned, authorized officers on the day and year first written above.



PELICAN BAY FOUNDATION, INC.
A Florida not for profit corporation

ATTEST:

Stephen M. Feldhaus
Stephen M. Feldhaus, Secretary

By: *James Hoppensteadt*
James Hoppensteadt, President

STATE OF FLORIDA)
) ss.
COUNTY OF COLLIER)

The foregoing instrument was acknowledged before me this 26th day of June, 2009, by James Hoppensteadt, as President of Pelican Bay Foundation, Inc., a Florida not for profit corporation, and by Stephen M. Feldhaus, as Secretary of Pelican Bay Foundation, Inc., on behalf of said corporation, both of whom are personally known to me.

(SEAL)

Lisa A. Bauer
Notary Public

Name: Lisa A Bauer
(type or print)

My Commission Expires:



Lisa A. Bauer
Commission #DD467253
Expires: AUG. 30, 2009
www.AARONNOTARY.com

LEGAL DESCRIPTION

PARCEL I

All that part of Sections 8 & 9, Township 49 South, Range 25 East, Collier County, Florida, lying South of Clam Pass, West of Outer Clam Bay and East of the Gulf of Mexico; Mean High Water Elevation 1.1 feet.

Said land situate, lying and being in Collier County, Florida.

PARCEL II

A tract of land located in Sections 32 and 33, Township 48 South, Range 25 East, and in Sections 4, 5, 8 and 9, Township 49 South, Range 25 East, Collier County, Florida, a portion of said tract being in part of Parcels "D" and "J" of PELICAN BAY UNIT ONE, according to the plat thereof, recorded in Plat Book 12, Pages 47 through 52, of the Public Records of said Collier County, said tract being described as follows:

Commence at the Southeast corner of the Southwest one-quarter (SW ¼) of said Section 9, Township 49 South, Range 25 East;

thence South 89°30'59" West along the South line of said Section 9 for 1476.30 feet to the Point of Beginning of the herein described tract of land;

thence North 00°29'01" East a distance of 50.00 feet;

thence North 89°20'58" East, a distance of 208.01 feet;

thence North 86°12'48" East for 27.59 feet;

thence North 54°38'39" East for 21.28 feet;

thence North 04°11'37" West for 28.36 feet;

thence South 72°21'27" East for 17.94 feet;

thence North 70°59'36" East for 38.17 feet;

thence North 57°55'11" East for 25.00 feet;

thence North 43°36'51" East for 28.93 feet;

thence North 62°05'40" East for 16.65 feet;

thence North 20°29'47" East for 54.31 feet to the westerly line of said Parcel "D";

thence continue North 20°29'47" East for 31.61 feet to said Westerly line of Parcel "D";

thence continue North 20°29'47" East for 3.08 feet;

thence South 69°58'24" East for 1.72 feet to said Westerly line of Parcel "D";

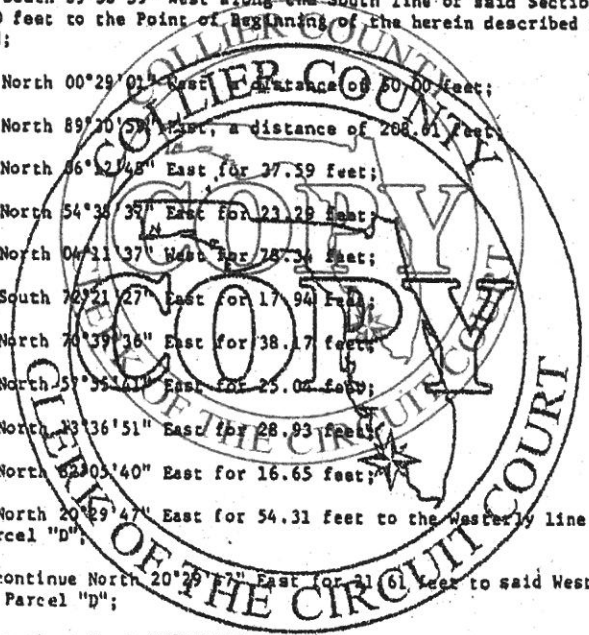
thence continue South 69°58'24" East for 19.85 feet;

thence North 50°29'16" East for 72.39 feet to the Westerly line of the Pelican Bay Improvement District Berm Right of Way;

thence North 15°09'19" East, along said Right of Way line, for 32.96 feet to said Westerly line of Parcel "D";

thence continue North 15°09'19" East for 77.88 feet to the point of curvature of a circular curve concave to the West having a radius of 26.00 feet;

thence Northeasterly along the arc of said curve through a central angle of 20°40'10" for 9.38 feet to said Westerly line of Parcel "D";



thence continue Northerly and Northwesterly along the arc of said curve through a central angle of 10°00'30" for 4.54 feet to the point of tangency;

thence North 15°31'21" West for 265.11 feet to the point of curvature of a circular curve concave to the Southwest;

thence Northwesterly along the arc of said curve having for its elements a radius of 26.00 feet and a central angle of 23°50'53" for 10.82 feet to the point of tangency;

thence North 39°22'14" West for 362.46 feet to the intersection with said Westerly line of Parcel "D";

thence continue North 39°22'14" West for 14.97 feet to the point of curvature of a circular curve concave to the Northeast;

thence Northwesterly and Northerly along the arc of said curve having for its elements a radius of 84.00 feet and a central angle of 40°36'22" for 59.53 feet to the point of tangency;

thence North 01°14'08" East for 104.26 feet to said Westerly line of Parcel "D";

thence continue North 01°14'08" East for 29.74 feet to the point of curvature of a circular curve concave to the Southeast having a radius of 84.00 feet;

thence Northwesterly along the arc of said curve through a central angle of 20°30'19" for 30.06 feet to said Westerly line of Parcel "D";

thence continue Northeasterly along the arc of said curve through a central angle of 07°47'35" for 11.43 feet to said Westerly line of Parcel "D";

