

Rec \$52.50 =

Prepared by:
William M. Seider, Esquire/cw
Williams Parker Harrison Dietz & Getzen
200 South Orange Ave.
Sarasota, FL 34236

RECORDED IN OFFICIAL RECORDS
INSTRUMENT # 2009070769 6 PGS
2009 JUN 11 04:28 PM
KAREN E. RUSHING
CLERK OF THE CIRCUIT COURT
SARASOTA COUNTY, FLORIDA
CEAGLETO Receipt#1172515

COVENANT



THIS COVENANT is entered into this 11th day of June, 2009 between MARGARET VARNER ("Varner") and MARGARET I. VARNER and BILLUE GUIGNARD (collectively "VG").

RECITALS

- A. Varner is the owner of that property located at 1545 Hillview Drive, and legally described as Lot 124, Harbor Acres, Section 2, according to plat thereof recorded in Plat Book 4, Page 63, Public Records of Sarasota County, Florida (the "Varner Property").
- B. VG is the owner of that property located at 1808 Flower Drive, and legally described as Lot 123, Harbor Acres, Section 2, according to plat thereof recorded in Plat Book 4, Page 63, Public Records of Sarasota County, Florida (the "VG Property"). The Varner Property and VG Property are sometimes referred to as "the properties."
- C. Both properties described herein bound on the yacht basin in Harbor Acres and the properties share a common boundary line.
- D. The owners wish to mutually enter into this Covenant so as to preserve view corridors which will redound to the benefit of both properties.
- E. There is located on the Varner Property a boat dock, which is immediately adjacent to the boundary line of the VG Property. It is Varner's intent to make the boat dock available to the current or future owner of the VG Property under terms and conditions as hereinafter set forth.
- F. A completed stormwater drainage system has been constructed upon the properties, and it is the desire of the parties to establish as a matter of record the entitlement of each party to drain into that system.

NOW, THEREFORE, for and in consideration of good and valuable considerations, the adequacy of which is acknowledged by both parties hereto, it is agreed as follows:

1. Recitals. The above recitals are true and correct.
2. View Corridor.

(a) It is the intent of both parties hereto that a view corridor over the rear of the respective parcels shall be preserved. For that purpose, it is agreed that (i) Varner shall not construct any vertical improvements within that portion of the Varner Property described in Exhibit "A" attached hereto and identified as "View Corridor Area;" and (ii) VG shall not construct any vertical improvements within that portion of the VG Property described in Exhibit "B" attached hereto and identified as "View Corridor Area."

(b) For these purposes, "vertical improvements" shall mean any installation, structure, landscaping, or improvement of any sort. It is the intent of the parties that the area described in Exhibit "A" and "B" shall be a view corridor and that the views of the respective parcels shall not be blocked by a fence, playground equipment, shrub, hedge, garden, structure or any type of visual impediment. The only exception shall be the authority of the parties to install survey markers flush to the ground on a lot line, underground irrigation lines, stormwater drainage, or other underground utilities.

3. Drainage. There has been constructed a stormwater drainage system as reflected on Exhibit "C" attached hereto, which is located upon both the Varner Property and the VG Property. Each property shall be entitled to drain stormwater to this drainage system. Each owner shall be responsible to maintain that portion of the stormwater drainage system located upon their respective property.

4. Dock. There currently exists a dock located at the seawall of the Varner Property (the "dock") and which serves the Varner Property. This dock is deemed by the owners of both properties an authorized and permitted installation in its current location. The dock use may be shared, as follows.

(a) Boat Lift. Each party shall be entitled to install a boat lift or other docking-related facilities on their respective side of the dock. (VG shall have the use of that side of the dock facing the VG Property). The owner to be served by the proposed boat-related improvements (whether lift or otherwise) shall be responsible to pay all costs of those improvements and to obtain appropriate permits for doing so.

(b) Access. For purposes of gaining shared access to the dock, VG is hereby granted an access easement over a strip of the Varner Property extending five feet from the shared lot line and five feet from the basin.

(c) Utilities. Each party shall be entitled at their discretion to extend water or power service to their half of the dock, and that shall be metered to and paid by the owner receiving the services. The parties may under separate arrangement mutually agree to some shared usage and have it centrally metered and paid.

