

Prepared by and return to:

Emerson M. Lotzia, Esq.
Foley & Lardner
200 Laura Street
Jacksonville, Florida 32202
066916/0168



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Talmadge L Bennett
Clerk Of Courts
Clay County, FL
FEE: \$37.50

**SUPPLEMENTARY TOWNCENTER AND
EAST OF 17 AT EAGLE HARBOR
DECLARATION OF COVENANTS, CONDITIONS,
RESTRICTIONS, LIMITATIONS AND EASEMENTS,
CLAY COUNTY, FLORIDA**

(Parcel 24, Emerald Green Apartments)

(Reserved for Clerk)

This Supplementary Towncenter and East of 17 at Eagle Harbor Declaration of Covenants, Conditions, Restrictions, Limitations and Easements ("Supplemental Declaration") is made the 30th day of April, 1998 by **EAGLE HARBOR AT FLEMING ISLAND JOINT VENTURE**, a Florida joint venture (the "Company"), with respect to the real property described on Exhibit "A" attached hereto ("Parcel 24");

W I T N E S S E T H :

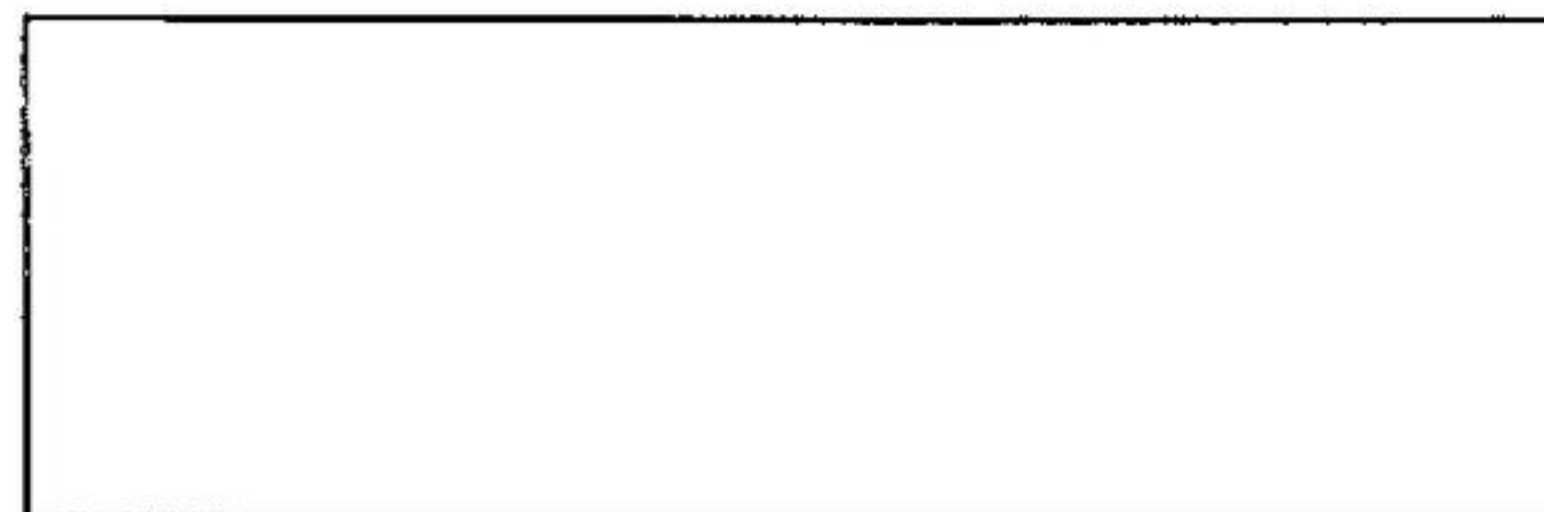
WHEREAS, all of Parcel 24 is subject to the terms and conditions of the Declaration of Easements, Covenants, Conditions, Restrictions and Limitations for The Crossings at Fleming Island, recorded in Official Records Book 1314, page 605 of the public records of Clay County, Florida (the "Crossings Declaration");

