

Prepared by:  
John L. Solleau, Esq.  
Watson, Soileau, DeLeo & Burgett, P.A.  
3490 North U.S. Highway 1  
Cocoa, FL 32926

Clerk: please cross reference  
OR Book 5316 Page 5489 (Original Declaration),  
OR Book 5335 Page 1495 (First Amendment)  
OR Book 5356 Page 2241 (Second Amendment)  
OR Book 5356 Page 2257 (Third Amendment)  
OR Book 5385 Page 0001 (Fourth Amendment)  
OR Book 5407 Page 6123 (Fifth Amendment)  
OR Book 5432 Page 8089 (Sixth Amendment)  
OR Book 5462 Page 6648 (Seventh Amendment)  
OR Book 5448 Page 3807 (Eighth Amendment)  
OR Book 5481 Page 3810 (Ninth Amendment)  
OR Book 6866 Page 1403 (Ninth Amendment)

**AMENDMENT TO DECLARATION OF CONDOMINIUM OF SOLANA ON THE  
RIVER, A CONDOMINIUM**

This Eleventh Amendment to the Declaration of Condominium of Solana on the River, a Condominium, is made this 24 day of JUNE, 2020 by Solana on the River Condominium Association, Inc., a Florida corporation.

WITNESSETH:

**WHEREAS**, on June 9, 2004, a Declaration of Condominium for Solana on the River, a Condominium (the "Original Declaration"), was recorded in Official Record Book 5316, Page 5489 in the Official Records of Brevard County, Florida, and;

**WHEREAS**, on July 19, 2004, the First Amendment to Declaration of Condominium of Solana on the River, a Condominium was recorded in Official Record Book 5335, Page 1495 in the Official Records of Brevard County, Florida; and

**WHEREAS** on September 1, 2004, the Second Amendment to Declaration of Condominium of Solana on the River, a Condominium was recorded in Official Record Book 5356, Page 2241 in the Official Records of Brevard County; and

**WHEREAS** on September 1, 2004, the Third Amendment to Declaration of Condominium of Solana on the River, a Condominium was recorded in Official Record Book 5356, Page 2257 in the Official Records of Brevard County; and

**WHEREAS** on November 17, 2004, the Fourth Amendment to Declaration of Condominium of Solana on the River, a Condominium was recorded in Official Record Book 5385, Page 0001 in the Official Records of Brevard County; and

**WHEREAS** on January 11, 2005, the Fifth Amendment to Declaration of Condominium of Solana on the River, a Condominium was recorded in Official Record Book **5407**, Page **6123** in the Official Records of Brevard County; and

**WHEREAS** on March 8, 2005, the Sixth Amendment to Declaration of Condominium of Solana on the River, a Condominium was recorded in Official Record Book **5432**, Page **8089** in the Official Records of Brevard County; and

**WHEREAS** on May 2, 2005, the Seventh Amendment to Declaration of Condominium of Solana on the River, a Condominium was recorded in Official Record Book **5462**, Page **6648** in the Official Records of Brevard County; and

**WHEREAS** on April 7, 2005, the Eighth Amendment to Declaration of Condominium of Solana on the River, a Condominium was recorded in Official Record Book **5448**, Page **3807** in the Official Records of Brevard County; and

**WHEREAS** on June 10, 2005, the Ninth Amendment to Declaration of Condominium of Solana on the River, a Condominium was recorded in Official Record Book **5481**, Page **3810** in the Official Records of Brevard County; and

**WHEREAS** on May 2, 2013, the Ninth Amendment to Declaration of Condominium of Solana on the River, a Condominium was recorded in Official Record Book **6866**, Page **1403** in the Official Records of Brevard County; and

**WHEREAS**, in Article XXXIV of the Original Declaration, a Conservation Easement was granted in favor of the St. Johns River Water Management District (SJRWMD) over certain property located in Brevard County, Florida, in accordance with Permit No. 4-009-85983-1 issued by SJRWMD to Solana on the River, LLC, and subsequently transferred to Solana on the River Condominium Association, Inc., as Permit No. 4-009-85983-3; and

**WHEREAS**, Solana on the River Condominium Association, Inc. now desires to modify the Conservation Easement to amend the reserved rights section of the Conservation Easement, to allow for the trimming of mangroves; and

**WHEREAS**, SJRWMD has agreed to amend the Conservation Easement in exchange for mitigation of equivalent or greater ecological value; and

**WHEREAS**, the Members of the Association have voted at a duly-called meeting to approve the amendments to the Declaration set forth in Paragraphs 2 and 3 below.

