

This instrument was prepared by:  
Vivien N. Hastings, Esq.  
801 Laurel Oak Drive, #500  
Naples, Florida 33963

RECORD VERIFIED - CHARLIE GREEN, CLERK  
BY, J. TURNER, D.C.

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THIRTY-SEVENTH SUPPLEMENT  
TO THE  
DECLARATION AND GENERAL PROTECTIVE COVENANTS  
FOR  
PELICAN LANDING  
(Island Beach Park)

THIS SUPPLEMENT is made this 18 day of July, 1995, by PELICAN LANDING COMMUNITIES, INC., formerly Westinghouse Bayside Communities, Inc., a Florida corporation, which was Declarant of that particular AMENDED AND RESTATED DECLARATION AND GENERAL PROTECTIVE COVENANTS FOR PELICAN LANDING and is hereinafter referred to as DECLARANT, joined by PELICAN LANDING COMMUNITY ASSOCIATION, INC., a Florida not for profit corporation ("Association").

DR2619 PG0159

WITNESSETH:

WHEREAS, DECLARANT has recorded the Amended and Restated Declaration and General Protective Covenants for Pelican Landing at Official Records Book 2198, Pages 1873 through 2026, inclusive, of the Public Records of Lee County, Florida, as amended (hereinafter referred to as DECLARATION); and

WHEREAS, Article VIII, Section 1, of the DECLARATION provides that Declarant shall have the unilateral right, privilege and option, from time to time at any time until all property described therein has been subjected to the DECLARATION or December 31, 2020, whichever is earlier, to subject to the provisions of the DECLARATION and the jurisdiction of the Association any portion of real property by filing in the Public Records of Lee County, Florida, a Supplemental Declaration annexing such property; and

WHEREAS, in accordance with the terms of the DECLARATION, DECLARANT and Association desire to subject all of the real property described in Exhibit "A" attached hereto to the DECLARATION for those reasons set forth in the preamble to the DECLARATION; and

WHEREAS, in accordance with the terms of the DECLARATION, DECLARANT and Association desire to designate the real property described in Exhibit "A" attached hereto as "General Common Area" as said term is defined in the DECLARATION.

NOW, THEREFORE, in accordance with the terms of the DECLARATION, DECLARANT hereby subjects the real property described in Exhibit "A" attached hereto to the DECLARATION and to the jurisdiction of the Pelican Landing Community Association, Inc.,

and further, designates said real property as "General Common Area" as said term is defined in the DECLARATION.

IN WITNESS WHEREOF, PELICAN LANDING COMMUNITIES, INC., a Florida corporation, joined by PELICAN LANDING COMMUNITY ASSOCIATION, INC., a Florida not for profit corporation, do hereby execute this THIRTY-SEVENTH SUPPLEMENT TO THE DECLARATION AND GENERAL AND PROTECTIVE COVENANTS FOR PELICAN LANDING (Island Beach Park), in their names by their undersigned, authorized officers and affix their corporate seals hereto, this 18 day of July, 1995, at Bonita Springs, Florida.

WITNESSES:

PELICAN LANDING COMMUNITIES, INC.,

Robin Martin  
Name: Robin Martin

Connie Erickson  
Name: CONNIE ERICKSON

BY: Jerry H. Schmoyer  
Jerry H. Schmoyer, Executive Vice President

Joined by:

PELICAN LANDING COMMUNITY ASSOCIATION, INC.,

Robin Martin  
Name: Robin Martin

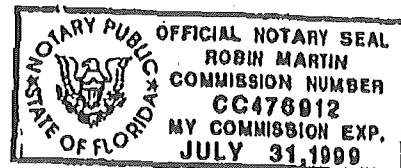
Connie Erickson  
Name: CONNIE ERICKSON

BY: Douglas L. Schwartz  
Douglas L. Schwartz, President

STATE OF FLORIDA )  
COUNTY OF LEE )

The foregoing instrument was acknowledged before me this 18 day of July, 1995, by Jerry H. Schmoyer, Executive Vice President, of PELICAN LANDING COMMUNITIES, INC., a Florida corporation, and Douglas L. Schwartz, President of PELICAN LANDING COMMUNITY ASSOCIATION, INC., a Florida not for profit corporation, on behalf of the corporations. They are personally known to me.