WHEREAS, the Company has prepared a Third Amendment to Declaration of Easements, Covenants, Conditions, Restrictions and Limitations for The Crossings at Fleming Island (the "Third Amendment"), which Third Amendment is being executed and recorded simultaneously with this Supplemental Declaration, and which Third Amendment withdraws Parcel 24 from the Crossings Declaration; and

WHEREAS, the Company desires to subject all of Parcel 24 to the terms and conditions of the Towncenter and East of 17 at Eagle Harbor Declaration of Covenants, Conditions, Restrictions, Limitations and Easements recorded in Official Records Book 1690, page 346 of the public records of Clay County, Florida (the "Towncenter Covenants");

NOW THEREFORE, the Company declares as follows:

1. In consideration of the agreements and obligations of the Company and the rights and privileges benefiting The Crossings at Fleming Island contained herein, and pursuant to the provisions of Article III, Section 4 of the Towncenter Covenants the Company hereby declares



that Parcel 24 and any portion thereof shall be held, transferred, sold, conveyed and occupied subject to all covenants, restrictions, elements, charges and liens, and all other matters as set forth in the Towncenter Covenants, which Towncenter Covenants, as so limited or modified, shall run with Parcel 24 and shall be binding on all parties having any right, title, or interest in Parcel 24 or any portion thereof, their heirs, successors and assigns.

2. The Company hereby designates Parcel 24 as a Multi-Family Parcel.

3. Pursuant to the provisions of Article IV, Sections 1, 2, and 3 of the Towncenter Covenants the Declarant has approved the Improvements to be constructed on Parcel 24 pursuant to the final site plan, landscaping plan, and the portions of the architectural plans showing exterior elevations, exterior color, exterior construction materials, and driveway and parking area materials. The Declarant has granted such approval of the plans and specifications described on Exhibit "B" attached hereto.

4. Declarant hereby waives in full its right to establish an application fee in connection with its approval of the Improvements.

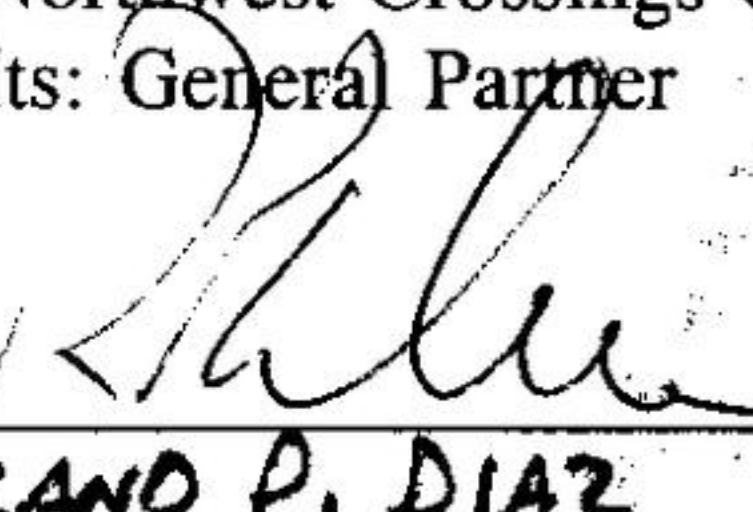
IN WITNESS WHEREOF, the parties have caused this Supplemental Declaration to be properly executed by their respective duly authorized representative and recorded in the public records of Clay County, Florida.

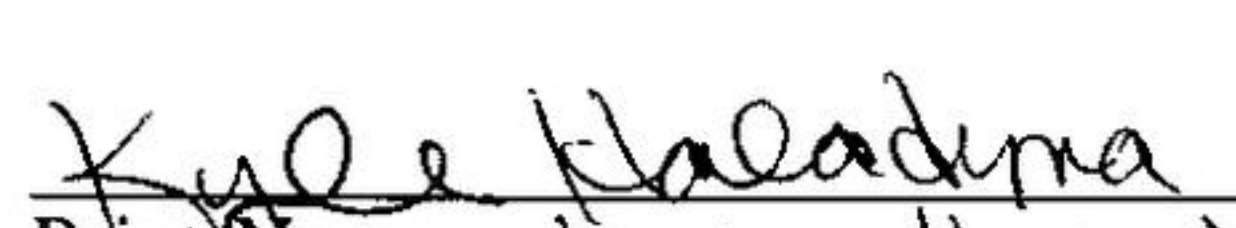
Signed, sealed and delivered
in the presence of:

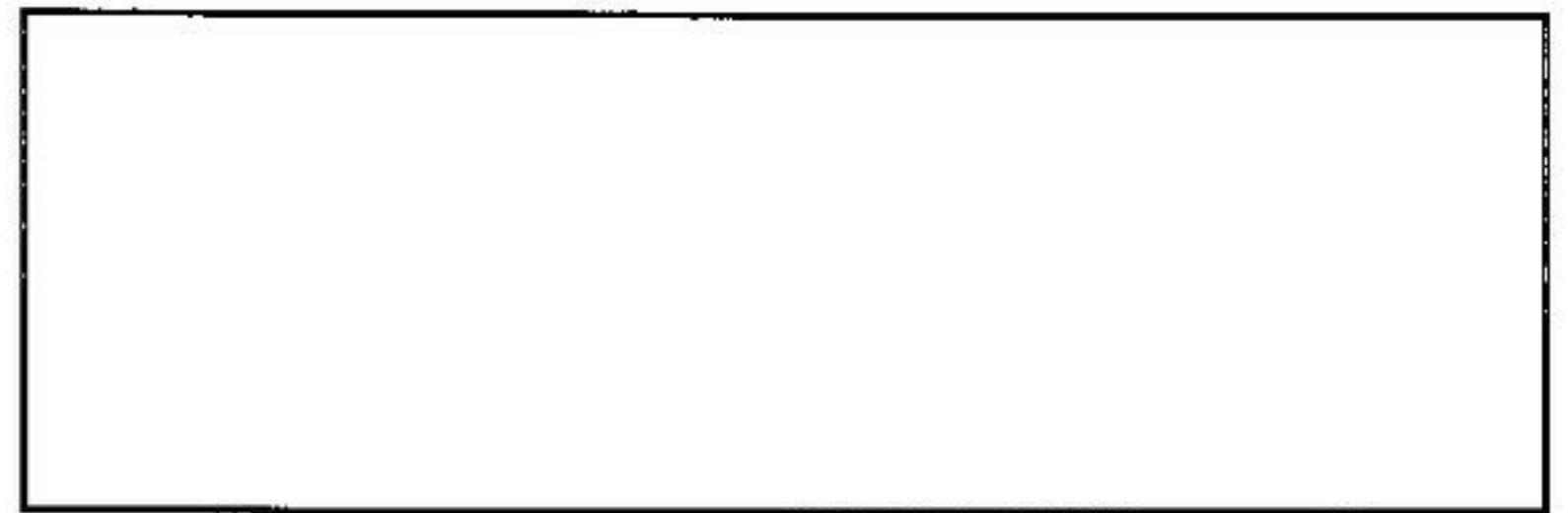
**EAGLE HARBOR AT FLEMING ISLAND
JOINT VENTURE, a Florida joint venture**

By: Northwest Crossings Corporation
Its: General Partner


Print Name: BRANDON W. S.

