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prepared by and return to:  
 Joel S. Moss, Esquire  
 47 W. New Haven Ave.  
 Suite 200  
 Melbourne, FL 32901

AMENDMENT NO. 5 TO THE  
 DECLARATION OF COVENANTS, RESTRICTIONS  
 AND EASEMENTS FOR LANSING ISLAND,  
 PHASE ONE INCORPORATING PHASE THREE INTO SAID RESTRICTIONS

LANSING ISLAND DEVELOPMENT CORP., a Florida corporation and DAVID T. MCWILLIAMS, AS TRUSTEE, (the Developer) files this Amendment No. 5 to the Declaration of Covenants, Restrictions and Easements.

WHEREAS, on July 10, 1989, the Developer caused the Declaration of Covenants, Restrictions and Easements for Lansing Island Phase One to be recorded in Official Records Book 3006, Pages 0034 through 0084, of the Public Records of Brevard County, Florida; and

WHEREAS, on January 29, 1990, the Developer caused Amendment No. 1 to said Declaration to be recorded in Official Records Book 3040, pages 4154 through 4155, of the Public Records of Brevard County, Florida; and

WHEREAS, on November 30, 1993, the Developer caused Amendment No. 2 to said Declaration to be recorded in Official Records Book 3344, page 4211, of the Public Records of Brevard County, Florida; and

WHEREAS, on January 7, 1994, the Developer caused Amendment No. 3 to said Declaration to be recorded in Official Records Book 3356, Page 4676, of the Public Records of Brevard County, Florida; and

WHEREAS, on March 9, 1995, the Developer caused Amendment No. 4 to said Declaration to be recorded in Official Records Book 3461, Page 0178, of the Public Records of Brevard County, Florida; and

WHEREAS, said Declaration, in Article IV, subject to the provisions of Section 4.2 provides that Developer may add from time to time additional property to this Declaration and that the additional property will be included within the subject property. Said addition shall be in the Developer's sole and absolute discretion and without notice to or the approval of any party or person whomsoever including the Association or any owner or owners; and

WHEREAS, the Developer with the filing of the plat of Lansing Island, Phase Three, will add the real property described on Exhibit "A" attached hereto, to the Declaration of Covenants,

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Restrictions And Easements For Lansing Island, Phase One.

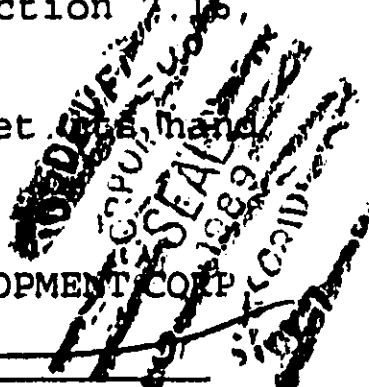
NOW, THEREFORE, Developer files this Amendment No. 5 to further amend the Declaration of Covenants, Restrictions and Easements for Lansing Island, Phase One, as amended, as follows:

1. The real property described in Exhibit "A" attached, which will be Lansing Island, Phase Three, is now included within and will hereafter be subject to the Declaration of Covenants, Restrictions and Easements, as amended, for Lansing Island Subdivision.

2. That hereafter the lot/home owners of Lansing Island, Phase One, Phase Two, Phase Three, Phase Four and Phase Five, shall be entitled to share all the common benefits, advantages and assets presently and hereafter existing in and for Lansing Island, Phases One, Two, Three, Four and Five, including but not limited to the use and access of all utilities, roads, the draw bridge, the clubhouse, and such other common elements contained in Phases One, Two, Three, Four and Five. Concurrently, the Phase One, Phase Two, Phase Three, Phase Four and Phase Five lot/home owners shall also share in all the debts, liabilities and such other common expenses incurred by Lansing Island, Phase One, Phase Two, Phase Three, Phase Four and Phase Five lot/home owners or their homeowners association, which obligations shall also include but not be limited to monthly maintenance fees and/or assessments.

3. That as to Lansing Island, Phase Three, Section 7.16 of the Declaration is hereby amended to allow flat roofs on all residential buildings and accessory structures, unless the Architectural Review Board disapproves same. Said Board may disapprove a flat roof if in its discretion the particular flat roof would be inappropriate for the style or design of the home desired, or if too many flat roofs have been built or approved within a six (6) lot area. In all other respects, Section 7.16, shall remain in full force and effect.

IN WITNESS WHEREOF, the Developer has hereunto set his hand and seal this 5 day of July, 1995.



