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Rev: 08/1/89

SEA COLONY

SUPPLEMENTAL DECLARATION AND AMENDMENT TO
DECLARATION OF COVENANTS AND EASEMENTS

AMENDMENT #5

WHEREAS, on February 27, 1986, Palm Coast Construction Company (Company) caused to be recorded in Official Records Book 275 at Pages 150-233, of the Public Records of Flagler County, Florida, the Declaration of Covenants and Easements for a portion of the property known as the Subdivision of Sea Colony as recorded at Map Book 27, Pages 30-39 of the Public Records of Flagler County, Florida, and

WHEREAS, the Declaration further reserved the right to the Company to make amendments to it, and

WHEREAS, the Company has previously amended the Declaration by Amendments recorded at Official Records Book 280, Pages 982-985, Official Records Book 295, Pages 740-744, Official Records Book 314, Pages 248-251, Official Records Book 329, Pages 541-543 of the Public Records of Flagler County, Florida, and

WHEREAS, the Company now wishes to amend further the Declaration,

NOW, THEREFORE, the Company declares that:

1. The existing Article I of the Declaration of Covenants and Easements is hereby amended by adding the following definitions:

- (w) "Screened enclosure" is an enclosure with screened walls and screen roof.
- (x) "Screened porch" is an enclosure with screen walls and solid roof.

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2. The existing Section 6 of Article X in the Declaration of Covenants and Easements is hereby amended by deleting the existing language and substituting in its place the following:

Section 6. Building Location and Setbacks. Buildings shall be located in conformance with this Declaration, and the Development Ordinance of Flagler County, Florida, pursuant to which a Planned Unit Development plan was filed under Article 5 of said Ordinance, and any specific approvals thereunder, or as originally constructed on a Lot by Company or its successor or assignee. For all residential construction (including screened porches) on Lots within the Parcel, setbacks shall be no less than as follows:

- Front - 25' from edge of pavement.
- Corner lot - 20' from edge of pavement.
- Side - 7.5' from side property line.
- Rear - 20' from rear property line.

In no event shall any regulation swimming pool, screened enclosure or similar structure be placed closer than 10 feet from any rear property line.

Except for existing structures the setbacks for stairs or second story decks shall be no less than the setbacks set forth above, except for Lots 337 through 350, Sea Vista Drive. These lots shall be subject to review for set backs by the Association, the Architectural Review Committee, and Flagler County.

3. The existing Section 23 of Article X in the Declaration of Covenants and Easements is hereby amended by deleting the existing language and substituting in its place the following:

Section 23. Swimming Pools and Screened Enclosures. Any screen enclosures, deck areas, swimming pools, hot tubs, jacuzzis, and sun decks must be approved in writing by Flagler County, The Architectural Review Committee and the Association prior to construction. In no event shall any of these be permitted in a rear yard of any Lot closer than 10' to the rear property line. On waterfront lots sidewalks and walkways to the bulkhead may be allowed subject to approval of The Architectural Review Committee, the Association and

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Flagler County. The measurement for this setback shall be to the edge of the pool deck or screen enclosure.

IN WITNESS WHEREOF, Palm Coast Construction Company has hereunto caused this document to be signed by its proper officers this 25th day of August, 1989.

Signed in the presence of:

PALM COAST CONSTRUCTION COMPANY

Lorraine Solz

By: Robert D. DeVine
President

Brendy Napier

Attest: Peggy Sulli
Secretary

(CORPORATE SEAL)

STATE OF FLORIDA
COUNTY OF FLAGLER

8/18/89 2870
91-513
404 AUG 5/89
P. 2113
D. HUCKLEY
CLERK COUNTY, FLA.



I HEREBY CERTIFY that on this 25th day of August, 1989, before me a person authorized to take acknowledgements to deeds and other instruments, personally appeared Robert D. DeVine and Peggy Sulli, President and Secretary, respectively, of PALM COAST CONSTRUCTION COMPANY, a Florida corporation, to me known and known by me to be the persons who executed the foregoing instrument as such officers and they severally acknowledged the execution thereof to be their free act and deed as such officers for the uses and purposes therein mentioned and that they affixed thereto the official seal of said corporation and that the said instrument is the free act and deed of said corporation.

WITNESS my signature and official seal at Palm Coast, County of Flagler and State of Florida, on the day and year last aforesaid.

James D. Rocco
Notary Public, State of Florida
at Large

My Commission Expires:

NOTARY PUBLIC STATE OF FLORIDA
MY COMMISSION EXP. FEB 18, 1990
BONDED UNDER GENERAL INS. 000.