(d) Usage. Each party shall be entitled to have access to the dock for walking, viewing, and fishing purposes so long as those uses are not otherwise inconsistent with the language herein.

(e) Maintenance. The parties shall equally bear the expense of the periodic maintenance, repair and replacement of the dock and any application and permit cost related thereto. Varner, as the owner of the upland, shall be responsible to undertake such maintenance as long as it is reasonable, and VG shall be obligated to pay one-half of such cost.

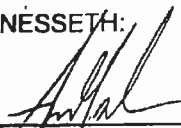
(f) Insurance. Each party shall, in connection with the homeowners policy applicable to their respective property, carry liability insurance of not less than \$500,000.00, such that any accident event on the dock would be a covered event under the respective policy.

(g) View Corridor. For purposes of the aforementioned view corridor, the construction of boat lift improvements shall not be an excluded improvement, but rather shall be permitted.

5. Covenant. This agreement shall run with the land and be binding upon heirs, successors and assigns of the parties hereto.


IN WITNESS WHEREOF, the parties have caused this Covenant to be executed the day and year first above written.

WITNESSETH:

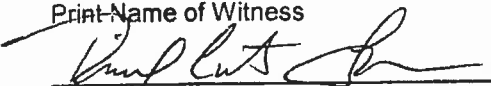


Signature of Witness
ANN MARTIN

Print Name of Witness



MARGARET VARNER



Signature of Witness
RICHARD CURTIS LAWRENCE

Print Name of Witness

WITNESSETH:

[Signature]
Signature of Witness

ANN MARTIN
Print Name of Witness

[Signature]
Signature of Witness

RICHARD CURTIS LAWRENCE
Print Name of Witness

Margaret I. Varner
MARGARET I. VARNER

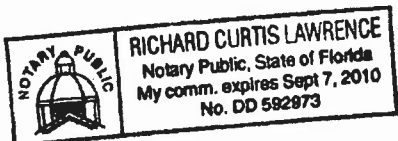
[Signature]
BILLUE GUIGNARD

STATE OF FLORIDA
COUNTY OF SARASOTA

The foregoing instrument was acknowledged before me this 10th day of June 2009 by MARGARET VARNER, who is personally known to me or who has produced FL. DRIVERS LICENSE as identification. If no type of identification is indicated, the above-named person is personally known to me;

[Signature]
Signature of Notary Public

(Notary Seal)



Print Name of Notary Public

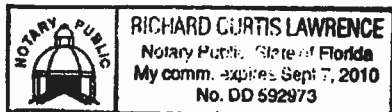
I am a Notary Public of the State of Florida,
and my commission expires on _____.

STATE OF FLORIDA
COUNTY OF SARASOTA

The foregoing instrument was acknowledged before me this 10th day of June 2009 by MARGARET I. VARNER and BILLUE GUIGNARD, who are personally known to me or who have produced FL. DRIVERS LICENSE as identification. If no type of identification is indicated, the above-named persons are personally known to me.

[Signature]
Signature of Notary Public

(Notary Seal)



Print Name of Notary Public

I am a Notary Public of the State of Florida,
and my commission expires on _____.