thence continue Northeasterly along the arc of said curve through a central angle of 10°16'35" for 15.06 feet to the point of tangency;

thence North 39°48'38" East for 172.99 feet to the point of curvature of a circular curve concave to the Northwest;

thence Northwesterly along the arc of said curve having for its elements a radius of 26.00 feet and a central angle of 25°06'26" for 11.39 feet to the point of tangency;

thence North 14°42'17" East for 175.97 feet to said Westerly line of Parcel "D";

thence continue North 14°42'17" East for 29.38 feet;

thence North 01°48'49" West for 55.92 feet to said Westerly line of Parcel "D";

thence continue North 01°48'49" West for 243.14 feet to the point of curvature of a circular curve concave to the Southwest;

thence Northerly and Northwesterly along the arc of said curve having for its elements a radius of 26.00 feet and a central angle of 24°39'23" for 11.19 feet to the point of tangency;

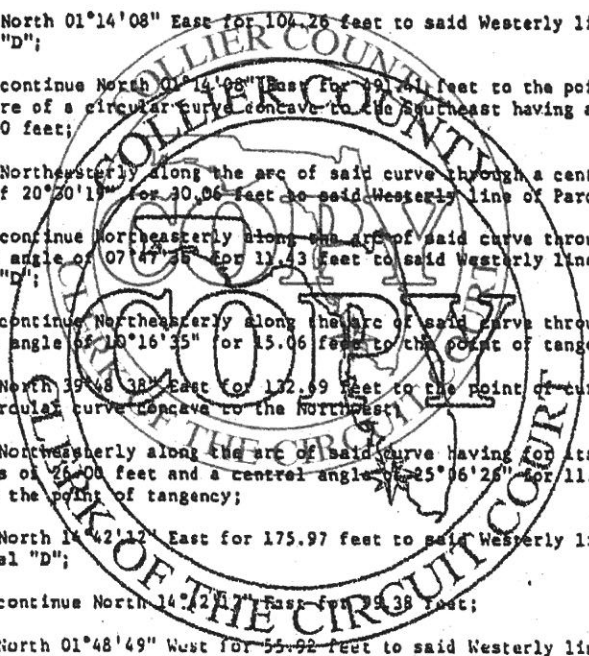
thence North 26°28'12" West for 261.58 feet to the point of curvature of a circular curve concave to the Northeast;

thence Northwesterly and Northerly along the arc of said curve having for its elements a radius of 84.00 feet and a central angle of 25°57'36" for 38.06 feet to the point of tangency;

thence North 00°30'36" West for 487.35 feet;

thence North 04°39'17" West for 578.20 feet;

thence North 17°07'04" West for 350.61 feet to the point of curvature of a circular curve concave to the East;



thence Northwesterly, Northerly and Northeasterly along the arc of said curve having for its elements a radius of 84.00 feet and a central angle of 36°24'20" for 53.37 feet to the point of tangency;

thence North 19°17'16" East for 477.94 feet to said Westerly line of Parcel "D";

thence continue North 19°17'16" East for 31.07 feet to said Westerly line of Parcel "D"; thence continue North 19°17'16" East for 3.51 feet to the point of curvature of a circular curve concave to the Northwest;

thence Northeasterly and Northerly along the arc of said curve having for its elements a radius of 26.00 feet and a central angle of 23°43'46" for 10.77 feet to the point of tangency;

thence North 04°26'30" West for 60.37 feet to said Westerly line of Parcel "D";

thence continue North 04°26'30" West for 172.82 feet;

thence North 89°00'00" East for 8.43 feet to the Westerly line of said Parcel "J";

thence continue North 89°00'00" East for 20.47 feet;

thence North 77°12'34" East departing from said Westerly Right of Way line of Falloch Bay Improvement District Barn for 66.11 feet;

thence North 06°21'14" East for 52.20 feet;

thence North 28°03'11" West for 72.20 feet;

thence North 12°59'58" West for 50.22 feet;

thence North 29°58'14" West for 17.82 feet;

thence North 10°26'18" West for 50.99 feet;

thence North 07°26'04" East for 20.12 feet;

thence North 17°32'15" West for 36.01 feet;

thence North 80°18'41" East for 18.03 feet;

thence North 13°19'18" West for 54.27 feet to a point on the North line of said Section 9 and the South line of said Section 4, said point being South 89°27'58" West a distance of 1281.76 feet from the Northeast corner of the Northwest one-quarter (NW 1/4) of said Section 9;

thence continue North 13°19'18" West for 5.03 feet;

thence North 17°06'28" West for 85.05 feet;

thence North 18°02'53" West for 93.01 feet;

thence North 64°07'45" West for 22.63 feet;

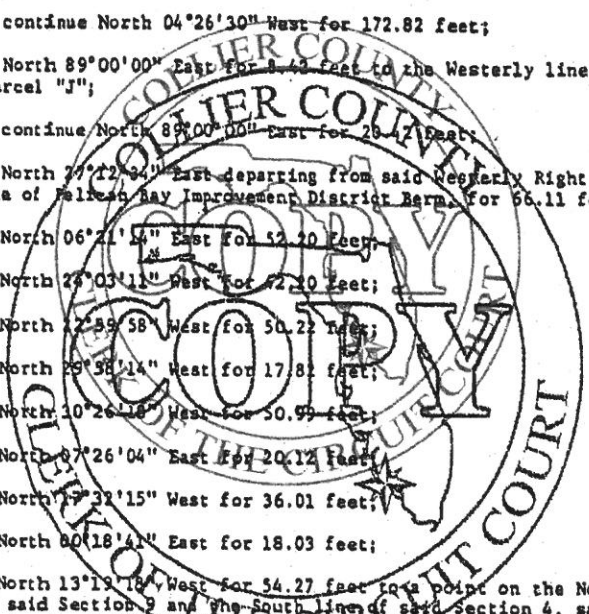
thence North 58°22'44" West for 23.71 feet;