Robin Martin  
Notary Public  
My Commission Expires:



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From the intersection of the North line of Section 24-47-24 and the centerline of State Road #865, run South 20°24'30" East along the center line of said S.R. #865, for 1976.01 feet to the centerline of proposed 200 feet wide road right-of-way; thence South 67°00'10" West for 200 feet to the Westerly right-of-way line of S.R. 865 and the point of beginning; thence continue South 67°00'10" West 760 Feet; thence North 72°02'30" West 708.42 feet; thence North 32°06'40" West, 1378.61 feet; thence North 9°44'40" West, 185.26 feet; thence North 80°15'20" East, 50 feet; thence South 9°44'40" East, 164.69 feet; thence South 32°06'40" East, 1261.97 feet; thence South 72°02'30" East, 712.65 feet; thence North 67°00'10" East, 722.66 feet to the Westerly right-of-way line of S.R. #865; thence South 20°24'30" East along said right-of-way line 100 feet to the point of beginning.

AND

From the center of a turnaround on SR 865, a/k/a the Bonita Beach Road, being SRD Station 19+04.75 according to current alignment on record in SRD R/W book at the Lee County courthouse, run N.24°20'41"W.266 feet on the same course as the road centerline extending southerly of said turnaround; thence S.62°26'49"W. 90.4 feet; thence N.27°33'11"W.1063.42 feet; thence N.20°00'41"W.1603.3 feet; N.65°00'E.66.5 feet to a concrete monument; thence N.20°00'41"W. along a line of monuments a distance of 925 feet to a concrete monument and the P.O.B. From the P.O.B. run S.65°00'W. to the waters of the Gulf of Mexico, on this date being about 30 feet distant. Also from the P.O.B., run N.65°00'E. to the tidal waters of an Inlet, passing a concrete monument at 133.5 feet, and meeting the waters of the Inlet at a distance of about 140 feet from the P.O.B. on this date the land conveyed is the peninsula lying northerly of the last described line, and being further delineated by the following described meander line: FROM the P.O.B. run N.19°43'E. 990.50; N. 74°37'E. 414.04 feet; S.57°32' E. 130.30 feet; S.66°40'W. 410.86 feet; S.31°41'W.475.94 feet; S.14°26"W. 365.10 feet to the concrete monument mentioned above; thence along a line marking the southerly boundary of this tract S.65°00'W. 133.5 feet to the Point of Beginning. With full reparian rights, including any changes from avulsion, erosion, or accretion. BEING Lots 11 thru 23 inclusive, and the northerly 75 feet of Lot 10 of an unrecorded plat of Big Hickory Island, lying in G.L. 2, Section 24, Township 47S. Range 24 East, Lee County, Florida.

OR2619 PG0161

Exhibit "A-1"

Commence at station 19 plus 84.75 of State Road 8-865, which point is the center of a circular turnaround at the Northern end of Donita Beach Road, also known as the Big Hickory Road 8-263; thence along an extension of the center line of said State Road 8-865, North  $24^{\circ}28'41''$  West 266 feet more or less to a survey point; thence South  $62^{\circ}26'49''$  West 98.4 feet; thence North  $27^{\circ}33'11''$  West 1863.42 feet to a mangrove post; thence North  $20^{\circ}00'41''$  West a distance of 1603.3 feet to a point which is the point of beginning of the lands herein described; thence run North  $65^{\circ}$  East to the waters of the bay; thence run South-erly along the meander line of the bay 200 feet to a point of intersection with a line parallel to the last described line and separated therefrom by a perpendicular distance of 200 feet; thence along said parallel line to the waters of the Gulf of Mexico; thence Northerly and Westerly along the waters of the Gulf of Mexico 200 feet more or less to a point of intersection with a Southerly and Westerly prolongation of the Northwesterly boundary line described above; thence along said line 30 feet more or less to the point of beginning (being the same property described in those deeds contained in Deed Book 326 at pages 233 and 235 of the Public Records of Lee County, Florida, the phraseology of the description having been changed for clarity and exactness). Being in Government Lot 2, Section 24, Township 47 South, Range 24 East, Lee County, Florida.  
SUBJECT to taxes for the year 1968, easements, reservations and restrictions of record.

