

Prepared By and To Be Returned To:

KENNETH Y. GORDON, ESQUIRE
WCI COMMUNITIES, INC.
24301 Walden Center Drive
Bonita Springs, Florida 34134

TENTH SUPPLEMENT TO COMMUNITY DECLARATION
FOR PELICAN PRESERVE

WHEREAS, the Community Declaration for Pelican Preserve (f/k/a the Community Declaration for Sun City Center Ft. Myers) was recorded on December 7, 2001, in Official Records Book 3535, Page 4531, Public Records of Lee County, Florida, as amended and supplemented from time to time (collectively, the "Declaration"); and

WHEREAS, Article 13 of the Declaration allows Bay Colony-Gateway, Inc., a Delaware corporation, and its successors, assigns and designees, as Declarant under the Declaration ("Declarant"), in its sole discretion and without the need for consent or approval of any other person or entity, to amend the Declaration to make additional land subject to the scheme of said Declaration; and to bring such land within the jurisdiction and control of the Pelican Preserve Community Association, Inc. (f/k/a Sun City Center Ft. Myers Community Association, Inc.); and

WHEREAS, Declarant desires to amend the Declaration to subject the additional land described on Exhibit "A" attached hereto to the terms, conditions, covenants, restrictions and easements of the Declaration, and to declare such additional land a Commercial Parcel as defined in Section 1.11 of the Declaration, and a portion of the Commercial Property described in Section 1.12 of the Declaration; and

NOW, THEREFORE, this instrument hereby provides that Declarant, for itself and its successors, grantees and assigns, hereby makes, declares and publishes its intention to subject and does hereby subject the real property described in Exhibit "A" attached hereto and made a part hereof to all terms, provisions, covenants, conditions, restrictions and easements contained in the Declaration, with terms, provisions, covenants, conditions, restrictions and easements to run with said real property and be binding upon the owners of said property. Said real property described on Exhibit "A" attached hereto is a Commercial Parcel and is designated Commercial Property as defined in the Declaration. Hereinafter, said real property described in Exhibit "A" shall be made a part of and included as a Commercial Parcel and a portion of the Commercial Property within the "Property" as defined and referenced in the Declaration.

14th IN WITNESS WHEREOF, this instrument was executed by the undersigned this August day of August, 2007.

WITNESSES:

Name: David Caldwell
Print Name: DAVID CALDWELL

Name: Margaret A. Sisk
Print Name: MARGARET A. SISK

DECLARANT:

BAY COLONY-GATEWAY, INC.,
a Delaware corporation

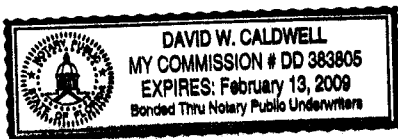
By: [Signature]
Albert F. Moscato, Jr.
Senior Vice President

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 14th day of August, 2007, by Albert F. Moscato, Jr., as Senior Vice President of Bay Colony-Gateway, Inc., a Delaware corporation, as Declarant hereunder. He is personally known to me.

My Commission Expires:

(AFFIX NOTARY SEAL)



David W. Caldwell
(Signature)
Name: DAVID W. CALDWELL
(Legibly Printed)
Notary Public, State of Florida
DD 383805
(Commission Number, if any)

EXHIBIT "A"
Page 1 of 3

LEGAL DESCRIPTION
LYING IN
SECTION 35, TOWNSHIP 44 SOUTH, RANGE 25 EAST,
LEE COUNTY, FLORIDA

(COMMERCIAL TRACT C4)

A TRACT OR PARCEL SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 35, TOWNSHIP 44 SOUTH, RANGE 25 EAST AND BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 35, TOWNSHIP 44 SOUTH, RANGE 25 EAST;