thence North 39°04'28" West for 41.21 feet to a point on the North line of said Parcel "J";

thence North 01°00'00" West for 22.00 feet;

thence North 68°26'39" East for 51.26 feet;

thence North 87°09'10" East for 30.00 feet;



thence North 23°18'11" West for 49.34 feet to the Westerly Right of Way line of the Pelican Bay Improvement District Drainage Easement and Westerly Burn Right of Way line;

thence North 66°30'00" West along said Westerly Right of Way line for 155.00 feet;

thence North 21°53'01" West for 565.12 feet to a point of curvature of a circular curve concave to the Northeast;

thence Northwesterly along the arc of said curve having for its elements a radius of 84.00 feet and a central angle of 16°34'21" for 24.30 feet to a point of tangency;

thence North 05°18'40" West for 742.03 feet to a point of curvature of a circular curve concave to the Southeast;

thence Northwesterly, Northerly and Northeasterly along the arc of said curve having for its elements a radius of 84.00 feet and a central angle of 51°23'43" for 75.35 feet to a point of tangency;

thence North 46°05'03" East for 381.36 feet to a point of curvature of a circular curve concave to the Northwest;

thence Northeasterly along the arc of said curve having for its elements a radius of 26.00 feet and a central angle of 36°05'23" for 16.38 feet to a point of tangency;

thence North 09°58'40" East for 276.13 feet to a point of curvature of a circular curve concave to the West;

thence Northeasterly, Northerly and Northwesterly along the arc of said curve having for its elements a radius of 26.00 feet and a central angle of 48°14'26" for 21.89 feet to a point of tangency;

thence North 38°14'46" West for 236.10 feet to a point of curvature of a circular curve concave to the Northeast;

thence Northwesterly along said curve having for its elements a radius of 84.00 feet and a central angle of 10°37'41" for 15.46 feet to a point of tangency;

thence North 55°42'05" West for 390.38 feet to a point of curvature of a circular curve concave to the Northeast;

thence Northwesterly along the arc of said curve having for its elements a radius of 84.00 feet and a central angle of 18°39'37" for 27.36 feet to a point of tangency;

thence North 09°02'28" West for 182.37 feet to a point of curvature of a circular curve concave to the Southwest;

thence Northwesterly along the arc of said curve having for its elements a radius of 26.00 feet and a central angle of 24°06'36" for 10.94 feet to a point of tangency;

thence North 33°09'04" West for 182.37 feet to a point of curvature of a circular curve concave to the Northeast;

thence Northwesterly along the arc of said curve having for its elements a radius of 84.00 feet and a central angle of 18°39'37" for 27.36 feet to a point of tangency;

thence North 14°29'27" West for 682.62 feet to a point of curvature of a circular curve concave to the East;

thence Northwesterly, Northerly and Northeasterly along the arc of said curve having for its elements a radius of 84.00 feet and a central angle of 32°30'40" for 47.66 feet to a point of tangency;

thence North 18°01'13" East for 470.18 feet to a point of curvature of a circular curve concave to the Northwest;

thence Northeasterly along the arc of said curve having for its elements a radius of 26.00 feet and a central angle of 15°55'10" for 7.22 feet to a point of tangency;

thence North 02°06'03" East for 386.95 feet to a point of curvature of a circular curve concave to the Southwest;

thence Northerly and Northwesterly along the arc of said curve having for its elements a radius of 26.00 feet and a central angle of 17°42'17" for 8.03 feet to a point of tangency;

thence North 15°36'14" West for 861.84 feet to a point of curvature of a circular curve concave to the East;

thence Northwesterly, Northerly and Northeasterly along the arc of said curve having for its elements a radius of 84.00 feet and a central angle of 59°42'48" for 87.54 feet to a point of tangency;

thence North 44°06'34" East for 570.22 feet;

thence North 34°37'58" East for 208.33 feet;

thence South 59°08'36" West departing from said Westerly Right of Way line of Pelican Bay Improvement District Drainage Easement and Westerly Berm Right of Way line for 60.31 feet;

thence North 74°12'78" West for 78.85 feet;

thence South 58°20'87" West for 9.43 feet;

thence South 60°15'45" West for 26.12 feet;

thence South 57°30'16" West for 122.63 feet;

thence North 18°36'55" West for 155.08 feet;

thence North 30°46'40" West for 201.10 feet to a point on the North line of said Section 4 and the South line of said Section 33, said point being North 89°38'59" West, a distance of 2001.56 feet from the Northeast corner of the Northwest quarter (NW 1/4) of said Section 33;

thence continue North 30°46'40" West for 11.41 feet;

thence North 44°50'00" West for 308.54 feet;

thence North 30°59'06" West for 83.42 feet;

thence North 13°18'33" East for 76.38 feet;

thence North 18°30'20" West for 99.66 feet;

thence North 07°05'30" West for 98.09 feet;

thence North 30°00'16" West for 115.45 feet;

thence North 14°42'15" West for 149.93 feet;

thence North 02°46'45" East for 295.31 feet;

