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**INSTR # 5221654**  
**OR BK 03475 PG 1742**

This instrument prepared by:  
Vivien N. Hastings, Esquire  
24301 Walden Center Drive  
Bonita Springs, FL 34134

RECORDED 08/28/01 01:00 PM  
CHARLIE GREEN CLERK OF COURT  
LEE COUNTY  
RECORDING FEE 15.00  
DEPUTY CLERK B Cruz

SEVENTY-FOURTH SUPPLEMENT  
TO THE  
AMENDED AND RESTATED DECLARATION  
AND GENERAL PROTECTIVE COVENANTS  
FOR  
PELICAN LANDING  
(Palermo)

THIS SUPPLEMENT is made this 23 day of August, 2001, by WCI COMMUNITIES INC. a Delaware corporation, successor by merger of WCI Communities Limited Partnership, successor by merger of Pelican Landing Communities, 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.

WITNESSETH:

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

WHEREAS, all terms used herein shall have the same meaning as given in the above-described DECLARATION; and

WHEREAS, the DECLARATION provides in Article VIII, Section 1, thereof that "Declarant shall have the unilateral right, privilege and option, from time to time at any time until all property described on Exhibit "A" has been subjected to this DECLARATION or December 31, 2020, whichever is earlier, to subject to the provisions of this DECLARATION and the jurisdiction of the Association any portion of real property, including without limitation that described in Exhibit "A" attached hereto. Such annexation shall be accomplished by filing in the Public Records of Lee County, Florida a Supplemental Declaration annexing such property"; and

WHEREAS, DECLARANT desires to subject all of the real property described in Exhibit "A" attached hereto and made a part hereof (hereinafter referred to as the "Property") to certain, but not all provisions of the DECLARATION; and

NOW THEREFORE, DECLARANT hereby declares that the Property be held, transferred, sold, conveyed and occupied subject to the provisions of the DECLARATION, excepting therefrom Article XI (Architectural Standards) and Article XII (Use Restrictions), and, in accordance with Article 1, Section 34 of the DECLARATION, hereby assigns one (1) Unit to each condominium unit on the Property for a total of seventy-one (71) Units assigned to the Property.

IN WITNESS WHEREOF, WCI COMMUNITIES INC., a Delaware corporation, does hereby execute this SUPPLEMENT in its name by its undersigned, authorized officers and affixes its corporate seal hereto, this 23 day of August, 2001.

WCI COMMUNITIES INC,  
a Delaware corporation

WITNESSES:

*Laurel Y. Sitterly* By: *Stephen C. Pierce*  
Print Name: LAUREL Y. SITTERLY Stephen C. Pierce  
Vice President

*Melanie Squire*  
Print Name: MELANIE SQUIRE

STATE OF FLORIDA )  
COUNTY OF LEE )

The foregoing instrument was acknowledged before me this 23 day of August, 2001 by Stephen C. Pierce, Vice President of WCI Communities Inc., a Delaware corporation, on behalf of the corporation. He is personally known to me.

*Laurel Y. Sitterly*  
Notary Public  
Print Name: LAUREL Y. SITTERLY  
My Commission expires:



## EXHIBIT "A"

## DESCRIPTION OF THE PALERMO CONDOMINIUM

ALL THAT PART OF THE SOUTH 990 FEET OF GOVERNMENT LOT 2, SECTION 18 AND ALL THAT PART OF THE WEST 2200 FEET OF THE SOUTH 990 FEET OF THE NORTH HALF OF SECTION 17, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 18; THENCE NORTH  $01^{\circ}03'21''$  EAST ALONG THE EAST LINE OF SAID SECTION 18, A DISTANCE OF 289.10 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN BEING DESCRIBED;

SAID POINT OF BEGINNING BEING AN INTERSECTION WITH THE ARC OF A CIRCULAR CURVE CONCAVE NORTHERLY AND WHOSE RADIUS POINT BEARS NORTH  $10^{\circ}03'56''$  EAST 615.88 FEET; THENCE WESTERLY ALONG THE ARC OF SAID CIRCULAR CURVE THROUGH A CENTRAL ANGLE OF  $06^{\circ}40'57''$  AN ARC DISTANCE OF 71.83 FEET TO AN INTERSECTION WITH A NON-TANGENT LINE; THENCE SOUTH  $55^{\circ}54'49''$  WEST ALONG SAID NON-TANGENT LINE A DISTANCE OF 22.37 FEET; THENCE NORTH  $54^{\circ}42'10''$  WEST 36.00 FEET; THENCE NORTH  $63^{\circ}33'21''$  WEST 184.22 FEET; THENCE NORTH  $44^{\circ}46'35''$  WEST 133.91 FEET; THENCE NORTH  $14^{\circ}46'35''$  WEST 209.67 FEET; THENCE NORTH  $53^{\circ}57'48''$  EAST 169.77 FEET; THENCE NORTH  $75^{\circ}56'59''$  EAST 74.32 FEET; THENCE NORTH  $22^{\circ}28'56''$  EAST 13.38 FEET TO AN INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF BAY WINDS DRIVE; THENCE SOUTH  $67^{\circ}33'33''$  EAST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 89.25 FEET TO THE BEGINNING OF A CIRCULAR CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 232.50 FEET; THENCE SOUTHEASTERLY AND SOUTHERLY ALONG THE ARC OF SAID CIRCULAR CURVE THROUGH A CENTRAL ANGLE OF  $68^{\circ}36'54''$  AN ARC DISTANCE OF 278.43 FEET TO A POINT OF TANGENCY; THENCE SOUTH  $01^{\circ}03'21''$  WEST 27.73 FEET TO THE BEGINNING OF A CIRCULAR CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 290.00 FEET; THENCE SOUTHERLY AND SOUTHEASTERLY ALONG THE ARC OF SAID CIRCULAR CURVE THROUGH A CENTRAL ANGLE OF  $53^{\circ}13'42''$  AN ARC DISTANCE OF 269.41 FEET TO AN INTERSECTION WITH A NON-TANGENT LINE; THENCE LEAVING SAID SOUTHERLY RIGHT-OF-WAY LINE SOUTH  $37^{\circ}49'07''$  WEST ALONG SAID NON-TANGENT LINE A DISTANCE OF 36.80 FEET TO A NON-TANGENT INTERSECTION WITH THE ARC OF A CIRCULAR CURVE CONCAVE NORTHERLY AND WHOSE RADIUS POINT BEARS NORTH  $00^{\circ}47'01''$  EAST 615.88 FEET; THENCE WESTERLY ALONG THE ARC OF SAID CIRCULAR CURVE THROUGH A CENTRAL ANGLE OF  $09^{\circ}16'55''$  AN ARC DISTANCE OF 99.77 FEET TO AN INTERSECTION WITH THE EAST LINE OF SAID SECTION 18 AND THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED; CONTAINING 4.04 ACRES OF LAND MORE OR LESS.