WMS-886746

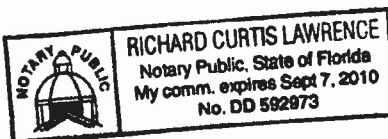


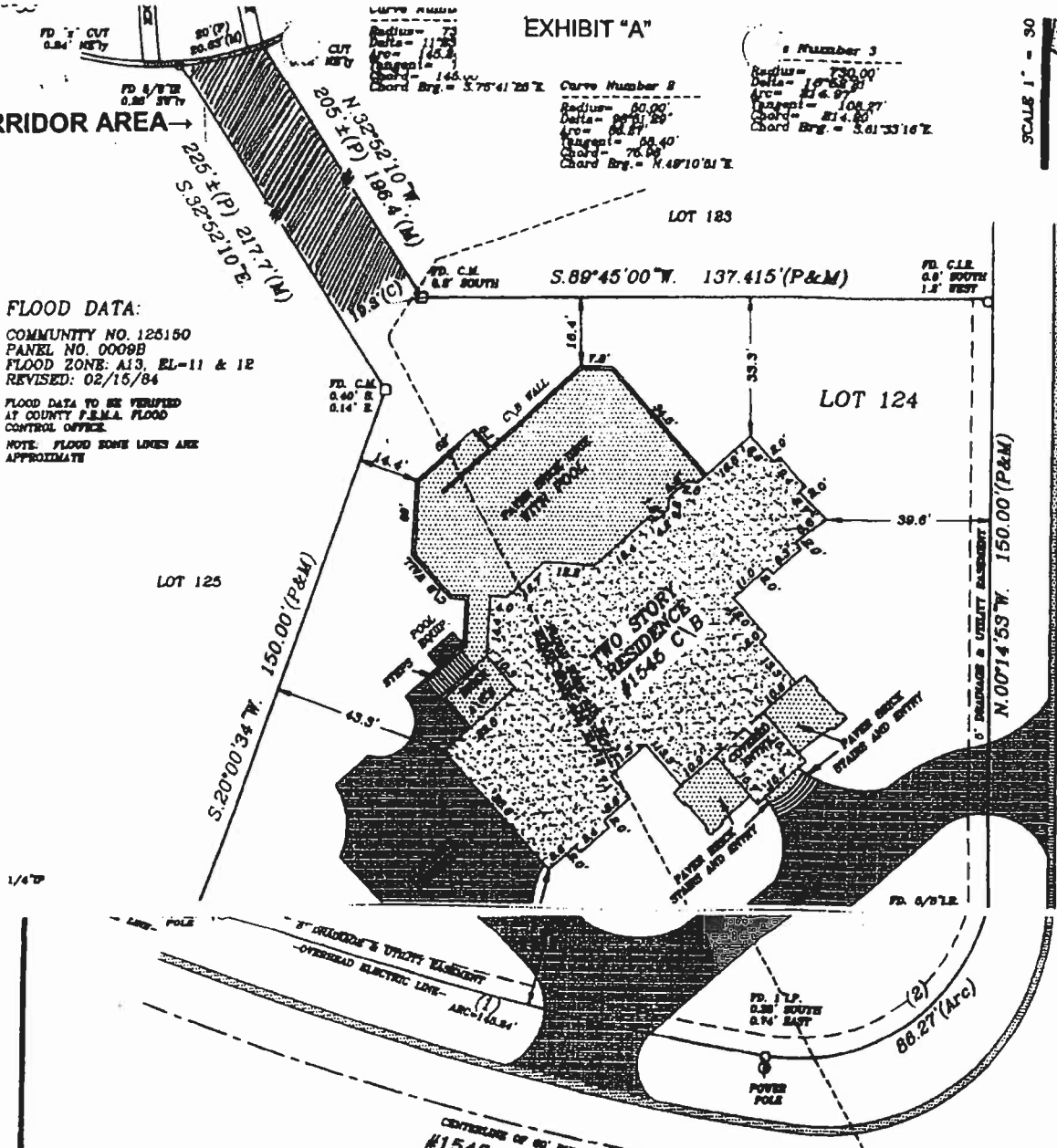
EXHIBIT "A"

SCALE 1" = 30'

VIEW CORRIDOR AREA →

FLOOD DATA:

COMMUNITY NO. 125150
 PANEL NO. 0009B
 FLOOD ZONE: A13, EL-11 & 12
 REVISED: 02/15/84
 FLOOD DATA TO BE VERIFIED
 AT COUNTY P.E.M.A. FLOOD
 CONTROL OFFICE.
 NOTE: FLOOD SOME LINES ARE
 APPROXIMATE



CERTIFIED TO:

MARGARET GORELICK
 WASHINGTON MUTUAL BANK, F.A.
 AMERICAN PIONEER TITLE INSURANCE COMPANY
 NORTON, HAMMERSLEY, LOPEZ & SKOKOS, P.A.

LEGAL DESCRIPTION:

LOT 124, HARBOR ACRES, SECTION 2, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 4, PAGES 83, 84 AND 85, OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA.