THENCE N.89°38'27"W. ALONG THE NORTH LINE OF SAID SECTION 35, FOR 3,519.53 FEET;
THENCE S.00°21'33"W., FOR 125.00 FEET TO THE NORTHEASTERLY CORNER OF TRACT E, COLONIAL COUNTRY CLUB UNIT ONE, AS RECORDED IN PLAT BOOK 72, PAGES 68 THROUGH 73, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND THE NORTHWESTERLY CORNER OF COMMERCIAL TRACT C-1, AS RECORDED IN OFFICIAL RECORD BOOK 4544, PAGE 3096, OF SAID PUBLIC RECORDS;

THENCE S.45°21'34"W. ALONG THE SOUTHEASTERLY LINE OF SAID TRACT E AND THE WESTERLY LINE OF SAID COMMERCIAL TRACT C-1, FOR 42.43 FEET TO A POINT ON THE EASTERLY LINE OF TRACT R-1, OF SAID COLONIAL COUNTRY CLUB UNIT ONE;
THENCE S.00°21'33"W. ALONG SAID EASTERLY AND SAID WESTERLY LINES, FOR 720.00 FEET TO THE SOUTHWEST CORNER OF SAID COMMERCIAL TRACT C-1, SAID POINT ALSO BEING THE **POINT OF BEGINNING** OF THE FOLLOWING DESCRIBED PARCEL;

THENCE N.90°00'00"E. ALONG THE SOUTHERLY LINE OF SAID COMMERCIAL TRACT C-1, FOR 74.53 FEET TO THE NORTHWESTERLY CORNER OF CONSERVATION EASEMENT #FW3, AS RECORDED IN OFFICIAL RECORD BOOK 3617, PAGE 2877 OF SAID PUBLIC RECORDS;
THENCE ALONG THE WESTERLY AND SOUTHERLY LINES OF SAID CONSERVATION EASEMENT #FW3 THE FOLLOWING NINE (9) CALLS;

- 1) THENCE S.00°00'00"E., FOR 26.12 FEET;
- 2) THENCE N.90°00'00"E., FOR 50.79 FEET TO A POINT OF CURVATURE;
- 3) THENCE SOUTHEASTERLY 145.81 FEET ALONG THE ARC OF A TANGENTIAL CURVE TO THE RIGHT HAVING A RADIUS OF 110.00 FEET THROUGH A CENTRAL ANGLE OF 75°56'59" AND BEING SUBTENDED BY A CHORD WHICH BEARS S.52°01'31"E. FOR 135.37 FEET TO A POINT OF REVERSE CURVATURE;
- 4) THENCE SOUTHEASTERLY 86.83 FEET ALONG THE ARC OF A REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 60.00 FEET THROUGH A CENTRAL ANGLE OF 82°54'54" AND BEING SUBTENDED BY A CHORD WHICH BEARS S.55°30'28"E. FOR 79.45 FEET TO A POINT OF REVERSE CURVATURE;
- 5) THENCE EASTERLY 111.75 FEET ALONG THE ARC OF A REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 180.00 FEET THROUGH A CENTRAL ANGLE OF 35°34'22" AND BEING SUBTENDED BY A CHORD WHICH BEARS S.79°10'45"E. FOR 109.97 FEET TO A POINT OF REVERSE CURVATURE;
- 6) THENCE EASTERLY 218.32 FEET ALONG THE ARC OF A REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 210.00 FEET THROUGH A CENTRAL ANGLE OF 59°33'57" AND BEING SUBTENDED BY A CHORD WHICH BEARS N.88°49'28"E. FOR 208.62 FEET TO A POINT OF REVERSE CURVATURE;
- 7) THENCE EASTERLY 170.44 FEET ALONG THE ARC OF A REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 220.00 FEET THROUGH A CENTRAL ANGLE OF 44°23'18" AND BEING SUBTENDED BY A CHORD WHICH BEARS N.81°14'08"E. FOR 166.21 FEET TO A POINT OF REVERSE CURVATURE;
- 8) THENCE EASTERLY 95.73 FEET ALONG THE ARC OF A REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 180.00 FEET THROUGH A CENTRAL ANGLE OF 30°28'23" AND BEING SUBTENDED BY A CHORD WHICH BEARS N.88°11'36"E. FOR 94.61 FEET TO A POINT OF REVERSE CURVATURE;
- 9) THENCE EASTERLY 131.99 FEET ALONG SAID SOUTHERLY LINE TO THE PROLONGATION OF SAID SOUTHERLY LINE AND THE ARC OF A REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 180.00 FEET THROUGH A CENTRAL ANGLE OF 42°00'46" AND BEING SUBTENDED BY A CHORD WHICH BEARS S.86°02'12"E. FOR 129.05 FEET TO A POINT LYING ON THE WESTERLY