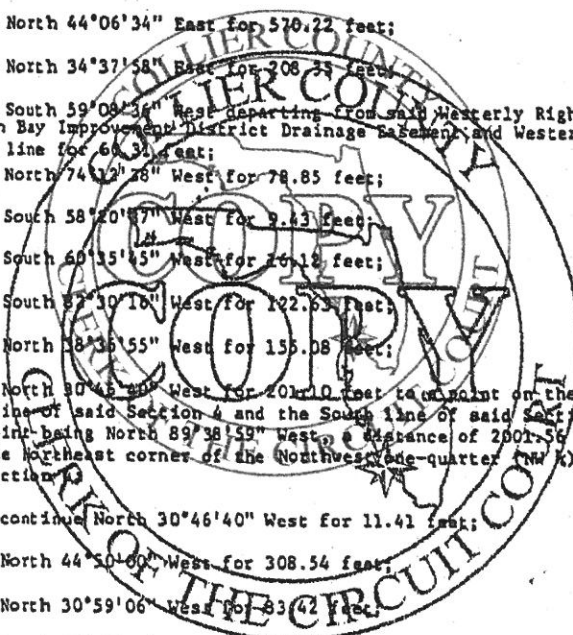
thence North 31°10'34" East for 92.72 feet;

thence North 31°35'43" West for 73.96 feet;

thence North 31°30'23" West for 104.57 feet;

thence North 47°57'00" West for 192.11 feet;

thence North 87°00'17" West for 83.56 feet;



thence North 79°40'18" West for 11.78 feet to a point on the West line of said Section 33 and the East line of said Section 32, said point being North 00°38'30" West, a distance of 1469.07 feet from the Southwest corner of said Section 33;

thence continue North 79°40'18" West for 109.00 feet;

thence North 28°54'44" West for 79.09 feet;

thence North 77°24'35" West for 203.70 feet;

thence North 06°13'11" West for 68.01 feet;

thence North 76°27'12" West for 42.73 feet;

thence North 04°44'27" East for 146.15 feet;

thence North 43°32'29" West for 306.13 feet;

thence North 03°15'19" East for 277.93 feet;

thence North 52°19'45" West for 268.96 feet;

thence South 89°36'46" West for 43.64 feet;

thence South 76°21'28" West for 289.33 feet;

thence South 62°19'38" West for 46.14 feet;

thence South 44°05'25" West for 48.13 feet;

thence South 36°59'18" West for 48.46 feet;

thence South 77°47'58" West for 37.86 feet;

thence North 89°43'03" West for 49.04 feet;

thence North 36°32'42" West for 25.00 feet;

thence North 32°28'16" East for 52.15 feet;

thence North 40°21'52" East for 52.50 feet;

thence North 17°47'36" East for 33.75 feet;

thence South 83°27'15" West for 239.59 feet;

thence North 86°29'29" West for 124.10 feet;

thence South 15°50'56" West for 60.52 feet;

thence South 26°31'12" East for 219.80 feet;

thence South 60°17'38" East for 56.84 feet;

thence North 64°47'43" East for 55.70 feet;

thence South 76°33'48" East for 35.51 feet;

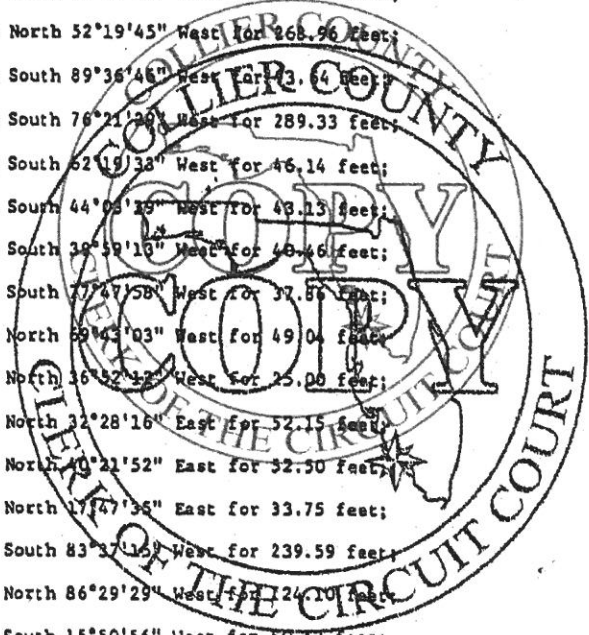
thence North 63°46'51" East for 67.87 feet;

thence South 45°41'37" East for 55.60 feet;

thence South 03°27'57" East for 124.24 feet;

thence South 28°52'07" East for 322.63 feet;

thence South 42°36'04" East for 127.14 feet;



thence South 41°33'19" East for 274.85 feet;
 thence South 22°19'46" East for 173.70 feet;
 thence South 03°06'14" East for 350.19 feet;
 thence South 03°52'54" East for 438.72 feet;
 thence South 44°20'30" West for 234.63 feet;
 thence South 11°20'07" West for 192.68 feet;
 thence South 05°53'08" West for 95.14 feet;
 thence South 10°58'01" East for 76.35 feet;

thence South 01°42'43" West for 0.29 feet to a point on the South line of said Section 32 and the North line of said Section 5, said point being North 89°38'59" West, a distance of 999.11 feet from the Southeast corner of said Section 32;

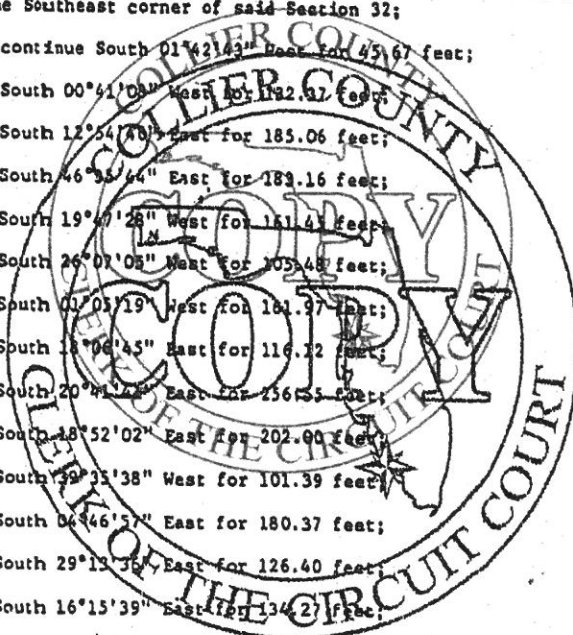
thence continue South 01°42'43" West for 454.67 feet;
 thence South 00°41'08" West for 192.02 feet;
 thence South 12°54'40" East for 183.06 feet;
 thence South 46°35'44" East for 183.16 feet;
 thence South 19°40'28" West for 161.41 feet;
 thence South 26°07'08" West for 105.48 feet;
 thence South 01°03'19" West for 181.97 feet;
 thence South 11°06'45" East for 116.12 feet;
 thence South 20°41'42" East for 256.55 feet;
 thence South 18°52'02" East for 202.00 feet;
 thence South 32°35'38" West for 101.39 feet;
 thence South 06°46'57" East for 180.37 feet;
 thence South 29°13'36" East for 126.40 feet;
 thence South 16°15'39" East for 134.27 feet;
 thence South 53°05'55" West for 37.11 feet;
 thence South 34°12'40" West for 43.18 feet;
 thence South 06°05'03" West for 31.85 feet;

