

PREPARED BY AND RETURN TO:

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DECLARATION OF COVENANTS AND RESTRICTIONS

THIS DECLARATION OF COVENANTS AND RESTRICTIONS (this “**Declaration**”) is made and executed this 15th day of August, 2019, by KH LAKEWOOD RANCH LLC, a Florida limited liability company (the “**Declarant**”).

WITNESSETH

WHEREAS, the Declarant is the owner of the Property (as described herein and defined below);

WHEREAS, Section 2-29-90(a)(5) of Manatee County Ordinance 16-03, as amended (the “**Ordinance**”) provides the development of dwelling units in subdivisions that are housing for Older Persons, in compliance with the terms and provisions of the Federal Fair Housing Act, Title VIII of the Civil Rights Act of 1968, and as amended by the fair Housing Amendments Act of 1988, the Housing of Older Persons Act of 1995, 42 U.S.C. SS 3601-19 and Section 760.29, Florida Statutes (2019) (collectively, the “**Acts**”), is exempt from the payment of educational impact fees;

WHEREAS, it is the intent of the Declarant to place restrictions and limitations of record on the Property and to limit the use for which it is intended so as to qualify for exemption from the payment of School Impact Fees (as defined herein) under the Ordinance, and from school concurrency requirements; and

WHEREAS, it is the intent of the Declarant that the single family residential project known as “CRESSWIND LAKEWOOD RANCH” to be constructed on the Property (the “**Community**”) be designated and operated as a community for Older Persons (as defined herein) in compliance with the terms and provisions of the Acts.

NOW, THEREFORE, the Declarant does hereby declare that the Property is hereby restricted as follows, and all of which restrictions and limitations are intended to be and shall be taken as a consideration for any lease or deed of conveyance hereafter made, and one of the express conditions thereof, and that said restrictions and limitations are intended to be, and shall be taken as covenants that run with the land, and shall be as follows:

1. **Incorporation of Recitals.** The foregoing recitals are true and correct and incorporated by this reference as if fully set forth herein.

2. Definitions. As used in this Declaration, the following terms are defined as follows:
 - (a) "Older Persons" shall mean persons fifty-five (55) years of age and older.
 - (b) "Owner" shall mean and refer to one or more persons or entities who hold the record title to the Property, but excluding in all cases any party holding an interest merely as security for the performance of an obligation.
 - (c) "Permanent Resident" shall mean a person residing within a residence located within the Community as his or her true, fixed, permanent home for a period longer than ninety (90) days.
 - (d) "Property" shall mean and refer to the real property located in Manatee County, Florida, described on Exhibit "A" attached hereto and incorporated herein by this reference.
 - (e) "School Impact Fees" shall mean and refer to educational facilities impact fees assessed under the Ordinance.
3. Use Restrictions and Restrictive Covenants. The Declarant hereby declares that the Property shall be held, maintained, transferred, sold, conveyed and owned subject to the following covenants and restrictions:
 - (a) Prohibition Against Minors. In no event shall any person under the age of eighteen (18) years of age reside within any dwelling unit on the Property as a Permanent Resident.
 - (b) Community for Older Persons. At least eighty percent (80%) of the occupied dwelling units within the Property shall be occupied by at least one (1) person fifty-five (55) years of age or older. The Declarant and Owner(s) will operate the Community as a community for Older Persons in compliance with the terms and provisions of 24 C.F.R. 100.305, 100.306 and 100.307 and all other applicable provisions of the Acts. Incidental to such operation as a community for Older Persons, each Owner shall comply with all requirements pursuant to the Acts, as applicable.
4. Covenants and Restrictions Running With Land. This Declaration shall run with and bind the Property for a period of thirty (30) years from the date that this Declaration is recorded in the Public Records of Manatee County, Florida.
5. Construction. The provisions of this Declaration shall be liberally construed to effectuate its purpose of prohibiting persons under eighteen (18) years of age from residing within the Community or on the Property as Permanent Residents.
6. Designation. The Community is hereby designated as a community for Older Persons in compliance with the terms and provisions of the Acts.

7. Benefitted Parties. The covenants and restrictions established herein shall be for the benefit of the Declarant and the School Board of Manatee County, Florida, subject to and in accordance with the terms and conditions hereof, and no third party beneficiary rights are created or inferred except as specifically provided herein.
8. Modification. The terms of this Declaration are not subject to revocation or amendment for a period of thirty (30) years from the date of recording in the Public Records of Manatee County, Florida.
9. Governing Law. This Declaration shall be governed by the laws of the State of Florida and exclusive venue shall be in Manatee County, Florida.

[Signature Page Follows]

IN WITNESS WHEREOF, the Declarant has executed this Declaration as of the day and year first written above.

