

Prepared By and To Be Returned To:  
ROBERT S. FREEDMAN, ESQUIRE  
CARLTON FIELDS, P.A.  
Post Office Box 3239  
Tampa, Florida 33601-3239

## SECOND AMENDMENT TO TOWN CENTER DECLARATION FOR PELICAN PRESERVE

THIS SECOND AMENDMENT TO TOWN CENTER DECLARATION FOR PELICAN PRESERVE ("Second Amendment") is made by WCI Communities, LLC, a Delaware limited liability company authorized to do business in Florida, as successor in interest to Bay Colony-Gateway, Inc., and its successors, assigns and designees ("WCI").

### WITNESSETH:

**WHEREAS**, the Town Center Declaration for Pelican Preserve was recorded on December 7, 2001, in Official Records Book 3535, Page 4496, public records of Lee County, Florida, as amended and supplemented from time to time (collectively, "Declaration"); and

**WHEREAS**, WCI is the Declarant and Town Center Owner under the Declaration; and

**WHEREAS**, WCI now desires to amend the Declaration in accordance with the provisions of Section 9.12 thereof, as more specifically described hereinafter;

**NOW, THEREFORE**, Declarant hereby states as follows:

1. The foregoing recitals are true and correct and are deemed incorporated herein as if fully stated hereinafter.

2. Section 9.22 of the Declaration is hereby created to read as follows:

Section 9.22 Specific Provisions Pertaining to Tract C5. WCI, being the fee title owner to the property commonly known as "Commercial Tract C5" (as such property is legally described in Exhibit C to this Declaration), hereby declares that if Commercial Tract C5 is developed, by WCI or one or more successors, in whole or in part for multi-family or single-family residential purposes (whether as apartments, condominium units or single family homes), the owner of said Commercial Tract C5 shall not be permitted to submit and subject Commercial Tract C5 to the scope of this Declaration, nor shall Declarant or the Town Center Owner be permitted to hereafter amend this Declaration in a manner so as to permit Commercial Tract C5 to be so subjected to the scope of this Declaration. Further, Declarant shall not be permitted to assign its rights under Section 2.3 of this Declaration to permit annexation of Commercial Tract C5. It is the intent of WCI, as the owner of Commercial Tract C5, that this Section 9.22 run with the land and be binding upon all successor owners of all or a part of Commercial Tract C5.

3. Exhibit C to the Declaration is hereby created in the manner contained in the exhibit to this Second Amendment. Hereinafter, any and all references to Exhibit C to the Declaration shall mean and refer to the exhibit attached to this Second Amendment.

4. Except as modified by this Amendment, the Declaration remains valid and in full force and effect. In the event of a conflict between the provisions of this Second Amendment and the provisions of the Declaration prior to the effective date hereof, the provisions of this Second Amendment shall control.

IN WITNESS WHEREOF, WCI, as Declarant and Town Center Owner, has caused this Second Amendment to be executed by its authorized officer and affixed its corporate seal as of this 6 day of MARCH, 2012.

WITNESSES:

WCI Communities, LLC, a Delaware limited liability company authorized to do business in Florida, as successor in interest to Bay Colony-Gateway, Inc.

Signature: Margaret A. Sisk  
Printed Name: MARGARET A. SISK

Signature: Paul Erhardt  
Paul Erhardt, Senior Vice-President,  
Community Development & Operations

Signature: Ledia Metaj  
Printed Name: LEDIA METAJ

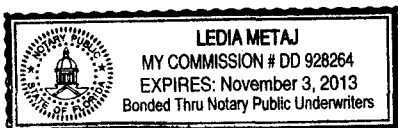
SEAL

STATE OF FLORIDA  
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 6<sup>th</sup> day of March, 2012, by Paul Erhardt, as Senior Vice-President, Community Development & Operations, of WCI Communities, LLC, a Delaware limited liability company authorized to do business in Florida. He  is personally known to me or  has produced \_\_\_\_\_ as identification.

My Commission Expires:

Ledia Metaj  
(Signature)  
Name: LEDIA METAJ  
(Legibly Printed)



Notary Public, State of Florida  
# DD 928264  
(Commission Number, if any)



**Exhibit C**

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

(COMMERCIAL TRACT C5)

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 721.50 FEET TO A POINT ON CURVATURE;

THENCE SOUTHERLY 579.84 FEET ALONG SAID WESTERLY LINE AND THE ARC OF A TANGENTIAL CURVE TO THE RIGHT HAVING A RADIUS OF 1,050.00 FEET THROUGH A CENTRAL ANGLE OF 31°38'26" AND BEING SUBTENDED BY A CHORD WHICH BEARS S.16°10'46"W. FOR 572.50 FEET

TO THE NORTHWEST CORNER OF SAID COMMERCIAL TRACT C-5, SAID POINT ALSO BEING THE **POINT OF BEGINNING** OF THE FOLLOWING DESCRIBED PARCEL;

THENCE S.58°00'00"E., FOR 517.82 FEET;