By: 
ROLANDO P. DIAZ, President

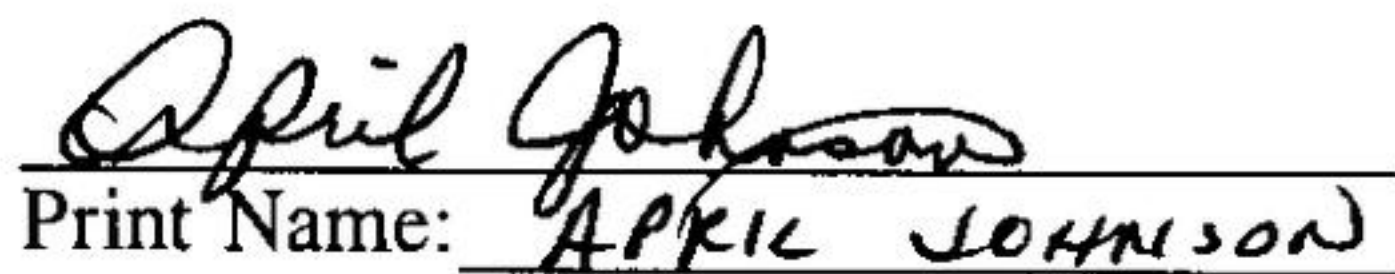

Print Name: Kyle HALADYNA

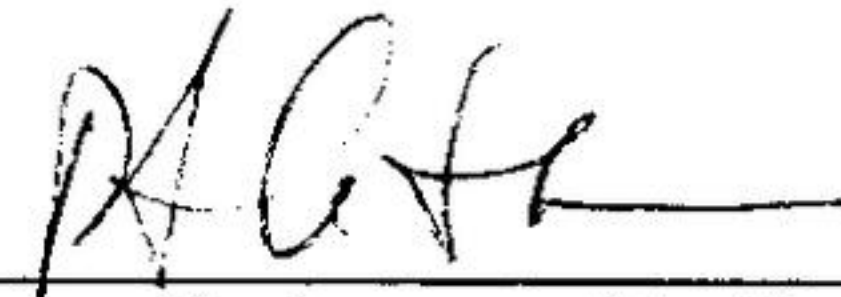


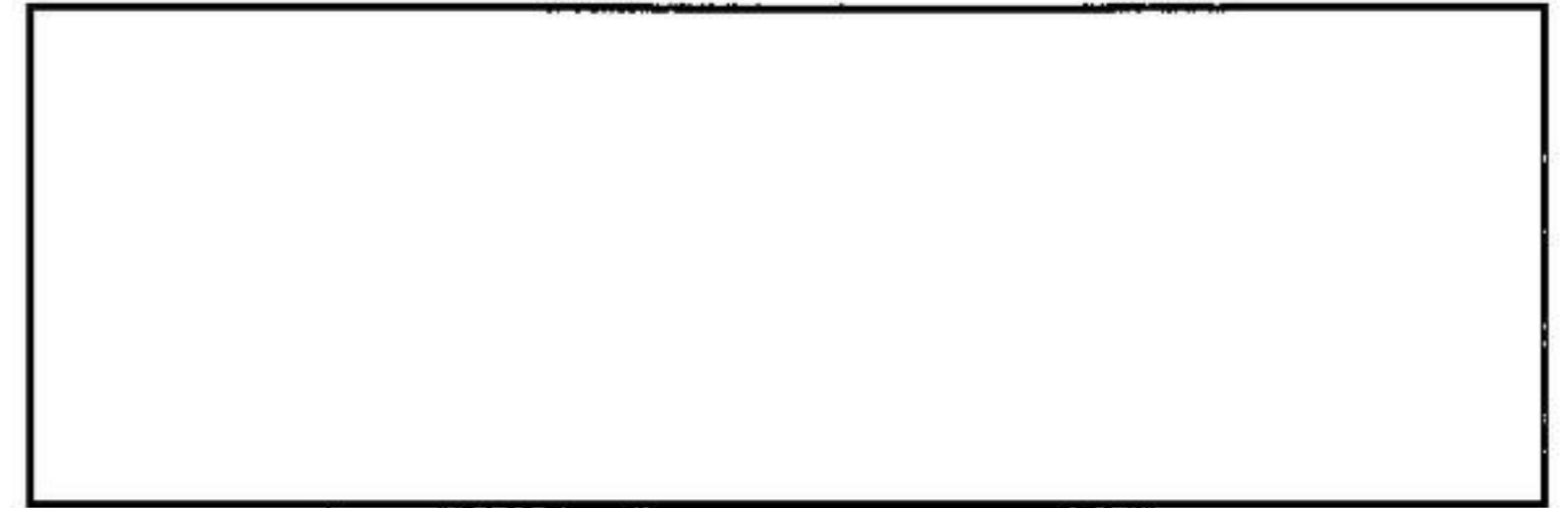
By: East West Partners of Jacksonville,
Limited Partnership
Its: General Partner