WITNESSES:

Michael W. LaPlante
Print Name: Michael W. LaPlante

Lisa Cox
Print Name: Lisa Cox

"Declarant"

KH LAKEWOOD RANCH LLC, a Florida limited liability company

By: *David B. Longhout*
Name: David B. Longhout
Title: Authorized Signatory

STATE OF FLORIDA)
COUNTY OF _____)

The foregoing instrument was acknowledged before me this 15th day of August, 2019, by David B. Longhout as Authorized Signatory of KH LAKEWOOD RANCH LLC, a Florida limited liability company. He/She [is personally known to me] [has produced N/A as identification].

My commission expires: 3/11/2022



Lisa K Cox
NOTARY PUBLIC, State of Florida at Large
Print Name: Lisa K. Cox

EXHIBIT "A"

Legal Description

DESCRIPTION: A parcel of land lying in Sections 11 and 12, Township 35 South, Range 19 East, Manatee County, Florida, and being more particularly described as follows:

COMMENCE at the Southeast corner of said Section 11, run thence along the South boundary line of the Southeast 1/4 of said Section 11, N.89°30'29"W., a distance of 1524.42 feet; thence N.00°29'31"E., a distance of 273.09 feet to a point on a curve on the Northerly right-of-way of RANGELAND PARKWAY, as described in that certain SPECIAL WARRANTY DEED, recorded in Official Records Book 2746, Page 3274, of the Public Records of Manatee County, Florida, said point also being the **POINT OF BEGINNING**; thence along said Northerly right-of-way, Northwesterly, 39.27 feet along the arc of a tangent curve to the right having a radius of 25.00 feet and a central angle of 90°00'00" (chord bearing N.45°15'58"W., 35.36 feet) to a point on the Easterly right-of-way of UHLEIN ROAD, as described in said SPECIAL WARRANTY DEED; thence along said Easterly right-of-way the following eight (8) courses: 1) N.00°15'58"W., a distance of 368.02 feet; 2) N.13°13'46"E., a distance of 51.42 feet; 3) N.00°15'58"W., a distance of 245.62 feet; 4) N.27°01'00"W., a distance of 26.66 feet; 5) N.00°15'58"W., a distance of 155.35 feet; 6) Northerly, 380.90 feet along the arc of a tangent curve to the right having a radius of 1470.00 feet and a central angle of 14°50'46" (chord bearing N.07°09'25"E., 379.83 feet); 7) Northerly, 404.81 feet along the arc of a reverse curve to the left having a radius of 1590.00 feet and a central angle of 14°35'14" (chord bearing N.07°17'11"E., 403.71 feet); 8) N.00°00'26"W., a distance of 385.36 feet; thence S.89°53'43"E., a distance of 380.19 feet; thence S.79°53'38"E., a distance of 148.36 feet; thence N.79°52'59"E., a distance of 213.47 feet; thence S.67°33'23"E., a distance of 73.63 feet; thence N.71°49'56"E., a distance of 127.83 feet; thence S.74°39'37"E., a distance of 102.13 feet; thence N.67°06'15"E., a distance of 53.22 feet; thence N.87°04'59"E., a distance of 212.58 feet; thence N.72°57'48"E., a distance of 85.24 feet; thence N.84°37'49"E., a distance of 510.90 feet; thence S.65°19'22"E., a distance of 248.86 feet; thence S.86°30'52"E., a distance of 383.08 feet; thence S.22°38'41"W., a distance of 389.13 feet; thence S.13°36'01"E., a distance of 220.01 feet; thence Easterly, 79.51 feet along the arc of a non-tangent curve to the right having a radius of 1820.00 feet and a central angle of 02°30'11" (chord bearing N.77°39'04"E., 79.50 feet); thence Easterly, 134.19 feet along the arc of a reverse curve to the left having a radius of 755.00 feet and a central angle of 10°11'01" (chord bearing N.73°48'39"E., 134.01 feet); thence Northeasterly, 23.41 feet along the arc of a compound curve to the left having a radius of 15.00 feet and a central angle of 89°25'57" (chord bearing N.24°00'11"E., 21.11 feet); thence Northerly, 56.95 feet along the arc of a reverse curve to the right having a radius of 366.50 feet and a central angle of 08°54'12" (chord bearing N.16°15'42"W., 56.89 feet); thence N.78°11'24"E., a distance of 81.00 feet; thence Southerly, 34.52 feet along the arc of a non-tangent curve to the left having a radius of 285.50 feet and a central angle of 06°55'41" (chord bearing S.15°16'26"E., 34.50 feet); thence Easterly, 26.03 feet along the arc of a compound curve to the left having a radius of 15.00 feet and a central angle of 99°26'13" (chord bearing S.68°27'23"E., 22.89 feet); thence Easterly, 333.86 feet along the arc of a reverse curve to the right having a radius of 845.00 feet and a central angle of 22°38'15" (chord bearing N.73°08'38"E., 331.69 feet); thence N.84°27'46"E., a distance of 120.00 feet; thence