EXHIBIT "A"
Page 2 of 3

RIGHT-OF-WAY LINE OF TREELINE AVENUE (160' WIDE), AS RECORDED IN OFFICIAL RECORD BOOK 3681, PAGE 1946, OF SAID PUBLIC RECORDS AND A POINT ON A CURVE;
THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE THE FOLLOWING THREE (3) CALLS;
1) THENCE SOUTHWESTERLY 118.59 FEET ALONG THE ARC OF A NON-TANGENTIAL CURVE TO THE RIGHT HAVING A RADIUS OF 976.50 FEET THROUGH A CENTRAL ANGLE OF 06°57'31" AND BEING SUBTENDED BY A CHORD WHICH BEARS S.40°35'30"W. FOR 118.52 FEET;
2) THENCE S.44°04'15"W., FOR 191.71 FEET TO A POINT OF CURVATURE;
3) THENCE SOUTHWESTERLY 765.98 FEET ALONG THE ARC OF A TANGENTIAL CURVE TO THE LEFT HAVING A RADIUS OF 1,136.00 FEET THROUGH A CENTRAL ANGLE OF 38°38'00" AND BEING SUBTENDED BY A CHORD WHICH BEARS S.24°45'15"W. FOR 751.55 FEET, TO A POINT ALONG SAID WESTERLY RIGHT-OF-WAY LINE;
THENCE LEAVING SAID WESTERLY RIGHT-OF-WAY LINE N.83°21'11"W., FOR 141.99 FEET;
THENCE N.12°54'57"E., FOR 197.65 FEET;
THENCE N.75°00'00"W., FOR 103.59 FEET;
THENCE N.58°00'00"W., FOR 517.82 FEET TO THE EAST LINE OF SAID TRACT R-1 AND ALSO BEING A POINT ON A CURVE;
THENCE NORTHERLY 579.84 FEET ALONG THE ARC OF A NON-TANGENTIAL CURVE TO THE LEFT HAVING A RADIUS OF 1,050.00 FEET THROUGH A CENTRAL ANGLE OF 31°38'26" AND BEING SUBTENDED BY A CHORD WHICH BEARS N.16°10'46"E. FOR 572.50 FEET;
THENCE N.00°21'33"E. ALONG SAID EASTERLY LINE, FOR 1.50 FEET TO THE **POINT OF BEGINNING.**

CONTAINING 555,718 SQUARE FEET OR 12.76 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS AND RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY (WRITTEN AND UNWRITTEN, RECORDED AND UNRECORDED).

BEARINGS ARE BASED ON THE NORTH LINE OF SECTION 35, TOWNSHIP 44 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, AS BEING N.89°38'27"W.

RWA, INC.
LAND SURVEYORS AND MAPPERS
1542 CARSON STREET
FORT MYERS, FLORIDA 33901
(239) 278-5224
FLORIDA CERTIFICATE OF AUTHORIZATION #6952

BY:  DATE: 6/14/07
RICHARD V. NESTLER, PROFESSIONAL LAND SURVEYOR LS# 4786

NOT VALID UNLESS EMBOSSED WITH THE PROFESSIONAL'S SEAL.