* RED STAKE SURVEYORS *

ROBERT G. BRUCE - 7123 PROCTOR RD. - SARASOTA, FL - 34241 - PHONE - (941) 923-9897 FAX (941)

CLIENT: MARGARET GORELICK
 DATE OF SURVEY: 08/13/2008
 FILE NUMBER: 09050825
 DRAWN BY: TMG & GWH
 REVISIONS:

CERTIFICATE OF SURVEYOR: I hereby certify that this represents a Boundary Survey of the property as shown hereon. Also that the survey was recently performed and that it is true and correct to the best of my knowledge. I also certify that it meets the Minimum Technical Standards for Surveying in the State of Florida, as described in Chapter Florida Administrative Code. Last revision date: 08/13/2008. This survey not valid unless sealed with Surveyor's seal.

NOTES:

"KEY CIR" IS 6/8" DIAMETER IRON ROD WITH RED PLASTIC SURVEYOR'S CAP. DISTANCES FROM HOUSE CORNERS TO PROPERTY LINES ARE AT RIGHT ANGLES TO THE PROPERTY LINE. UNDERGROUND UTILITIES AND THEIR ENCROACHMENTS HAVE NOT BEEN LOCATED EXCEPT AS SHOWN. EXISTING ELEVATIONS SHOWN IN ELLIPSES ARE RELATED TO M.C.V.D.

Robert G. Bruce 08/18/2008
 ROBERT G. BRUCE, P.S.&M. #4619

LEGAL DESCRIPTION OF SURVEY MAP

A Strip of Land being a part of Lot 123, Harbor Acres, Section 2, as recorded in Plat Book 4, page 63, Public Records of Sarasota County, Florida, and being for the purposes described in agreement and being further described as follows:

Commencing at the SE corner of said Lot 123; thence S. 89° 45' 00" W., along South line of said Lot 123, a distance of 94.95 feet; for the Point of Beginning of said parcel of land; thence continue S. 89° 45' 00" W., along aforesaid South line, a distance of 42.46 feet; thence N. 32° 52' 10" W., along the Southwesterly line of said Lot 123, a distance of 195.72 feet to a point on a seawall cap; thence S. 36° 11' 18" E., a distance of 114.30 feet; thence S. 41° 10' 01" E., a distance of 72.70 feet; thence S. 74° 48' 33" E., a distance of 30.11 feet; thence S. 24° 38' 55" E., a distance of 10.30 feet to the Point of Beginning.

Strip of land comprises 1801.6 Square feet or 0.04 Acres, more or less.

LEGEND

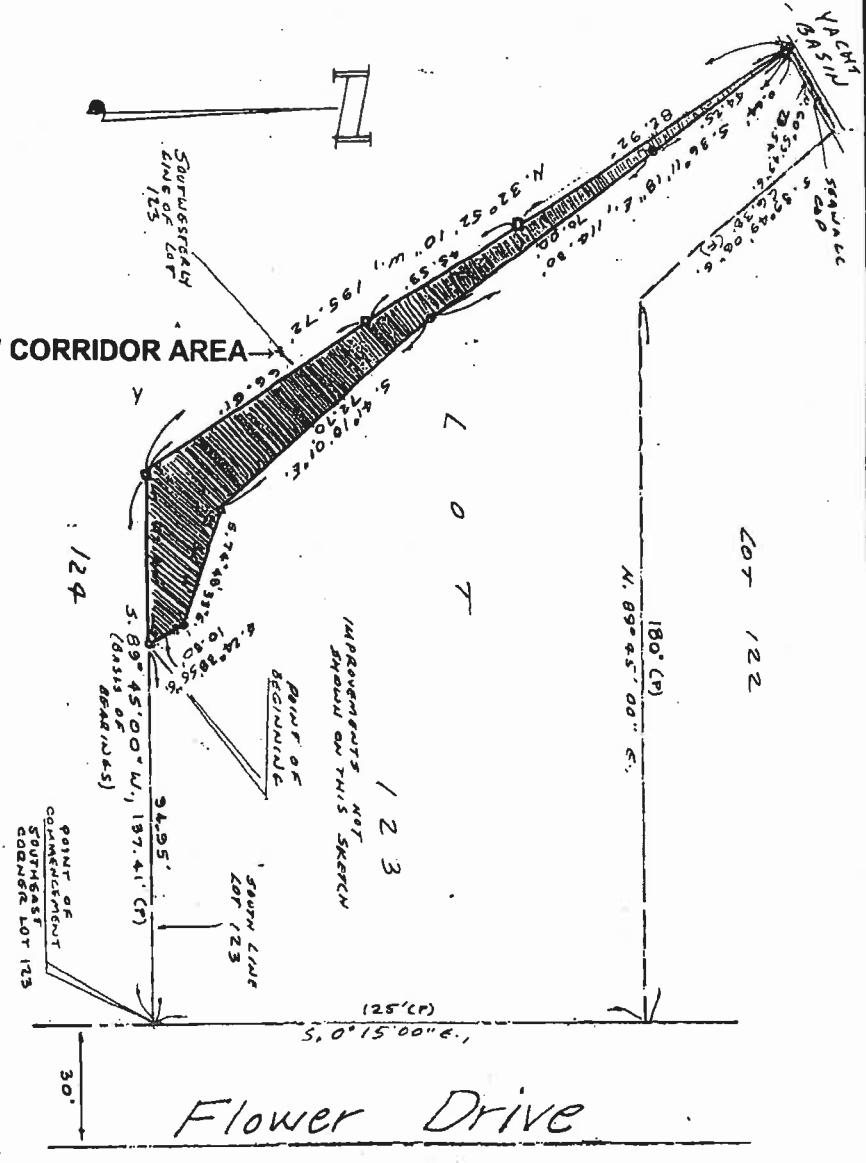
- o Indicates 5/8" Iron Rod
- Indicates 4"x4" Concrete Monument