THENCE S.75°00'00"E., FOR 103.59 FEET;

THENCE S.12°54'57"W., FOR 197.65 FEET;

THENCE S.83°21'11"E., FOR 141.99 FEET TO A POINT LYING ON THE WESTERLY 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 FOUR (4) CALLS;

1) THENCE SOUTHERLY 257.10 FEET ALONG THE ARC OF A NON-TANGENTIAL CURVE TO THE LEFT HAVING A RADIUS OF 1,136.00 FEET THROUGH A CENTRAL ANGLE OF 12°58'02" AND BEING SUBTENDED BY A CHORD WHICH BEARS S.01°02'46"E. FOR 256.55 FEET;

2) THENCE S.07°31'47"E., FOR 190.48 FEET;

3) THENCE S.09°46'43"E., FOR 280.31 FEET TO A POINT ON A CURVE;

4) THENCE SOUTHERLY 72.23 FEET ALONG THE ARC OF A NON-TANGENTIAL CURVE TO THE RIGHT HAVING A RADIUS OF 950.31 FEET THROUGH A CENTRAL ANGLE OF 04°21'18" AND BEING SUBTENDED BY A CHORD WHICH BEARS S.05°21'07"E. FOR 72.21 FEET TO THE NORTHEASTERLY CORNER OF CONSERVATION EASEMENT #3, AS RECORDED IN OFFICIAL RECORD BOOK 3617, PAGE 2877, OF SAID PUBLIC RECORDS; THENCE ALONG THE NORTHERLY LINE OF SAID CONSERVATION EASEMENT #3 THE FOLLOWING TEN (10) CALLS;

1) THENCE S.86°49'38"W., FOR 50.00 FEET TO A POINT ON A CURVE;

2) THENCE SOUTHWESTERLY 53.95 FEET ALONG THE ARC OF A NON-TANGENTIAL CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET THROUGH A CENTRAL ANGLE

OF 123°38'50" AND BEING SUBTENDED BY A CHORD WHICH BEARS S.58°37'23"W. FOR 44.07 FEET;  
 3) THENCE N.59°33'12"W., FOR 90.44 FEET;  
 4) THENCE N.46°00'00"W., FOR 246.53 FEET TO A POINT OF CURVATURE;  
 5) THENCE SOUTHWESTERLY 358.67 FEET ALONG THE ARC OF A TANGENTIAL CURVE TO THE LEFT HAVING A RADIUS OF 150.00 FEET THROUGH A CENTRAL ANGLE OF 137°00'00" AND BEING SUBTENDED BY A CHORD WHICH BEARS S.65°30'00"W. FOR 279.13 FEET;  
 6) THENCE S.03°00'00"E., FOR 179.49 FEET TO A POINT OF CURVATURE;  
 7) THENCE SOUTHWESTERLY 60.45 FEET ALONG THE ARC OF A TANGENTIAL CURVE TO THE RIGHT HAVING A RADIUS OF 40.00 FEET THROUGH A CENTRAL ANGLE OF 86°35'42" AND BEING SUBTENDED BY A CHORD WHICH BEARS S.40°17'51"W. FOR 54.86 FEET TO A POINT OF REVERSE CURVATURE;  
 8) THENCE WESTERLY 106.28 FEET ALONG THE ARC OF A REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 200.00 FEET THROUGH A CENTRAL ANGLE OF 30°26'51" AND BEING SUBTENDED BY A CHORD WHICH BEARS S.68°22'16"W. FOR 105.04 FEET TO A POINT OF REVERSE CURVATURE;  
 9) THENCE WESTERLY 78.93 FEET ALONG THE ARC OF A REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 40.00 FEET THROUGH A CENTRAL ANGLE OF 113°03'38" AND BEING SUBTENDED BY A CHORD WHICH BEARS N.70°19'20"W. FOR 66.73 FEET;  
 10) THENCE S.88°59'54"W., FOR 26.63 FEET TO A POINT LYING ON THE EASTERLY LINE OF TRACT A, OF SAID COLONIAL COUNTRY CLUB UNIT ONE;  
 THENCE N.00°58'27"W. ALONG SAID EASTERLY LINE, FOR 1,317.49 FEET TO A POINT ON THE EASTERLY LINE OF SAID TRACT R-1 AND A POINT ON A CURVE;  
 THENCE NORTHEASTERLY 186.62 FEET ALONG SAID EASTERLY LINE OF TRACT R-1 AND ALONG THE ARC OF A NON-TANGENTIAL CURVE TO THE LEFT HAVING A RADIUS OF 1,050.00 FEET THROUGH A CENTRAL ANGLE OF 10°10'59" AND BEING SUBTENDED BY A CHORD WHICH BEARS N.37°05'28"E. FOR 186.37 FEET TO **POINT OF BEGINNING.**

CONTAINING 802,392 SQUARE FEET OR 18.42 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. 060127-00-00-3-SK1  
 06-13-07