thence North 90°00'00" West for approximately 440 feet to the Mean High Water Line of the Gulf of Mexico;

thence proceed Southerly for approximately 4543 feet along said Water Line to the South line of said Section 5 and the North line of said Section 8;

thence continue along said Water Line for approximately 5262 feet to the South line of said Section 8;

thence North 89°30'59" East along said South line of Section 8 for approximately 287 feet to the Southeast corner of said Section 8 and the Southwest corner of said Section 9;



thence North 89°30'59" East along the South line of said Section 9 for 1178.47 feet to the Point of Beginning.

LESS and except therefrom a parcel of land located in said Section 5, Township 49 South, Range 25 East, described as follows:

Commencing at the Northeast corner of the Northwest one-quarter (NW 1/4) of said Section 4, Township 49 South, Range 25 East;

thence North 89°38'59" West, along the North line of said Section 4, a distance of 2642.02 feet to the Northwest corner of said Section 4 and the Northeast corner of said Section 5;

thence continue North 89°38'59" West, along the North line of said Section 5, a distance of 1283.47 feet to the intersection with the Florida Department of Natural Resources Coastal Construction Control Line, as recorded in COASTAL SET BACK BOOK 1, Pages 13-25;

thence Southerly along said Coastal Construction Control Line the following courses:

South 11°23'55.5" East a distance of 142.75 feet to a point on the Coastal Construction Control Line, said point being South 38°49'24.3" East, a distance of 322.15 feet from P.R.M. 64-78-A-07;

thence South 10°59'14.0" East, a distance of 1027.12 feet;

thence South 08°23'14.6" East, a distance of 1000.78 feet to a point, said point being South 88°54'27" East, a distance of 68.13 feet from Permanent Reference Monument 1-35;

thence South 08°09'45" East a distance of 419.48 feet to the Point of Beginning of the parcel described herein;

thence continue South 08°09'45" East along said Control Line for 562.00 feet;

thence leaving said Coastal Construction Control Line, proceed due West for approximately 228 feet to the Mean High Water Line of The Gulf of Mexico;

thence proceed Northerly along said Mean High Water Line for approximately 562 feet;

thence proceed due East for approximately 215 feet to the Point of Beginning on said Coastal Construction Control Line.

ALSO LESS a strip of land located in said Sections 4 and 5, Township 49 South, Range 25 East, Collier County, Florida, described as follows:

Commencing at the Northeast corner of the Northwest one-quarter (NW 1/4) of said Section 4, Township 49 South, Range 25 East;

thence North 89°38'59" West, along the North line of said Section 4, a distance of 2642.02 feet to the Northwest corner of said Section 4 and the Northeast corner of said Section 5;

thence continue North 89°38'59" West, along the North line of said Section 5, a distance of 1283.47 feet to the intersection with the Florida Department of Natural Resources Coastal Construction Control Line, as recorded in COASTAL SET BACK BOOK 1, Pages 13-25;

thence Southerly along said Coastal Construction Control Line the following courses:

South 11°23'55.5" East a distance of 142.75 feet to a point on the Coastal Construction Control Line, said point being South 38°49'24.3" East, a distance of 322.15 feet from P.R.M. 64-78-A-07;

thence South 10°39'14.0" East, a distance of 1027.72 feet;

thence South 08°23'14.6" East, a distance of 1007.78 feet to a point, said point being South 86°54'27" East, a distance of 68.13 feet from Permanent Reference Monument R-35;

thence South 08°09'45" East a distance of 649.83 feet to the Point of Beginning of said strip, said strip being 20 feet wide, the North boundary being 15 feet North of and parallel with the following described line and the South boundary being 5 feet South of and parallel with the same described line;

thence North 67°52'56" East a distance of 9.61 feet;

thence North 59°19'05" East a distance of 9.10 feet;

thence North 54°46'05" East a distance of 8.25 feet;

thence North 57°29'39" East a distance of 15.30 feet;

thence North 68°48'15" East a distance of 14.00 feet;

thence North 75°21'20" East a distance of 34.94 feet;

thence South 71°38'07" East a distance of 52.64 feet;

thence South 71°22'06" East a distance of 40.00 feet;

thence South 72°17'11" East a distance of 30.02 feet;

thence South 75°08'47" East a distance of 12.74 feet;

thence South 71°27'58" East a distance of 33.00 feet;

thence South 63°13'19" East a distance of 14.14 feet;

thence South 73°20'24" East a distance of 28.98 feet;

thence South 73°34'21" East a distance of 28.89 feet;

thence South 70°27'32" East a distance of 17.03 feet;

thence South 70°36'58" East a distance of 17.86 feet;

thence South 77°29'09" East a distance of 11.83 feet;

thence South 79°41'05" East a distance of 55.01 feet;

thence North 83°31'57" East a distance of 28.67 feet;

thence North 87°41'02" East a distance of 27.00 feet;

thence South 87°15'41" East a distance of 14.08 feet;

thence South 88°30'57" East a distance of 11.80 feet;