Ref. 060127-00-00-2-SK1
06-13-07

EXHIBIT "A"
Page 3 of 3

**** THIS IS NOT A SURVEY ****

BEARING BASIS
N89°38'27"W 3519.53'

COLONIAL BOULEVARD (SR 884)
(250' WIDE)
N LINE OF SECTION 35

POC

NE CORNER OF
SECTION 35,
TOWNSHIP 44 SOUTH,
RANGE 25 EAST

TRACT E,
COLONIAL COUNTRY CLUB
UNIT ONE
PB 72 PGS 68-73

COMMERCIAL TRACT C-1
OR 4544 PG 3096

POB
SW CORNER OF
TRACT C-1

CONSERVATION EASEMENT
(#FW3) OR 3617 PG 2877

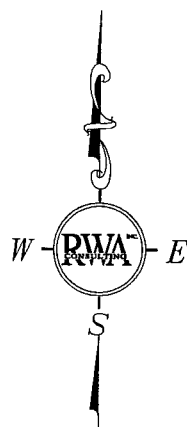
COMMERCIAL
TRACT C4

COMMERCIAL
TRACT C5

CONSERVATION
EASEMENT #3
OR 3617 PG 2877

TRACT R-1,
COLONIAL COUNTRY CLUB
UNIT ONE
PB 72 PGS 68-73

TRACT A,
COLONIAL COUNTRY CLUB
UNIT ONE
PB 72 PGS 68-73



0 150 300
GRAPHIC SCALE
1" = 300'

LINE TABLE		
LINE	BEARING	LENGTH
L1	S00°21'33"W	125.00'
L2	S45°21'34"W	42.43'
L3	N90°00'00"E	74.53'
L4	S00°00'00"E	26.12'
L5	N90°00'00"E	50.79'
L6	S44°04'15"W	191.71'
L7	N00°21'33"E	1.50'
L8	N83°21'11"W	141.99'
L9	N12°54'57"E	197.65'
L10	N75°00'00"W	103.59'

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD	CHORD BRG.
C1	145.81'	110.00'	75°56'59"	135.37'	S52°01'31"E
C2	86.83'	60.00'	82°54'54"	79.45'	S55°30'28"E
C3	111.75'	180.00'	35°34'22"	109.97'	S79°10'45"E
C4	218.32'	210.00'	59°33'57"	208.62'	N88°49'28"E
C5	170.44'	220.00'	44°23'18"	166.21'	N81°14'08"E
C6	95.73'	180.00'	30°28'23"	94.61'	N88°11'36"E
C7	131.99'	180.00'	42°00'46"	129.05'	S86°02'12"E
C8	118.59'	976.50'	6°57'31"	118.52'	S40°35'30"W
C9	765.98'	1136.00'	38°38'00"	751.55'	S24°45'15"W
C10	579.84'	1050.00'	31°38'26"	572.50'	N16°10'46"E

LEGEND:

- POB = POINT OF BEGINNING
- POC = POINT OF COMMENCEMENT
- OR = OFFICIAL RECORD BOOK
- PB = PLAT BOOK
- PG(S) = PAGE(S)
- L1 = SEE LINE TABLE
- C1 = SEE CURVE TABLE

SEE SHEETS 1-2 OF 3 FOR DESCRIPTION

RWA INC.
CONSULTING
Planning
Visualization
Civil Engineering
Surveying & Mapping

1542 Carson Street
Fort Myers, Florida 33901
Phone: (239) 278-5224
FAX: (239) 278-5419
LB# 6952

DATE:
6-13-07

SCALE:
1" = 300'

DRAWN BY:
RVN

CHECKED BY:
RVN

SEC: 35 TWP: 44S RGE: 25E

CLIENT:

WCI COMMUNITIES INC

TITLE:

SKETCH TO ACCOMPANY
DESCRIPTION - COMMERCIAL TRACT C4

PROJECT NUMBER: 060127.00

SHEET NUMBER: 3 OF 3

FILE NUMBER: 00-2-SK1