**NOW, THEREFORE**, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. **Recitals; Defined Terms.** The foregoing recitals are true and correct and are incorporated herein by this reference.

2. **Amendment to Article XXXIV, Section 4(c):** Article XXXIV, Subsection 4(c) of the Original Declaration is hereby amended to provide in its entirety as follows:

(c) Except as expressly described below in Article XXXIV, Section 5: Reserved Rights, removing, destroying, or trimming trees, shrubs, or other vegetation.

3. **Amendment to Article XXXIV, Section 5:** Article XXXIV, Section 5 of the Original Declaration is hereby amended to provide in its entirety as follows:

**Reserved Rights.** Grantor reserves unto itself, and its successors and assigns, all rights accruing from its ownership of the Property, including the right to engage in or permit, or invite others to engage in all uses of the Property which are not expressly prohibited herein, and are not inconsistent with the purpose of this Conservation Easement. No right of access by the general public to any portion of the Property is conveyed by this Conservation Easement. Solana on the River Condominium Association, Inc. and its successors and assigns reserve the right to conduct trimming of mangroves as described in the Mangrove Trim Plan attached as Exhibit "1" to the Eleventh Amendment to the Declaration of Condominium, and incorporated by reference herein.

4. **Ratification.** Except as amended and modified herein, the remaining terms and provisions of Article XXXIV of the Original Declaration are ratified and confirmed by the Association, and are incorporated into this Amendment by reference as if set forth fully herein.

5. **Conflict.** This Amendment constitutes the entire agreement regarding the amendment of Article XXXIV of the Original Declaration and supersedes and replaces in their entireties all other promises, arrangements, understandings, and agreements between them with respect to the said amendment. In the event of any conflict between the terms of Article XXXIV of the Original Declaration and the terms of this Amendment, the terms of this Amendment shall control. Except as amended and modified herein, the remaining terms and provisions of Article XXXIV of the Original Declaration shall remain in full force and effect as originally set forth therein.

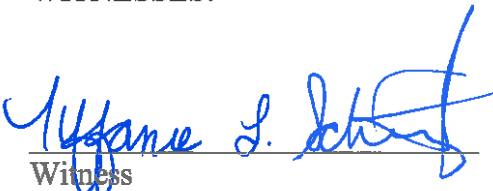
**CERTIFICATE OF ASSOCIATION**

The undersigned, as President of Solana on the River Condominium Association, Inc. hereby certifies that the foregoing Amendment to the Declaration of Condominium was adopted by the membership of the Association at a duly called meeting held on June 9<sup>th</sup>, 2020.

**IN WITNESS WHEREOF**, the President of Solana on the River Condominium Association, Inc. has executed this Eleventh Amendment to Declaration of Condominium of Solana on the River, a Condominium on this 24 day of June, 2020.

WITNESSES:

**SOLANA ON THE RIVER  
CONDOMINIUM ASSOCIATION, INC.,**  
a Florida corporation

  
Witness

By: 

Print Name: Tiffanee L Schultz

Tam Palm

Witness

Print Name: Kevin Palm

Name: Doug Raymond

Title: President

5505 N. Atlantic Ave., #207

Cocoa Beach, FL 32931

STATE OF Florida  
COUNTY OF Brevard

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization this 24 day of June, 2020, by Doug Raymond, as President of **SOLANA ON THE RIVER CONDOMINIUM ASSOCIATION, INC.** He is  personally known to me or  produced as identification.