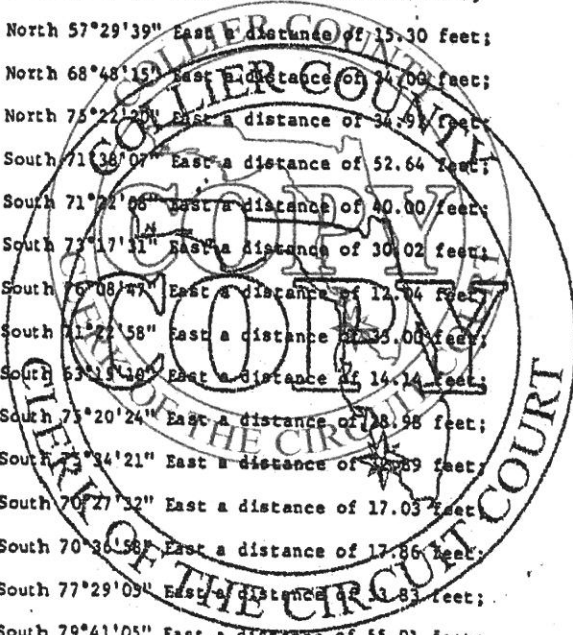
thence North 77°53'39" East a distance of 11.00 feet;

thence North 74°19'04" East a distance of 16.03 feet;

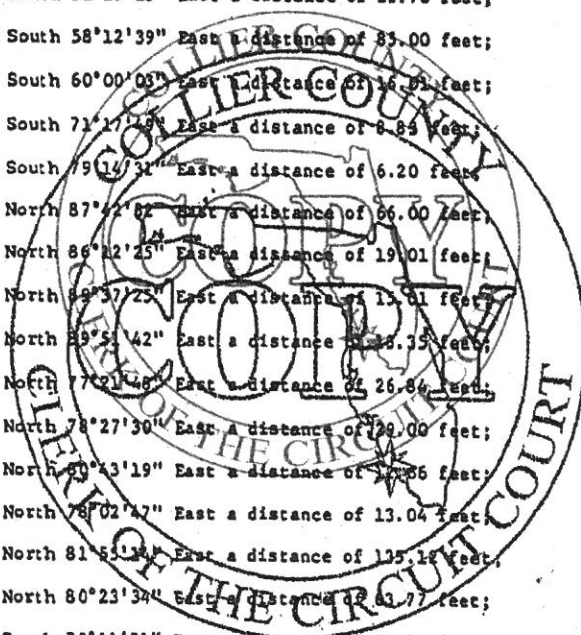
thence North 71°11'04" East a distance of 17.12 feet;

thence North 80°22'03" East a distance of 11.59 feet;

thence South 81°50'48" East a distance of 10.59 feet;



thence South 65°15'02" East a distance of 17.12 feet;
thence South 47°13'51" East a distance of 10.20 feet;
thence South 46°58'51" East a distance of 22.46 feet;
thence South 62°26'29" East a distance of 22.05 feet;
thence South 44°30'17" East a distance of 8.25 feet;
thence South 62°00'23" East a distance of 8.27 feet;
thence South 33°57'56" East a distance of 18.58 feet;
thence South 36°43'09" East a distance of 23.00 feet;
thence South 51°15'54" East a distance of 13.94 feet;
thence South 51°19'25" East a distance of 22.70 feet;
thence South 58°12'39" East a distance of 85.00 feet;
thence South 60°00'05" East a distance of 16.81 feet;
thence South 71°17'49" East a distance of 8.89 feet;
thence South 79°14'31" East a distance of 6.20 feet;
thence North 87°42'02" East a distance of 66.00 feet;
thence North 86°42'25" East a distance of 19.01 feet;
thence North 89°37'25" East a distance of 15.61 feet;
thence North 89°51'42" East a distance of 28.75 feet;
thence North 77°21'46" East a distance of 26.86 feet;
thence North 78°27'30" East a distance of 29.00 feet;
thence North 80°43'19" East a distance of 17.86 feet;
thence North 78°02'17" East a distance of 13.04 feet;
thence North 81°53'34" East a distance of 135.18 feet;
thence North 80°23'34" East a distance of 61.77 feet;
thence South 79°11'21" East a distance of 51.89 feet;
thence South 69°42'39" East a distance of 38.90 feet;
thence South 54°11'46" East a distance of 35.36 feet;
thence South 38°27'18" East a distance of 12.88 feet;
thence South 35°28'42" East a distance of 25.03 feet;
thence South 37°59'48" East a distance of 25.00 feet;
thence South 36°37'20" East a distance of 25.01 feet;
thence South 43°42'38" East a distance of 25.11 feet;
thence North 89°04'21" East a distance of 29.90 feet;
thence North 86°20'16" East a distance of 25.02 feet;



thence North 83°39'24" East a distance of 37.00 feet;

thence North 71°16'53" East a distance of 13.34 feet;

thence North 49°15'18" East a distance of 40.10 feet;

thence North 37°46'33" East a distance of 36.93 feet to the Pelican Bay Improvement District Drainage Easement Line as recorded in Official Records Book 790, Page 1814 of the Public Records of said Collier County.

The described strip is bounded on the West by the Coastal Construction Control Line and on the East by the Pelican Bay Improvement District Drainage Easement Line having a bearing of North 14°29'27" West.

ALSO LESS a parcel of land in part of Section 8, Township 49 South, Range 25 East, Collier County, Florida described as follows:

Commencing at the Northwest corner of Parcel "D", PELICAN BAY UNIT ONE according to the plat thereof as recorded in Plat Book 12, Pages 47 through 52, Collier County Public Records, Collier County, Florida

thence South 01°39'00" East along the Westerly line of said Parcel "D", a distance of 167.00 feet;

thence South 77°43'16" West 186.52 feet to a point on the Florida Department of Natural Resources Coastal Construction Control Line and the Point of Beginning of the parcel herein described;

thence along said Control Line South 04°11'45" East 128.31 feet;

thence continue along said Control Line South 05°52'49.9" East 425 feet more or less to the Mean High Water Line of Clam Pass;

thence Northwesterly along the Mean High Water Line of said Clam Pass and Northwesterly along the Mean High Water Line of the Gulf of Mexico, 1150 feet more or less to a point which lies on a line that bears South 89°25'00" West from the Point of Beginning;

thence North 89°26'00" East along said line a distance of 181 feet more or less to the Point of Beginning.