Easterly, 324.69 feet along the arc of a tangent curve to the right having a radius of 845.00 feet and a central angle of $22^{\circ}00'57''$ (chord bearing $S.84^{\circ}31'46''E.$, 322.70 feet); thence Northeasterly, 24.19 feet along the arc of a reverse curve to the left having a radius of 15.00 feet and a central angle of $92^{\circ}24'47''$ (chord bearing $N.60^{\circ}16'20''E.$, 21.66 feet); thence Northerly, 127.12 feet along the arc of a compound curve to the left having a radius of 759.50 feet and a central angle of $09^{\circ}35'24''$ (chord bearing $N.09^{\circ}16'14''E.$, 126.97 feet); thence Northerly, 15.84 feet along the arc of a compound curve to the left having a radius of 1618.50 feet and a central angle of $00^{\circ}33'38''$ (chord bearing $N.04^{\circ}11'43''E.$, 15.84 feet); thence $S.86^{\circ}05'06''E.$, a distance of 81.00 feet; thence Southerly, 16.63 feet along the arc of a non-tangent curve to the right having a radius of 1699.50 feet and a central angle of $00^{\circ}33'38''$ (chord bearing $S.04^{\circ}11'43''W.$, 16.63 feet); thence Southerly, 121.47 feet along the arc of a compound curve to the right having a radius of 840.50 feet and a central angle of $08^{\circ}16'51''$ (chord bearing $S.08^{\circ}36'58''W.$, 121.37 feet); thence $S.80^{\circ}17'58''E.$, a distance of 66.25 feet; thence $S.08^{\circ}50'46''W.$, a distance of 46.27 feet; thence Easterly, 92.36 feet along the arc of a non-tangent curve to the left having a radius of 765.00 feet and a central angle of $06^{\circ}55'02''$ (chord bearing $S.86^{\circ}33'37''E.$, 92.30 feet); thence Easterly, 171.73 feet along the arc of a reverse curve to the right having a radius of 1810.00 feet and a central angle of $05^{\circ}26'10''$ (chord bearing $S.87^{\circ}18'03''E.$, 171.67 feet); thence $S.05^{\circ}25'02''W.$, a distance of 70.00 feet; thence Westerly, 165.09 feet along the arc of a non-tangent curve to the left having a radius of 1740.00 feet and a central angle of $05^{\circ}26'10''$ (chord bearing $N.87^{\circ}18'03''W.$, 165.03 feet); thence Westerly, 261.05 feet along the arc of a reverse curve to the right having a radius of 835.00 feet and a central angle of $17^{\circ}54'44''$ (chord bearing $N.81^{\circ}03'46''W.$, 259.98 feet); thence Westerly, 276.65 feet along the arc of a reverse curve to the left having a radius of 765.00 feet and a central angle of $20^{\circ}43'12''$ (chord bearing $N.82^{\circ}27'59''W.$, 275.14 feet); thence Southwesterly, 40.45 feet along the arc of a compound curve to the left having a radius of 25.00 feet and a central angle of $92^{\circ}42'39''$ (chord bearing $S.40^{\circ}49'05''W.$, 36.18 feet); thence $S.05^{\circ}32'14''E.$, a distance of 239.17 feet; thence Southeasterly, 54.98 feet along the arc of a tangent curve to the left having a radius of 35.00 feet and a central angle of $90^{\circ}00'00''$ (chord bearing $S.50^{\circ}32'14''E.$, 49.50 feet) to a point on aforesaid Northerly right-of-way of RANGELAND PARKWAY; thence along said Northerly right-of-way the following seven (7) courses: 1) $S.84^{\circ}27'46''W.$, a distance of 552.16 feet; 2) Southwesterly, 1013.75 feet along the arc of a tangent curve to the left having a radius of 1560.00 feet and a central angle of $37^{\circ}14'00''$ (chord bearing $S.65^{\circ}50'46''W.$, 996.01 feet); 3) $S.47^{\circ}13'46''W.$, a distance of 832.86 feet; 4) Southwesterly, 697.33 feet along the arc of a tangent curve to the right having a radius of 940.00 feet and a central angle of $42^{\circ}30'16''$ (chord bearing $S.68^{\circ}28'54''W.$, 681.45 feet); 5) $S.89^{\circ}44'02''W.$, a distance of 146.50 feet; 6) $N.76^{\circ}46'14''W.$, a distance of 51.42 feet; 7) $S.89^{\circ}44'02''W.$, a distance of 382.48 feet to the **POINT OF BEGINNING**