Reanna Rogers

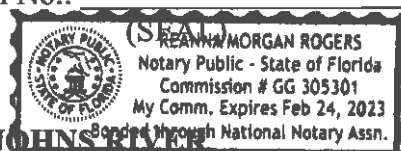
NOTARY PUBLIC, State of Florida

Reanna Morgan Rogers

Print Name

My Commission expires: Feb 24, 2023

Serial No.:



Attest:

William Abrams

Name: William Abrams

Title: General Counsel

St. Johns River Water

Management District

4049 Reid Street

Palatka, FL 32177-2529

**ST. JOHNS RIVER  
WATER MANAGEMENT DISTRICT**

Ann B. Shortelle

Name: Ann B. Shortelle, Ph.D.

Title: Executive Director

St. Johns River Water

Management District

4049 Reid Street

Palatka, FL 32177-2529

STATE OF FLORIDA  
COUNTY OF PUTNAM



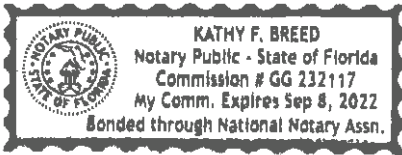
The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization this 14th day of August, 2020, by Ann B. Shortelle, Ph.D., the Executive Director of the St. Johns River Water Management District, a public body existing under Chapter 373, Florida Statutes, on behalf of the District. She is personally known to me.

Kathy Breed

Notary Public, State of Florida at Large.

My Commission Expires:

Serial No. \_\_\_\_\_



**Exhibit 1**  
**Mangrove Trim Plan**

Mangroves will be trimmed in accordance with the Mangrove Trimming and Preservation Act, sections 403.9321 - 403.9333, Florida Statutes (2001). Mangroves may be trimmed to maintain a height of at least 15 feet above ground, or 17.17 feet NGVD. The trimming area includes the entirety of Conservation Easement Area 1 and the entirety of Conservation Easement Area 2, as depicted in Figure 1.

**Figure 1**  
**Sketches and Legal Descriptions of Trimming Area**

# SKETCH TO ACCOMPANY DESCRIPTION

NOT A BOUNDARY SURVEY

## CONSERVATION EASEMENT AREA #1



CFN:2004228018

OR Book/Page: 5335 / 1498

### LINE TABLE

LINE	BEARING	LENGTH
L1	S06°12'17"W	28.45'
L2	S24°24'11"W	27.12'
L3	S08°32'43"W	32.82'
L4	S04°24'20"E	32.34'
L5	S05°07'17"W	30.28'
L6	S00°20'07"W	18.24'
L7	S03°58'34"E	28.87'
L8	S18°54'33"W	23.38'
L9	S01°28'01"E	25.28'
L10	S25°19'01"W	13.91'
L11	S07°56'29"W	57.86'
L12	S14°57'50"W	56.12'
L13	S33°53'29"W	7.40'
L14	N88°58'13"W	14.29'
L15	N33°53'29"E	13.24'
L16	N14°57'50"E	53.38'
L17	N07°56'29"E	58.66'
L18	N25°19'01"E	12.88'
L19	N01°28'01"W	24.57'
L20	N18°54'33"E	23.10'
L21	N03°58'34"W	17.97'
L22	N56°08'18"W	3.84'
L23	N37°26'49"W	7.57'
L24	N08°28'34"W	7.20'
L25	N27°00'30"E	7.84'
L26	N37°36'06"E	8.13'
L27	N05°57'17"E	29.79'
L28	N04°24'20"W	32.62'
L29	N08°32'43"E	35.88'
L30	N27°28'08"E	9.81'
L31	N09°51'22"W	4.60'
L32	N31°42'34"E	6.67'
L33	N28°58'40"W	5.50'
L34	N57°58'27"E	8.27'
L35	N08°12'17"E	18.60'
L36	S88°44'01"E	12.04'