NOTE: This is not a Boundary Survey

SURVEYORS NOTES:

1. BEARINGS ARE BASED ON THE SOUTH LINE OF Lot 123, BEING S. 89° 45' 00" W. (GATION, WHEN SHOWN HEREON, ARE BASED ON N.G.V.D. 1929 AND WERE DERIVED FROM (NOT USED)
2. SUBJECT TO ANY ADJUSTMENT OF WAY, RECORDED OR NOT, THAT APPEARS TO THE LAND SURVEYED, ON THIS SKETCH THE BEGINNING OF A CURRENT ABSTRACT OR OWNERSHIP REPORT
3. THE LAND SHOWN ON THIS SKETCH APPEARS TO BE IN ZONE A-13 PER F.E.M.A. FLOOD MAP # 12013-1-0002-B, DATED 7-15-84 WITH A BASE FLOOD ELEVATION OF 11.22 FEET (IF NOT BEEN LOCATED BY THIS SURVEY (ONLY WHEN IT APPEARS TO LAND SURVEYED)
4. WETLANDS, UNLESS NOTED HEREON, HAVE NOT BEEN LOCATED BY THIS SURVEY (ONLY WHEN IT APPEARS TO LAND SURVEYED)
5. UNDERGROUND FEATURES, SUCH AS TROTTOIR, WATERWAYS, DRAINAGE PIPES, SEPTIC TANKS, UNNOTED OTHERWISE ON SKETCH)
6. OUTSIDE BUILDING FEATURES, SUCH AS ROOF EAVES, WETTER BOXES, SILLS AND LANDSCAPE FEATURES ARE ONLY SHOWN WHEN THEY ARE ENCOUNTERED.

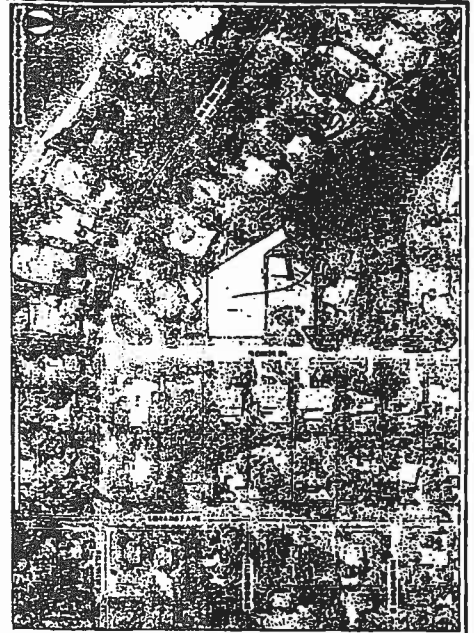
Jonathan W. Esber
 PROFESSIONAL LAND SURVEYOR & MAPPER
 3712 - 75TH AVE. DR. E., SARASOTA, FLORIDA 34243
 PHONE: (941) 351-4198 FAX: (941) 359-3807
 FLORIDA LICENSED BUSINESS NO. 6048