AND

Commencing at GND station 19 plus 84.75, which point is the center of a turnaround at the Northern end of the Donita Beach Road, known also as Hickory Boulevard and State Road 8-865; thence along an extension of the centerline of said SR 8-865, North  $24^{\circ}28'41''$  West 266 feet more or less to a survey point; thence South  $62^{\circ}26'49''$  West 98.4 feet; thence North  $27^{\circ}33'11''$  West 1863.42 feet to a mangrove post; thence North  $20^{\circ}00'41''$  West 2203.3 feet; thence North  $65^{\circ}$  East 200 feet to the West right-of-way line of a proposed road and the point of beginning of this tract; thence North  $20^{\circ}00'41''$  West 100 feet along the right-of-way line of said proposed road; thence South  $65^{\circ}$  West 240 feet more or less to the waters of the Gulf of Mexico; thence southeasterly along the shore of the Gulf of Mexico 100 feet more or less to a point which is South  $65^{\circ}$  West of the point of beginning; thence North  $65^{\circ}$  East 40 feet more or less to the point of beginning. Said tract being in Government Lot 2, Section 24, Township 47 South, Range 24 East, Lee County, Florida.

SUBJECT TO TAXES for the year 1968, easements, reservations and restrictions of record.

Exhibit "A-2"

DR2619 PG0162

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That portion of Big Hickory Island lying in Government Lot 3, Section 13, Township 47 South, Range 24 East, and in Government Lot 2, Section 24, Township 47 South, Range 24 East, Lee County, Florida, as follows: Commencing at the location shown for an iron pin located at the high water mark at the Northernmost end of Big Hickory Island on a survey dated March 28, 1968 and revised April 22, 1968 by Amey, Inc. Engineering under their #3855, as a point of beginning; South 250 East for a distance of 1100 feet to a point, erect perpendiculars at both points, the land herein conveyed being that lying between these perpendiculars and bounded on the Westerly side by the waters of the GULF of Mexico, on the Northerly side by the waters of New Pass and on the Easterly side by the waters of a shallow bay or bayou; LESS AND EXCEPT: That portion of land heretofore conveyed by Deed recorded in Official Record Book 24 at Page 466, Public Records of Lee County, Florida, and land heretofore conveyed by Deed recorded in Official Record Book 96 at Page 411, Public Records of Lee County, Florida.

DR2619 PG0163

AND

The North one-half (N1/2) of the following described property:

From the center of Turnaround (Sta. 19184.75 S.R. No. 865) run North 24° 28' 41" West for 266 feet more or less; thence South 62° 26' 49" West 98.4 feet; thence North 27° 33' 11" West, 1863.42 feet; thence North 20° 00' 41" West 1066 feet to the point of beginning of the lands herein described; thence continue along said course a distance of 337.3 feet; thence North 65° 00' East 535 feet more or less, to the Westerly line of the County Parkway; thence Southerly along the Westerly boundary of the County Parkway to a point 535 feet more or less Northwesterly from the point of beginning and measured at an angle of North 65° 00' East of such point of beginning; thence Westerly to the point of beginning. Together with all riparian rights thereunto belonging or otherwise appertaining. Said land lying and being in Government Lot 5 and 2, Section 24, Township 47 South, Range 24 East, Lee County, Florida.

Exhibit "A-3"