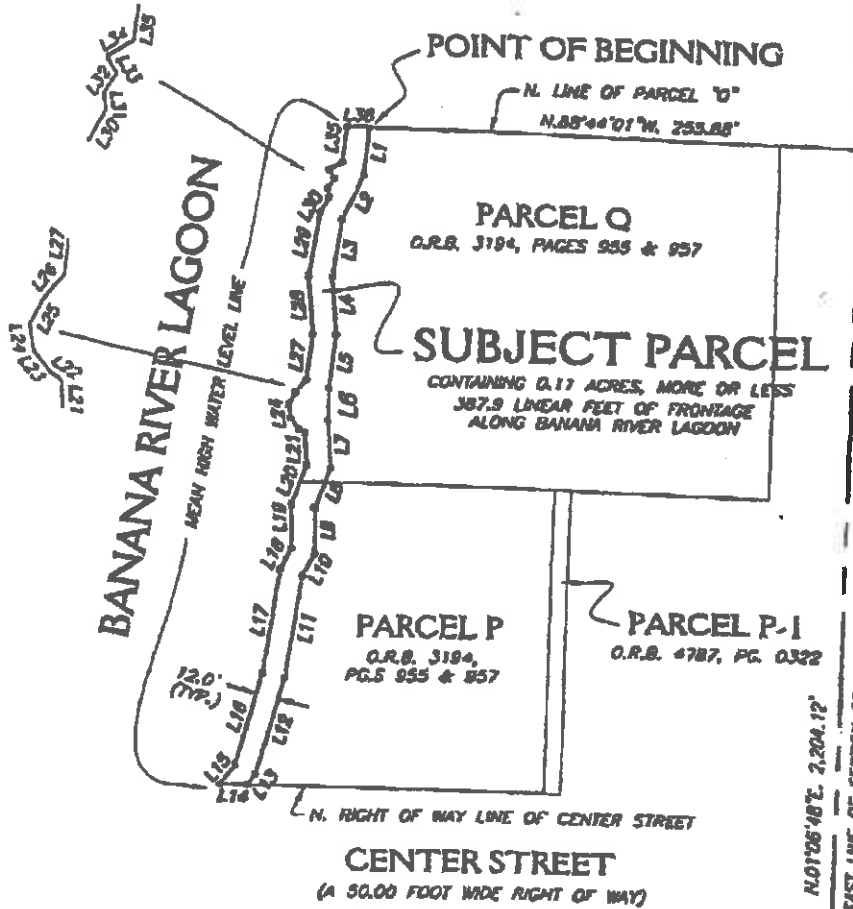


EXHIBIT "E"  
SHEET 1 OF 4

**ALLEN**  
Engineering, Inc.  
SURVEYORS - ENGINEERS  
108 DIXIE LANE  
COCOA BEACH, FLORIDA 32931

TELEPHONE: (321)783-7443 - FAX: (321)783-5982  
WEBSITE: www.alleneng.net - EMAIL: info@alleneng.net

### ABBREVIATION:

O.R.B. OFFICIAL RECORDS BOOK  
PG.S PAGES

SEE SHEET 2 FOR DESCRIPTION,  
SURVEYOR'S CERTIFICATION & NOTES

PREPARED AND CERTIFIED FOR:

TOWNE REALTY

3.	
2.	
1.	CHANGE EXHIBIT & PAGE NO.S 6-21-04
DATE:	2-18-03
DRAWN BY:	DJG
JOB NO.	020069
SCALE:	1"=100'

L:\SurveyDrawings\Completed\DJG\2002\020069 Conservation 1.dwg, 6/21/2004 11:12:56 AM



# DESCRIPTION

NOT A BOUNDARY SURVEY

CFN:2004228018

OR Book/Page: 5335 / 1499

## DESCRIPTION OF CONSERVATION EASEMENT AREA #1:

An easement for conservation purposes, lying in Section 22, Township 24 South, Range 37 East, Brevard County, Florida, being more particularly described as follows:

Commence at the Southeast corner of said Section 22; thence N01°06'48"E, along the East line of said Section 22, a distance of 2,204.12 feet, to a point on the North line of Parcel "Q" as described in Official Records Book 3194, Pages 955 and 957 of the Public Records of Brevard County, Florida; thence N88°44'01"W, along said North line, a distance of 255.88 feet, to the POINT OF BEGINNING of the herein described easement; thence S06°12'17"W, a distance of 26.46 feet; thence S24°24'11"W, a distance of 27.12 feet; thence S08°32'43"W, a distance of 32.62 feet; thence S04°24'20"E, a distance of 32.34 feet; thence S05°57'17"W, a distance of 30.28 feet; thence S00°29'07"W, a distance of 18.24 feet; thence S03°58'34"E, a distance of 25.87 feet; thence S18°54'33"W, a distance of 23.38 feet; thence S01°28'01"E, a distance of 25.28 feet; thence S25°19'01"W, a distance of 13.91 feet; thence S07°56'29"W, a distance of 57.56 feet; thence S14°57'50"W, a distance of 56.12 feet; thence S33°53'29"W, a distance of 7.49 feet, to a point on the North right of way line of Center Street (a 50.00 foot wide right of way); thence N88°58'13"W, along said North right of way line, a distance of 14.29 feet, to a point on the Mean High Water Level Line of the Banana River; thence the following 21 courses along said Mean High Water Level Line: (1) N33°53'29"E, a distance of 13.24 feet; (2) N14°57'50"E, a distance of 53.38 feet; (3) N07°56'29"E, a distance of 58.66 feet; (4) N25°19'01"E, a distance of 12.89 feet; (5) N01°28'01"W, a distance of 24.57 feet; (6) N18°54'33"E, a distance of 23.10 feet; (7) N03°58'34"W, a distance of 17.57 feet; (8) N56°08'18"W, a distance of 3.84 feet; (9) N37°26'49"W, a distance of 7.57 feet; (10) N09°28'34"W, a distance of 7.29 feet; (11) N27°00'30"E, a distance of 7.84 feet; (12) N37°36'06"E, a distance of 9.13 feet; (13) N05°57'17"E, a distance of 25.79 feet; (14) N04°24'20"W, a distance of 32.62 feet; (15) N08°32'43"E, a distance of 35.98 feet; (16) N27°28'09"E, a distance of 9.81 feet; (17) N09°51'22"W, a distance of 4.60 feet; (18) N31°42'34"E, a distance of 6.62 feet; (19) N29°58'40"W, a distance of 5.50 feet; (20) N57°56'27"E, a distance of 8.27 feet; (21) N08°12'17"E, a distance of 19.60 feet, to a point on the North line of said Parcel "Q"; thence S88°44'01"E, along said North line, a distance of 12.04 feet, to the POINT OF BEGINNING; Containing 0.11 acres, more or less.

### SURVEYOR'S NOTES:

1. THIS IS NOT A SURVEY.
2. The bearings shown hereon are based on a bearing of N01°06'48"E along the East line of Section 22.
3. • = Denotes change in direction (no corner found or set).

SEE SHEET 1 FOR THE SKETCH TO ACCOMPANY THIS DESCRIPTION

### SURVEYOR'S CERTIFICATION:


I hereby certify that the attached Property Description was prepared under my direction, in accordance with all applicable requirements of the "Minimum Technical Standards," for land surveying in the State of Florida, described in Chapter 61G17-6, Florida Administrative Code, pursuant to Chapter 472.027, Florida Statutes.

EXHIBIT "E"  
SHEET 2 OF 4

**ALLEN**  
Engineering, Inc.  
SURVEYORS - ENGINEERS  
109 DEER LANE  
COCCA BEACH, FLORIDA 32851

TELEPHONE: (321)783-7443 - FAX: (321)783-6902  
WEBSITE: www.alleneng.net - EMAIL: info@alleneng.net

ALLEN ENGINEERING, INC.

BY:   
ROBERT M. SALMON  
PROFESSIONAL SURVEYOR &  
MAPPER  
FLORIDA REGISTRATION No. 4262

Not valid without the signature  
and the original raised seal of a  
Florida licensed surveyor and mapper.