By: East West Partners of
Jacksonville, Inc.
Its: Sole General Partner


Print Name: Bernice F. Bowman


Print Name: APRIL JOHNSON

By: 
Roger S. Arrowsmith, President



ACKNOWLEDGEMENT

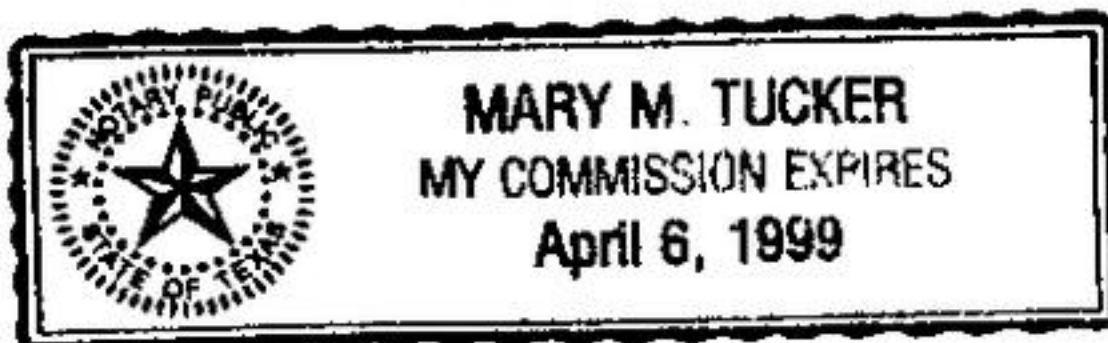
STATE OF TEXAS
COUNTY OF HARRIS

The foregoing instrument was acknowledged before me this 29th day of April, 1998, by Robert P Diaz, the President of Northwest Crossings Corporation, a Delaware corporation, as General Partner of Eagle Harbor at Fleming Island Joint Venture, a Florida joint venture, on behalf of the corporation which is acting on behalf of said joint venture. Such person did not take an oath and: *(notary must check applicable box)*

- ☒ is/are personally known to me.
☐ produced a current Florida driver's license as identification.
☐ produced _____ as identification.

{Notary Seal must be affixed}

Mary M. Tucker
Signature of Notary



Name of Notary (Typed, Printed or Stamped)

Commission Number (if not legible on seal): _____

My Commission Expires (if not legible on seal): _____

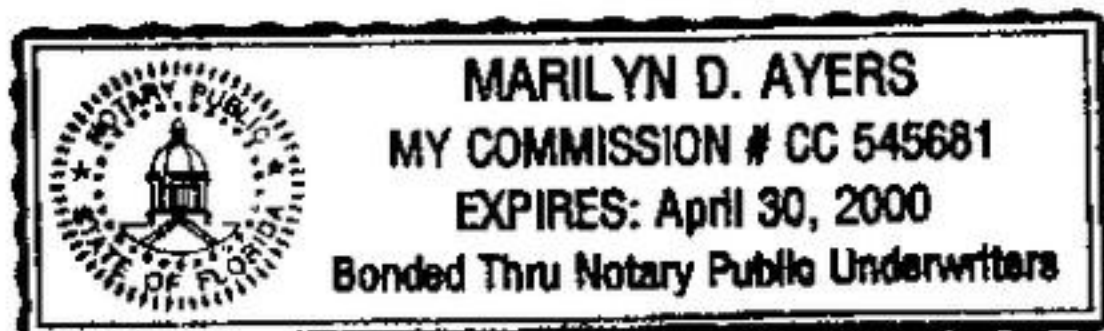


STATE OF FLORIDA
COUNTY OF Clay

The foregoing instrument was acknowledged before me this 29 day of April, 1998, by ROGER S. ARROWSMITH, the President of East West Partners of Jacksonville, Inc., a Virginia corporation, as General Partner of East West Partners of Jacksonville, Limited Partnership, a Virginia limited partnership, as General Partner of Eagle Harbor at Fleming Island Joint Venture, a Florida joint venture on behalf of said corporation which is acting on behalf of said limited partnership which is acting on behalf of said joint venture. Such person did not take an oath and: *(notary must check applicable box)*

- ☒ is/are personally known to me.
☐ produced a current Florida driver's license as identification.
☐ produced _____ as identification.