ALSO LESS a strip of land in part of Section 8 and Section 9, Township 49 South, Range 25 East, Collier County, Florida and in part of Parcel "D" of PELICAN BAY UNIT ONE according to the plat thereof as recorded in Plat Book 12, Pages 47 through 52, Collier County Public Records, Collier County, Florida, described as follows:

Commencing at the Northwest corner of said Parcel "D", PELICAN BAY UNIT ONE;

thence along the Westerly line of said Parcel "D", South 01°39'00" East 167.00 feet;

thence continue along said Westerly line South 38°56'00" West 309.00 feet;

thence continue along said Westerly line South 04°22'00" West 234.00 feet;

thence continue along said Westerly line South 16°42'35" East 14.87 feet to the Point of Beginning of the strip of land herein described;

thence North 76°06'36" East 36.49 feet to the Westerly line of Pelican Bay Improvement District Dentention Area III Drainage Easement and the Berm Westerly Right of Way line;

thence Southwesterly 16.77 feet along said Westerly line and along the arc of a non-tangential circular curve concave to the East, having a radius of 84.00 feet and subtended by a chord which bears South 03°10'00" West 16.74 feet;

thence South 76°06'36" West 91.06 feet

thence South 73°07'17" West 109.86 feet;

thence South 55°08'05" West 31.35 feet;

thence South 66°30'56" West 17.40 feet;

thence South 76°45'29" West 59.11 feet;

thence South 83°54'09" West 22.37 feet to a point on a curve;

thence Westerly 41.53 feet along the arc of a non-tangential circular curve concave to the South having a radius of 88.00 feet and subtended by a chord which bears South 82°18'43" West 41.25 feet to a point of tangency;

thence South 78°47'31" West 49.64 feet;

thence South 69°28'47" West 25.70 feet;

thence South 20°31'18" West 5.00 feet;

thence South 69°28'47" West 25.70 feet;

thence North 20°31'13" West 5.00 feet;

thence South 69°28'47" West 12.28 feet;

thence South 75°06'25" West 16.49 feet;

thence South 80°46'41" West 17.27 feet to a point on a curve;

thence Westerly 168.55 feet along the arc of a non-tangential circular curve concave to the South having a radius of 109.01 feet and subtended by a chord which bears North 86°51'19" West 168.15 feet to a point of tangency;

thence South 86°20'04" West 53.00 feet

thence South 03°39'56" East 5.00 feet;

thence South 86°20'04" West 53.00 feet;

thence North 03°39'56" West 5.00 feet;

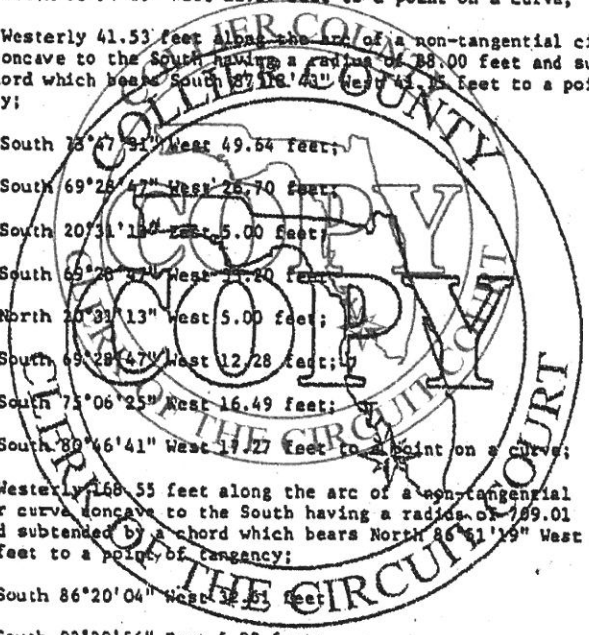
thence South 86°20'04" West 12.23 feet;

thence North 89°38'44" West 281.97 feet to a point of curvature;

thence Southwesterly 47.28 feet along the arc of a circular curve concave to the Southeast, having a radius of 37.70 feet and subtended by a chord which bears South 54°25'40" West 44.24 feet to a point of tangency;

thence South 18°30'03" West 15.16 feet to a point of curvature;

thence Southwesterly 77.55 feet along the arc of a circular curve concave to the Northwest, having a radius of 68.00 feet and subtended by a chord which bears South 51°10'14" West 73.41 feet to a point of tangency;



thence South 83°50'25" West 18.22 feet;

thence South 06°09'35" East 5.00 feet;

thence South 83°50'25" West 53.00 feet;

thence North 06°09'35" West 5.00 feet;

thence South 83°50'25" West 27.39 feet;

thence North 87°12'53" West 29.44 feet;

thence South 85°20'36" West 13.21 feet;

thence South 68°50'49" West 32.24 feet to a point of curvature;

thence Westerly 42.58 feet along the arc of a circular curve concave to the North, having a radius of 80.23 feet and subtended by a chord which bears South 84°03'03" West 42.08 feet to a point of tangency;

thence North 80°44'44" West 23.00 feet to a point of curvature;

thence Southwesterly 51.12 feet along the arc of a circular curve concave to the South, having a radius of 60.72 feet and subtended by a chord which bears South 75°08'16" West 45.51 feet to a point of tangency;

thence South 51°01'16" West 15.85 feet to a point of curvature;

thence Westerly 140.23 feet along the arc of a circular curve concave to the North, having a radius of 138.92 feet and subtended by a chord which bears South 79°56'21" West 134.35 feet to a point on said curve;

thence South 12°17'44" West 6.05 feet;

thence North 87°42'16" West 26.85 feet to the Florida Department of Natural Resources Coastal Construction Control Line;

thence along said line North 04°11'15.7" West 32.34 feet;

thence South 79°42'16" East 46.08 feet;

thence South 32°17'44" West 3.44 feet to a point on a curve;

thence Easterly 120.44 feet along the arc of a 90° tangential circular curve concave to the North, having a radius of 122.92 feet and subtended by a chord which bears North 79°02'41" East 115.51 feet to a point of tangency;

thence North 51°01'16" East 15.85 feet to a point of curvature;