PREPARED AND CERTIFIED FOR:

TOWNE REALTY

3.	
2.	
1.	CHANGE EXHIBIT & PAGE NO.S 6-21-04
JOB NO.	020069
DATE:	2-18-03

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# SKETCH TO ACCOMPANY DESCRIPTION

NOT A BOUNDARY SURVEY

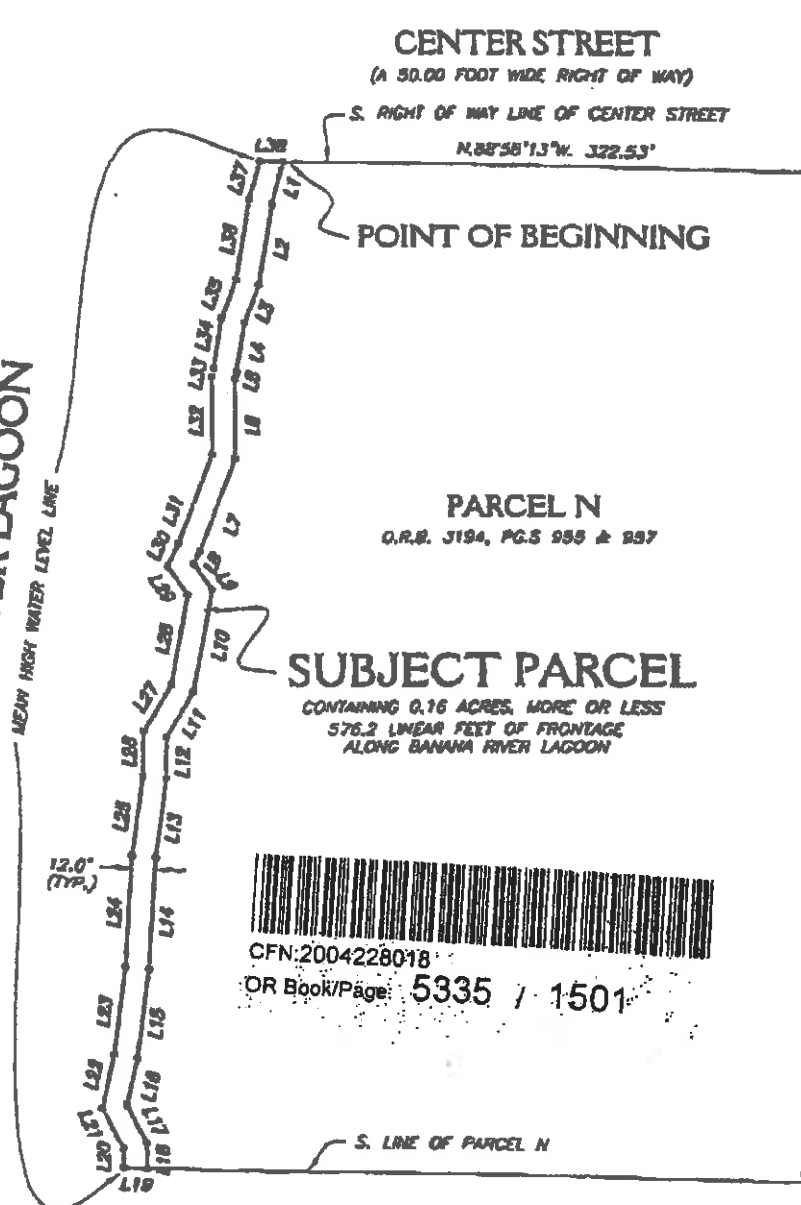
## CONSERVATION EASEMENT AREA #2



### LINE TABLE

LINE	BEARING	LENGTH
L1	S14°55'36"W	23.86'
L2	S08°22'48"W	44.68'
L3	S19°25'57"W	22.22'
L4	S08°15'25"W	27.50'
L5	S11°00'11"W	3.88'
L6	S00°10'32"W	43.64'
L7	S18°17'13"W	55.18'
L8	S23°33'27"W	7.81'
L9	S33°43'53"E	17.38'
L10	S08°25'34"W	57.08'
L11	S28°28'08"W	28.74'
L12	S00°15'58"W	22.97'
L13	S08°46'42"W	44.84'
L14	S02°43'10"W	62.10'
L15	S06°05'14"W	49.82'
L16	S11°28'13"W	26.72'
L17	S26°24'44"E	23.26'
L18	S01°28'38"E	13.91'
L19	N88°51'21"W	12.01'
L20	N01°26'36"W	10.71'
L21	N26°24'44"W	24.72'
L22	N11°28'13"E	30.28'
L23	N05°05'14"E	48.70'
L24	N02°43'10"E	62.17'
L25	N05°46'42"E	44.58'
L26	N00°15'48"E	25.30'
L27	N28°28'08"E	28.74'
L28	N08°25'34"E	30.31'
L29	N33°43'53"W	18.15'
L30	N23°33'27"E	13.82'
L31	N18°17'13"E	52.72'
L32	N00°10'32"E	42.76'
L33	N11°00'11"E	4.73'
L34	N08°15'28"E	28.38'
L35	N19°25'57"E	22.23'
L36	N08°22'48"E	44.21'
L37	N14°55'36"E	21.88'
L38	S08°38'13"E	12.38'

BANANA RIVER LAGOON  