{Notary Seal must be affixed}



Marilyn D. Ayers
Signature of Notary

Name of Notary (Typed, Printed or Stamped)

Commission Number (if not legible on seal): _____

My Commission Expires (if not legible on seal): _____

EXHIBIT A

A PART OF SECTION 5, TOWNSHIP 5 SOUTH, RANGE 26 EAST, CLAY COUNTY, FLORIDA; SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 5; THENCE NORTH 89 DEGREES 52 MINUTES 02 SECONDS EAST ALONG THE NORTH LINE OF SAID SECTION 5, 1331.10 FEET; THENCE SOUTH 04 DEGREES 23 MINUTES 00 SECONDS WEST 52.04 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF COUNTY ROAD NO. C-220 AND THE POINT OF BEGINNING; THENCE ON LAST SAID LINE NORTH 89 DEGREES 55 MINUTES 39 SECONDS EAST 1153.19 FEET; THENCE SOUTH 00 DEGREES 02 MINUTES 20 SECONDS EAST 784.80 FEET; THENCE SOUTH 44 DEGREES 46 MINUTES 03 SECONDS WEST 198.26 FEET; THENCE SOUTH 12 DEGREES 40 MINUTES 05 SECONDS WEST 117.86 FEET; THENCE SOUTH 20 DEGREES 54 MINUTES 08 SECONDS EAST 110.32 FEET; THENCE SOUTH 48 DEGREES 58 MINUTES 18 SECONDS EAST 102.15 FEET; THENCE SOUTH 78 DEGREES 12 MINUTES 11 SECONDS EAST 91.17 FEET; THENCE SOUTH 80 DEGREES 14 MINUTES 20 SECONDS EAST 45.88 FEET; THENCE SOUTH 04 DEGREES 27 MINUTES 28 SECONDS WEST 165.57 FEET TO THE NORTH LINE OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 5; THENCE ON LAST SAID LINE SOUTH 89 DEGREES 57 MINUTES 08 SECONDS WEST 1335.01 FEET TO THE EAST LINE OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 5; THENCE ON LAST SAID LINE NORTH 04 DEGREES 23 MINUTES 00 SECONDS EAST 1404.50 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THE FOLLOWING DESCRIBED LANDS:

EXHIBIT A-cont'd.

(80' ROADWAY)