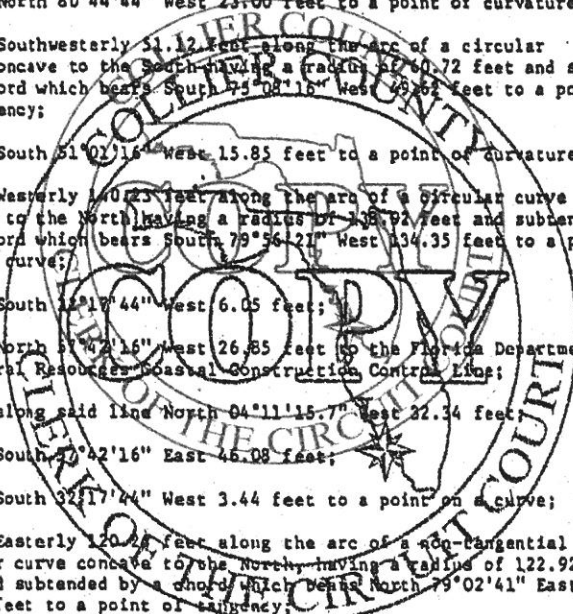
thence Northeasterly 64.59 feet along the arc of a circular curve concave to the South, having a radius of 76.72 feet and subtended by a chord which bears North 75°08'16" East 62.70 feet to a point of tangency;

thence South 80°44'44" East 23.00 feet to a point of curvature;

thence Easterly 34.09 feet along the arc of a circular curve concave to the North, having a radius of 64.23 feet and subtended by a chord which bears North 84°03'03" East 33.69 feet to a point of tangency;

thence North 68°50'49" East 34.56 feet;

thence North 85°20'36" East 16.57 feet;



thence South 87°12'53" East 29.23 feet;

thence North 83°50'25" East 97.35 feet to a point of curvature;

thence Northeasterly 59.30 feet along the arc of a circular curve concave to the Northwest, having a radius of 52.00 feet and subtended by a chord which bears North 51°10'14" East 56.14 feet to a point of tangency;

thence North 18°30'03" East 15.16 feet to a point of curvature;

thence Northeasterly 67.34 feet along the arc of a circular curve concave to the Southeast, having a radius of 53.70 feet and subtended by a chord which bears North 54°25'40" East 63.02 feet to a point of tangency;

thence South 89°38'44" East 281.41 feet;

thence North 86°20'04" East 11.67 feet;

thence North 03°39'56" West 5.00 feet;

thence North 86°20'04" East 11.67 feet;

thence South 03°39'56" East 5.00 feet;

thence North 86°20'04" East 32.61 feet to a point of curvature;

thence Easterly 169.64 feet along the arc of a circular curve concave to the South, having a radius of 725.81 feet and subtended by a chord which bears South 81°57'41" East 169.45 feet to a point on said curve;

thence North 80°46'04" East 11.79 feet;

thence North 85°06'25" East 14.91 feet;

thence North 89°28'47" East 91.99 feet;

thence North 73°47'31" East 50.24 feet to a point of curvature;

thence Easterly 46.60 feet along the arc of a circular curve concave to the South having a radius of 104.00 feet and subtended by a chord which bears North 86°37'45" East 46.22 feet to a point on said curve;

thence North 83°54'09" East 19.09 feet;

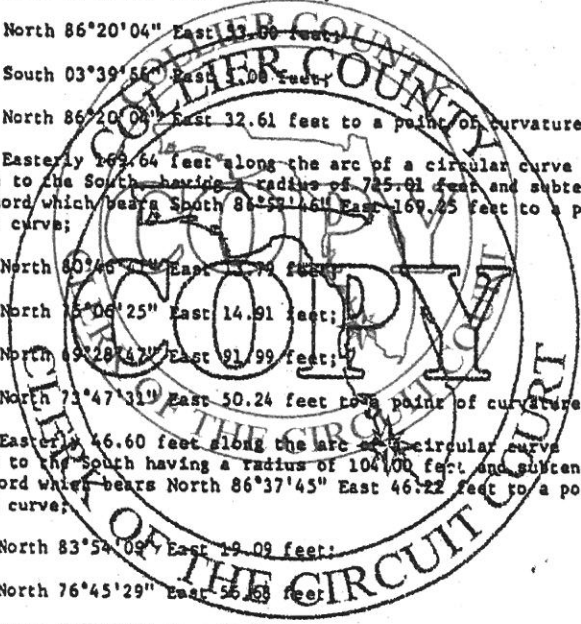
thence North 76°45'29" East 56.68 feet;

thence North 66°30'56" East 14.37 feet;

thence North 55°08'05" East 32.29 feet;

thence North 73°07'17" East 112.81 feet;

thence North 76°06'36" East 59.90 feet to the point of beginning of the strip of land herein described.



ALSO LESS all that part of Sections 8 & 9, Township 49 South, Range 25 East, Collier County, Florida, lying South of Clam Pass, West of Outer Clam Bay and East of the Gulf of Mexico; Mean High Water Elevation 1.1 feet;

Bearings shown herein are based on the STATE PLANE COORDINATES established by the N.G.S. for FLORIDA-EAST ZONE.

Said land situate, lying and being in Collier County, Florida.