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AMENDMENT NO. 1 TO THE
DECLARATION OF COVENANTS, RESTRICTIONS, AND EASEMENTS
FOR LANSING ISLAND SUBDIVISION, PHASE ONE

Lansing Island Development Corp., a Florida corporation, and David T. McWilliams, Trustee (hereinafter referred to as "DEVELOPER"), hereby files this Amendment to the Declaration of Covenants, Restrictions, and Easements for Lansing Island Subdivision, Phase One.

WHEREAS, on July 10, 1989, DEVELOPER caused the Declaration of Covenants, Restrictions, and Easements for Lansing Island Subdivision, Phase One to be filed in Official Record Book 3006, Pages 0034 through 0084 inclusive, of the Public Records of Brevard County, Florida, which said covenants, restrictions, and easements control the use of the described property in said DECLARATION; and

WHEREAS, said DECLARATION, in Article XIII, subject to the provisions of Section 13.5 until December 31, 1999, provides that the covenants restrictions, and easements may be amended from time to time by the DEVELOPER in his sole, but reasonable, discretion and without requiring the joinder or consent of any person or party whomsoever, including the ASSOCIATION or any OWNER or OWNERS; and

WHEREAS, DEVELOPER as present owner of a portion of the subject property desires to amend the DECLARATION for the benefit and welfare of all OWNERS, Lansing Island Homeowners Association, Inc. and St. Johns River Water Management District;

NOW, THEREFORE, DEVELOPER amends the Declaration of Covenants, Restrictions, and Easements for Lansing Island Subdivision, Phase One of Lansing Island Homeowners Association, Inc. as follows:

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The second paragraph of Section 7.40 entitled Waterfront LOT Berm and Swale System shall be modified as follows:

A DRAINAGE AND RETENTION EASEMENT and berm and swale area has been created and reserved on each LOT as more particularly provided in Article XI of this DECLARATION, and also as more particularly shown on the PLAT. Accordingly, the DEVELOPER shall be responsible for installation of the SURFACE WATER MANAGEMENT SYSTEM in accordance with St. John's River Water Management District Permits #12-009-008 and #4-009-0335. The SURFACE WATER MANAGEMENT SYSTEM and stormwater system for the roads and common areas shall be installed prior to the paving of any roads. Upon the construction of the first residential house pad, the DEVELOPER shall construct the SURFACE WATER MANAGEMENT SYSTEM and stormwater system for each lot contained in Phase One. All SURFACE WATER MANAGEMENT SYSTEM areas must be constructed in accordance with the plans and specifications approved and on file with the St. Johns River Water Management District and the CITY.

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In the event that such SURFACE WATER MANAGEMENT SYSTEM is not constructed and installed on a particular waterfront LOT in accordance with the plans and specifications therefore approved by the St. Johns River Water Management District, as aforesaid, at the time of the initial construction of a residential dwelling thereon, or, in the event that such SURFACE WATER MANAGEMENT SYSTEM, following its initial construction and installation, shall not thereafter be maintained on a particular LOT in accordance with such plans and specifications, and the OWNER of such LOT shall fail to bring the SURFACE WATER MANAGEMENT SYSTEM on his LOT into conformance with such plans and specifications within thirty (30) days following his receipt of the written demand of the ASSOCIATION to do so, the ASSOCIATION, in the exercise of its rights under the ASSOCIATION Easement for which provision is made in Article XI of this DECLARATION, without being guilty of a trespass on account thereof, shall be entitled to enter upon such LOT through its agents and contractors for the purpose of undertaking such grading and construction work and other activities as are reasonably necessary to construct, reconstruct, or otherwise bring the berm and swale system on such LOT into conformance with such plans and specifications; and the costs and expenses incurred by the ASSOCIATION in so doing, together with reasonable overhead expenses of the ASSOCIATION in connection therewith, shall be charged to such OWNER and such LOT as an Individual LOT ASSESSMENT for which provision is made in Article IX of this DECLARATION."

IN WITNESS WHEREOF, the DEVELOPER has hereunto set his hand and seal this 26th day of January, 1990.

Prepared By
Joel Moss
47 W. New Haven Ave
Melbourne, Fl. 32901

# PGS	<u>2</u>	# NAMES	<u>3</u>
TRUST FUND \$	<u>1.50</u>	REC'D PAYMENT AS	
REC FEE \$	<u>1.00</u>	REPORTED FOR CLASS	
DOC ST. \$	_____	OF INTANGIBLE & DOC	
INT TAX \$	_____	ST. JOHNS RIVER	
SER. CHG \$	_____	WATER MGMT DISTRICT	
REFUND \$	_____	Penalty & Interest	

[Signature]
Clerk Circuit Court
Brevard Co, Florida

SIGNED, SEALED, AND DELIVERED IN THE PRESENCE OF:

DEVELOPER: LANSING ISLAND DEVELOPMENT CORP.

Sharon Moss
Vera Stegner

David T. McWilliams
DAVID T. McWILLIAMS, PRESIDENT

Rebecca M. Warner
Cheryl Samson
Sharon Moss
Vera Stegner

ATTEST:
Joel S. Moss
JOEL S. MOSS, SECRETARY
David T. McWilliams
DAVID T. McWILLIAMS, TRUSTEE

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 26th day of January, 1990 by David T. McWilliams, President and Joel S. Moss, Secretary, of Lansing Island Development Corp., a Florida corporation authorized to do business in the State of Florida.

Rebecca M. Warner
NOTARY PUBLIC
My Commission Expires:

NOTARY PUBLIC, STATE OF FLORIDA
MY COMMISSION EXPIRES: APRIL 25, 1992
BONDED THRU NOTARY PUBLIC UNDERWRITERS

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 26 day of January, 1990, by David T. McWilliams, Trustee.

Sharon Moss
NOTARY PUBLIC
My Commission Expires:

NOTARY PUBLIC STATE OF FLORIDA
MY COMMISSION EXP. MAR. 28, 1992
BONDED THRU GENERAL INS. UND.



OFFICE OF
STATE OF FLORIDA
COUNTY OF BREVARD
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