

AMENDMENT #1
TO
COVENANTS & RESTRICTIONS
CAPTIVA SUBDIVISION

Book: 1600
Page: 0768
Rec: 05/01/96
08:43 A.M.
File# 9616208
John Keene
Clerk Of Courts
Clay County, FL
FEE: \$6.00



KNOW ALL MEN BY THESE PRESENTS:

17 FLEMING ISLAND CORPORATION, A FLORIDA CORPORATION, HEREIN CALLED "DEVELOPER", IS THE DEVELOPER OF CAPTIVA SUBDIVISION, ACCORDING TO THE PLAT THEREOF IN PLAT BOOK 27, PAGE 1,2,3,4, AND 5 OF THE PUBLIC RECORDS OF CLAY COUNTY, FLORIDA; AND CAPTIVA HOMEOWNERS ASSOCIATION, INC., A FLORIDA CORPORATION, HEREIN CALLED "ASSOCIATION".

NOW, THEREFORE, FOR AND IN CONSIDERATION OF THE BENEFIT OF ITSELF AND ALL PERSONS CLAIMING BY, THROUGH OR UNDER IT, THE DEVELOPER AND THE ASSOCIATION DOES HEREBY AMEND THE COVENANTS AND RESTRICTIONS AS RECORDED IN BOOK 1524, PAGE 0557-0564, CLAY COUNTY, FLORIDA AS FOLLOWS:

1. ADDED TO PARAGRAPH 19 THE FOLLOWING:

THAT THE 10 FOOT EASEMENT, THE PURPOSE OF WHICH IS TO FACILITATE THE PERCOLATION OF RUN-OFF, ALONG THE REAR OF LOTS 18-28 SHALL NOT BE DISTURBED AND SHALL BE LEFT IN ITS NATURAL STATE, UNLESS APPROVAL IS RECEIVED FROM THE COUNTY OF CLAY AND THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT.

IT IS UNDERSTOOD THAT THIS AREA IS TO BE RESERVED FOR DRAINAGE. IF A FENCE IS CONSTRUCTED IN THIS AREA THE OWNER UNDERSTANDS THAT THEY WILL BE RESPONSIBLE FOR THE EFFECT OF ANY DRAINAGE PROBLEM CAUSED BY IMPEDING THE FLOW OF WATER. IT IS UNDERSTOOD THAT IF A FENCE IS CONSTRUCTED IN THIS EASEMENT THAT IT SHALL BE ERECTED IN SUCH A WAY TO PROVIDE A MINIMUM OF 12 " BETWEEN NATURAL GROUND AND THE BOTTOM OF THE FENCE. FENCE STRUCTURE POSTS MAY BE INSTALLED IN THE DRAINAGE EASEMENT BUT AT INTERVALS ON NOT LESS THAN 8 FEET.

IN WITNESS WHEREOF, 17 FLEMING ISLAND CORPORATION AND CAPTIVA HOMEOWNERS ASSOCIATION BOTH FLORIDA CORPORATIONS HAVE CAUSED THESE COVENANT AND RESTRICTIONS TO BE EXECUTED AND AMENDED, THIS 15 DAY OF Jan., 1996.


WITNESS

JAMES R. MENARD
VICE-PRESIDENT
17 FLEMING ISLAND CORPORATION


WITNESS

JAMES R. MENARD
PRESIDENT
CAPTIVA HOMEOWNERS ASSOCIATION