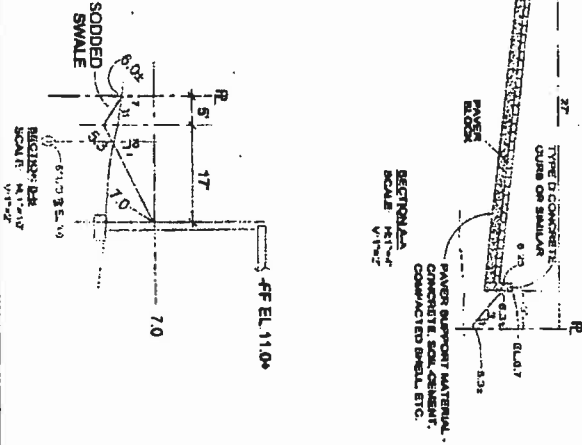
VIEW CORRIDOR AREA

KEY CERTIFIED TO:		E. Billie Gutnard Margaret I. Varner	
SURVEY TYPE:		Sketch for legal description	
DRAWING SCALE:		1" = 30'	
JOB NUMBER:	07-12-03 AB	SECTION/TOWNSHIP/RANGE:	30 36S 18E
DRAWN BY: JWE		FIELD CREW CHIEF: JWE	
LEGEND I/C-AIR CONDITIONER C/B-CONCRETE BLOCK SITTLE (O)-FIELD MEASUREMENT (P)-PLATED MEASUREMENT IR-IRON ROD IP-IRON PIPE CR-CHAIN LINK FENCE CL-CHAIN LINK FENCE PU-PUBLIC UTILITY EASEMENT DE-ORAINAGE EASEMENT ORB-OPTICAL RECORD BOOK TP-TYPICAL R/W-RIGHT OF WAY			
SURVEYORS CERTIFICATE: THE SURVEY AND SKETCH SHOWN ABOVE MEETS ACCURACY AND COMPETENCE AS SET FORTH BY STATE OF FLORIDA REGULATIONS Jonathan W. Esber 7-05-08 PROFESSIONAL SURVEYOR & MAPPER FLORIDA CERTIFICATE NO. 4483 DATE OF FLD SURVEY			
REVISIONS: NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER			