A PART OF SECTION 5, TOWNSHIP 5 SOUTH, RANGE 26 EAST, CLAY COUNTY, FLORIDA; SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 5; THENCE NORTH 89 DEGREES 52 MINUTES 02 SECONDS EAST ALONG THE NORTH LINE OF SAID SECTION 5, 1331.10 FEET; THENCE SOUTH 04 DEGREES 23 MINUTES 00 SECONDS WEST 52.04 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF COUNTY ROAD NO. C-220; THENCE ON LAST SAID LINE RUN THE FOLLOWING 2 COURSES: 1) NORTH 89 DEGREES 55 MINUTES 39 SECONDS EAST 542.40 FEET TO THE POINT OF BEGINNING; 2) NORTH 89 DEGREES 55 MINUTES 39 SECONDS EAST 80.00 FEET; THENCE SOUTH 00 DEGREES 04 MINUTES 21 SECONDS EAST 248.92 FEET; THENCE SOUTHERLY ON THE ARC OF A CURVE CONCAVE TO THE EASTERLY AND HAVING A RADIUS OF 190.00 FEET, RUN A CHORD DISTANCE OF 77.02 FEET, THE BEARING OF SAID CHORD BEING SOUTH 11 DEGREES 46 MINUTES 01 SECOND EAST; THENCE SOUTHERLY ON THE ARC OF A CURVE CONCAVE TO THE WESTERLY AND HAVING A RADIUS OF 869.44 FEET, RUN A CHORD DISTANCE OF 501.19 FEET, THE BEARING OF SAID CHORD BEING SOUTH 06 DEGREES 42 MINUTES 36 SECONDS EAST; THENCE SOUTHERLY ON THE ARC OF A CURVE CONCAVE TO THE EASTERLY AND HAVING A RADIUS OF 490.00 FEET, RUN A CHORD DISTANCE OF 86.44 FEET, THE BEARING OF SAID CHORD BEING SOUTH 04 DEGREES 58 MINUTES 52 SECONDS WEST; THENCE SOUTH 00 DEGREES 04 MINUTES 45 SECONDS EAST 178.28 FEET; THENCE SOUTHERLY ON THE ARC OF A CURVE CONCAVE TO THE WESTERLY AND HAVING A RADIUS OF 340.00 FEET, RUN A CHORD DISTANCE OF 187.08 FEET, THE BEARING OF SAID CHORD BEING SOUTH 15 DEGREES 53 MINUTES 22 SECONDS WEST; THENCE SOUTH 31 DEGREES 51 MINUTES 30 SECONDS WEST 16.04 FEET; THENCE SOUTHERLY ON THE ARC OF A CURVE CONCAVE TO THE EASTERLY AND HAVING A RADIUS OF 160.00 FEET, RUN A CHORD DISTANCE OF 87.95 FEET, THE BEARING OF SAID CHORD BEING SOUTH 15 DEGREES 54 MINUTES 19 SECONDS WEST; THENCE SOUTH 00 DEGREES 02 MINUTES 52 SECONDS EAST 35.96 FEET TO THE NORTH LINE OF THE LAST SAID LINE SOUTH 89 DEGREES 57 MINUTES 08 SECONDS WEST 80.00 FEET; THENCE NORTHERLY ON THE ARC OF A CURVE CONCAVE TO THE EASTERLY AND HAVING A RADIUS OF 240.00 FEET, RUN A CHORD DISTANCE OF 131.93 FEET, THE BEARING OF SAID CHORD BEING NORTH 15 DEGREES 54 MINUTES 19 SECONDS EAST; THENCE NORTH 31 DEGREES 51 MINUTES 30 SECONDS EAST 16.04 FEET; THENCE NORTHERLY ON THE ARC OF A CURVE CONCAVE TO THE WESTERLY AND HAVING A RADIUS OF 260.00 FEET, RUN A CHORD DISTANCE OF 143.06 FEET, THE BEARING OF SAID CHORD BEING NORTH 15 DEGREES 53 MINUTES 22 SECONDS EAST; THENCE NORTH 00 DEGREES 04 MINUTES 45 SECONDS WEST 178.28 FEET; THENCE NORTHERLY ON THE ARC OF A CURVE CONCAVE TO THE EASTERLY AND HAVING A RADIUS OF 570.00 FEET, RUN A CHORD DISTANCE OF 100.55 FEET, THE BEARING OF SAID CHORD BEING NORTH 04 DEGREES 58 MINUTES 52 SECONDS EAST; THENCE NORTHERLY ON THE ARC OF A CURVE CONCAVE TO THE WESTERLY AND HAVING A RADIUS OF 789.44 FEET, RUN A CHORD DISTANCE OF 455.07 FEET, THE BEARING OF SAID CHORD BEING NORTH 06 DEGREES 42 MINUTES 36 SECONDS WEST; THENCE NORTHERLY ON THE ARC OF A CURVE CONCAVE TO THE EASTERLY AND HAVING A RADIUS OF 270.00 FEET, RUN A CHORD DISTANCE OF 109.46 FEET, THE BEARING OF SAID CHORD BEING NORTH 11 DEGREES 46 MINUTES 01 SECOND WEST; THENCE NORTH 00 DEGREES 04 MINUTES 21 SECONDS WEST 248.92 FEET TO THE POINT OF BEGINNING,

EXHIBIT B

Plans and Specifications prepared by:

**Fugleberg Koch Architects
2555 Temple Trail
Winter Park, Florida 32789**

Project No. 3554-00 dated December 8, 1997