NEW HIGH WATER LEVEL LINE



CENTER STREET  
(A 50.00 FOOT WIDE RIGHT OF WAY)

S. RIGHT OF WAY LINE OF CENTER STREET  
N.88°58'13"W. 322.53'

POINT OF BEGINNING

PARCEL N  
O.R.B. J194, P.G.S 995 & 897

SUBJECT PARCEL  
CONTAINING 0.16 ACRES, MORE OR LESS  
576.2 LINEAR FEET OF FRONTAGE  
ALONG BANANA RIVER LAGOON

CFN:2004228018  
OR Book/Page: 5335 / 1501

N.01°05'46"E. 1,787.14'  
EAST LINE OF SECTION 22

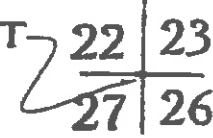
S. LINE OF PARCEL N

EXHIBIT "E"  
SHEET 3 OF 4

**ALLEN**  
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WEBSITE: www.alleneng.net - EMAIL: info@alleneng.net

POINT OF COMMENCEMENT  
S.E. CORNER OF SECTION 22-24-37



ABBREVIATION:

O.R.B. OFFICIAL RECORDS BOOK  
P.G.S. PAGES

SEE SHEET 2 FOR DESCRIPTION,  
SURVEYOR'S CERTIFICATION & NOTES

3.	
2.	
1.	CHANGE EXHIBIT & PAGE NO.S 6-21-04
DATE:	2-18-03
DRAWN BY:	DJG
JOB NO.	020069
SCALE:	1"=100'

PREPARED AND CERTIFIED FOR:

TOWNE REALTY

# DESCRIPTION

CFN:2004228018

OR Book/Page: 5335 / 1500

NOT A BOUNDARY SURVEY

## DESCRIPTION OF CONSERVATION EASEMENT AREA #2:

An easement for conservation purposes, lying in Section 22, Township 24 South, Range 37 East, Brevard County, Florida, being more particularly described as follows:

Commence at the Southeast corner of said Section 22; thence N01°06'48"E, along the East line of said Section 22, a distance of 1,787.14 feet, to a point on the South right of way line of Center Street (a 50.00 foot wide right of way); thence N88°58'13"W, along said South right of way line, a distance of 322.53 feet, to the POINT OF BEGINNING of the herein described easement; thence S14°55'56"W, a distance of 23.86 feet; thence S08°22'49"W, a distance of 44.68 feet; thence S19°25'57"W, a distance of 22.22 feet; thence S08°15'25"W, a distance of 27.50 feet; thence S11°00'11"W, a distance of 3.88 feet; thence S00°10'32"W, a distance of 43.64 feet; thence S19°17'13"W, a distance of 55.19 feet; thence S23°33'27"W, a distance of 7.81 feet; thence S33°43'53"E, a distance of 17.38 feet; thence S09°25'34"W, a distance of 57.06 feet; thence S28°28'08"W, a distance of 28.74 feet; thence S00°15'45"W, a distance of 22.97 feet; thence S06°46'42"W, a distance of 44.84 feet; thence S02°43'10"W, a distance of 62.10 feet; thence S06°05'14"W, a distance of 49.62 feet; thence S11°28'13"W, a distance of 26.72 feet; thence S26°24'44"E, a distance of 23.26 feet; thence S01°26'36"E, a distance of 13.91 feet, to a point on the South line of Parcel "N" as described in Official Records Book 3194, Pages 955 and 957 of the Public Records of Brevard County, Florida; thence N88°51'21"W, along said South line, a distance of 12.01 feet, to a point on the Mean High Water Level Line of the Banana River; thence the following 18 courses along said Mean High Water Level Line: (1) N01°26'36"W, a distance of 10.71 feet; (2) N26°24'44"W, a distance of 24.72 feet; (3) N11°28'13"E, a distance of 30.28 feet; (4) N06°05'14"E, a distance of 48.70 feet; (5) N02°43'10"E, a distance of 62.17 feet; (6) N06°46'42"E, a distance of 44.58 feet; (7) N00°15'46"E, a distance of 25.30 feet; (8) N28°28'08"E, a distance of 29.74 feet; (9) N09°25'34"E, a distance of 50.31 feet; (10) N33°43'53"W, a distance of 19.19 feet; (11) N23°33'27"E, a distance of 13.92 feet; (12) N19°17'13"E, a distance of 52.72 feet; (13) N00°10'32"E, a distance of 42.76 feet; (14) N11°00'11"E, a distance of 4.73 feet; (15) N08°15'25"E, a distance of 28.39 feet; (16) N19°25'57"E, a distance of 22.23 feet; (17) N08°22'49"E, a distance of 44.21 feet; (18) N14°55'56"E, a distance of 21.58 feet, to a point on the South right of way line of aforesaid Center Street; thence S88°58'13"E, along said South right of way line, a distance of 12.36 feet, to the POINT OF BEGINNING; Containing 0.16 acres, more or less.

### SURVEYOR'S NOTES:

1. THIS IS NOT A SURVEY.
2. The bearings shown hereon are based on a bearing of N01°06'48"E along the East line of Section 22.
3. • = Denotes change in direction (no corner found or set).

SEE SHEET 1 FOR THE SKETCH TO ACCOMPANY THIS DESCRIPTION

### SURVEYOR'S CERTIFICATION:

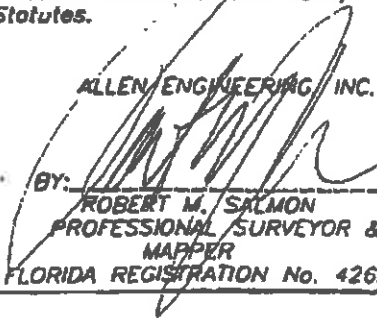
I hereby certify that the attached Property Description was prepared under my direction, in accordance with all applicable requirements of the "Minimum Technical Standards," for land surveying in the State of Florida, described in Chapter 61G17-6, Florida Administrative Code, pursuant to Chapter 472.027, Florida Statutes.

EXHIBIT "E"  
SHEET 4 OF 4

**ALLEN**  
Engineering, Inc.

SURVEYORS - ENGINEERS  
106 DIXIE LANE  
COCOA BEACH, FLORIDA 32931  
TELEPHONE: (321)783-7443 - FAX: (321)783-5902  
WEBSITE: www.alleneng.net - EMAIL: info@alleneng.net

ALLEN ENGINEERING, INC.

BY:   
ROBERT M. SALMON  
PROFESSIONAL SURVEYOR &  
MAPPER  
FLORIDA REGISTRATION No. 4262

Not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.

PREPARED AND CERTIFIED FOR:

TOWNE REALTY

3.	
2.	
1.	CHANGE EXHIBIT & PAGE NO.S 6-21-04
JOB NO.	020069
DATE:	2-18-03

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