DEVELOPER:  
LANSING ISLAND DEVELOPMENT CORP  
David T. McWilliams, President

attest: Joel S. Moss  
Joel S. Moss, secretary

Rachelle M Hegardus

WITNESS  
Rachelle M Hegardus  
Printed witness name

Patricia A. Dunnigan

WITNESS  
Patricia A. Dunnigan  
Printed witness name

Rachelle M Hegedus

WITNESS

Rachelle M Hegedus

Printed witness name

Patricia A. Dunnigan

WITNESS

Patricia A. Dunnigan

Printed witness

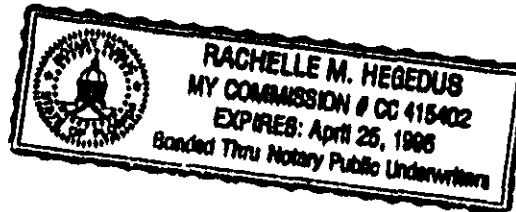
David T. McWilliams, Trustee  
David T. McWilliams, Trustee

STATE OF FLORIDA  
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 5th  
July, 1995, by David T. McWilliams, President, and Joel  
S. Moss, Secretary, of Lansing Island Development Corp., who  
executed the foregoing instrument, who are personally known to me,  
and who did not take an oath.

Rachelle M Hegedus  
Notary Public

My Commission Expires:

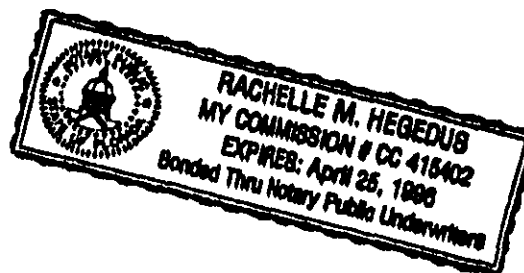


STATE OF FLORIDA  
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 5th  
July day of July, 1995, by David T. McWilliams, Trustee, who  
executed the foregoing instrument, who is personally known to me,  
and who did not take an oath.

Rachelle M Hegedus  
Notary Public

My commission expires:



a:\plattng\amenddeclar

## LANSING ISLAND PHASE THREE

### LEGAL DESCRIPTION:

PART OF GOVERNMENT LOT 1, SECTION 3, TOWNSHIP 27 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A NAIL AND DISK MARKED "MOTT L.B. 3608" AT THE SOUTHEAST CORNER OF SAID SECTION 3/27/37 AND RUN N 00 DEG. 04'45" E ALONG THE EAST LINE OF SAID SECTION 3/27/37 A DISTANCE OF 5,401.89 FEET TO THE NORTHEAST CORNER OF SAID SECTION 3/27/37, SAID LINE PASSING THROUGH A CONCRETE MONUMENT MARKED "MOTT L.B. 3608" BEING 40.00 FEET SOUTH OF SAID NORTHEAST CORNER OF SECTION 3/27/37; THENCE S 89 DEG. 59'57" W ALONG THE NORTH LINE OF SAID SECTION 3/27/37 A DISTANCE OF 714 FEET MORE OR LESS TO THE WESTERLY EDGE OF WATER OF THE FLAMINGO WATERWAY AND THE POINT-OF-BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE SOUTHEASTERLY ALONG THE SAID WESTERLY EDGE OF WATER A DISTANCE OF 1062 FEET MORE OR LESS TO THE NORTH LINE OF LANSING ISLAND PHASE TWO, AS RECORDED IN PLAT BOOK 39, PAGES 102 AND 103, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE S 80 DEG. 56'05" W ALONG THE NORTH LINE OF SAID LANSING ISLAND A DISTANCE OF 314 FEET MORE OR LESS TO THE EAST RIGHT-OF-WAY LINE OF LANSING ISLAND DRIVE; THENCE N 08 DEG. 54'18" W ALONG SAID RIGHT-OF-WAY A DISTANCE OF 95.21 FEET; THENCE S 89 DEG. 59'57" W A DISTANCE OF 410.03 FEET TO THE WEST RIGHT-OF-WAY LINE OF LANSING ISLAND DRIVE, SAID POINT BEING ON A CIRCULAR CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 625.00 FEET, A CHORD BEARING OF S 10 DEG. 33'35" E AND A CHORD DISTANCE OF 97.84 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE AN ARC DISTANCE OF 97.94 FEET; THENCE S 80 DEG. 56'05" W ALONG SAID NORTH LINE OF LANSING ISLAND A DISTANCE OF 354 FEET MORE OR LESS TO THE EASTERLY EDGE OF WATER OF THE BANANA RIVER; THENCE NORTHWESTERLY ALONG SAID EASTERLY EDGE OF WATER, A DISTANCE OF 1204 FEET MORE OR LESS TO THE SAID NORTH LINE OF SECTION 3/27/37; THENCE N 89 DEG. 59'57" E ALONG SAID NORTH LINE A DISTANCE OF 1025 FEET MORE OR LESS TO THE POINT-OF-BEGINNING. CONTAINING 23.12 ACRES OF LAND MORE OR LESS, TOGETHER WITH ANY LANDS LYING BETWEEN SAID EDGE OF WATER AND THE MEAN WATER LEVEL LINE OF THE FLAMINGO WATERWAY AND BANANA RIVER.

EXHIBIT "A"

BK 3488 PG 0091