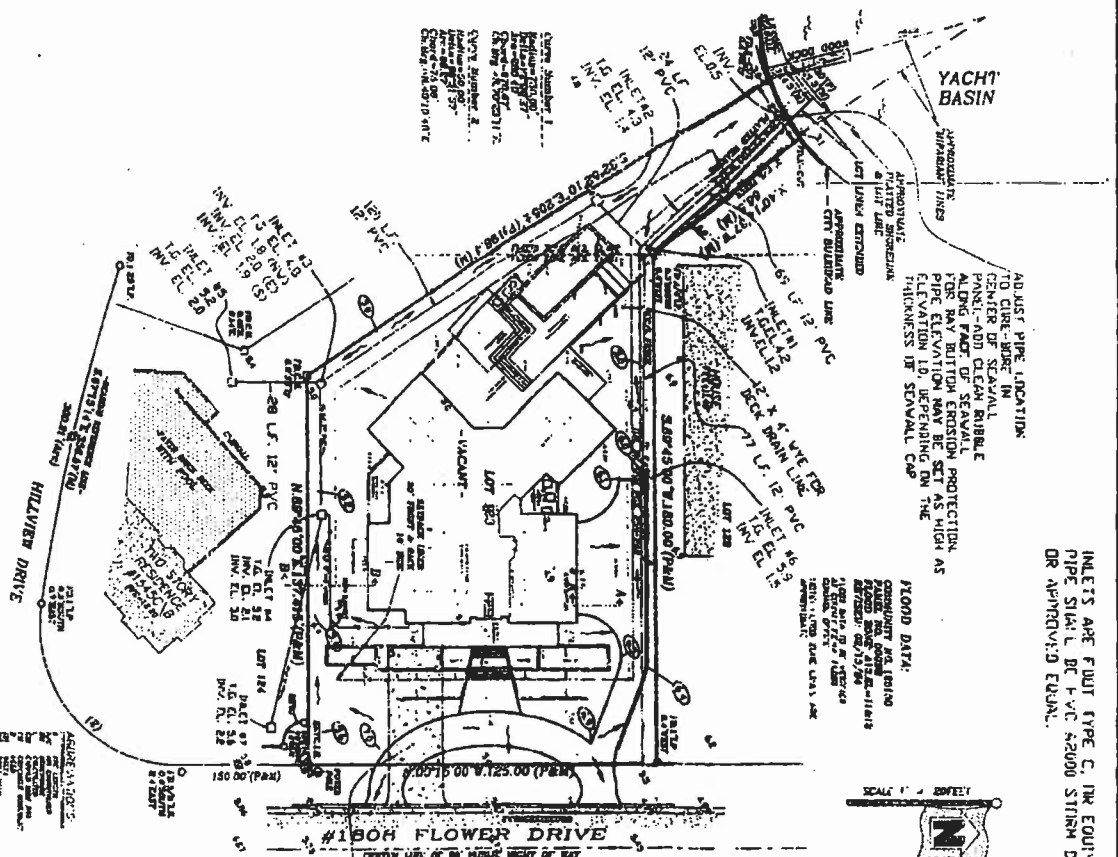
THE SURVEY DEPICTED HERE IS NOT COVERED BY PROFESSIONAL LIABILITY INSURANCE



LOCATION MAP
(STRUCTURE SHOWN IS DEMOLISHED)
LEGAL DESCRIPTION
LOT 123, HARBOR ACRES, SECTION 2, AS PER PLAT THREE OF RECORDED IN P.B.I. PAGE 63, OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FL.



NO KNOWN CONFLICTS WITH EXISTING UTILITIES CALL SUNSHINE FOR LOCATION INLET #5, #7 & PIPE WITH PERMISSION OF ADJOINING PROPERTY OWNER - 3100 CURRENTLY OWNS BOTH PROPERTIES.



ADJUST PIPE LOCATION TO CLEAR BRK IN ALL SPACES AND CLEAR BIBLE ALONG FACE OF SEAWALL FOR RAY BUTTON PROTECTION. PIPE ELEVATION TO BE HIGH AS ELEVATION TO BE HIGH AS THICKNESS OF SEAWALL CAP.

INLETS ARE FIBER OPTIC EQUIVALENT TO MATCH PIPE SIZE OR APPROVED EQUAL.

FLOOD DATA:
COMMUNITY AND LINDSEY
FLOOD MAPS
REVISION: 02/12/96
DATE: 02/12/96
SCALE: 1" = 100'



- LEGEND**
- 6.6 EXISTING SPOT ELEVATIONS BY HOUSE DESIGN
 - PROPOSED ELEVATIONS BY DESIGN ENGINEER
 - PROPOSED INLET AND PIPE
 - FLOW DIRECTION
 - ROOF DRAIN LINE (SIZE BY OTHERS)
 - UNDERDRAIN PIPE

*FOR MORE LEGIBLE COPY, REFER TO HG & LL, INC. DRAINAGE PLAN FOR 1808 FLOWER DRIVE DATED APRIL 2006, PROJECT NO. 1568.

DATE	9-19-06	REVISED TOPO DATA; SECTIONS	HG & LL 1100 10th Ave Sarasota, FL 34236	SCALE	1" = 20'	DATE	09/11/2006	DRAWN BY	LAURENCE L. LEMPERT, P.E.	
	10-19-06	ADD 3 INLETS AND PIPE			371-9453		09/11/2006		LAURENCE L. LEMPERT, P.E.	
PROJECT	DRAINAGE PLAN 1808 FLOWER DR. SARASOTA, FLORIDA		PROJECT NO.	1568	SCALE	1" = 20'	DATE	09/11/2006	DRAWN BY	LAURENCE L. LEMPERT, P.E.