

Document prepared by:
D&H Homes, LLC

NOTICE: PURCHASERS, GRANTEEES, HEIRS, SUCCESSORS AND ASSIGNS OF ANY INTEREST IN THE PROPERTY SET FORTH ON EXHIBIT "A" ARE HEREBY PUT ON NOTICE OF THIS DECLARATION WHICH SHALL RUN WITH THE PROPERTY

**DECLARATION OF RESTRICTIVE COVENANTS
FOR PRIVATE ROADWAY ACCESS AND UTILITIES**

THIS DECLARATION OF RESTRICTIVE COVENANTS, made this ___ day of _____, 2018, by D&H Homes, LLC, a Florida Limited Liability Company, hereinafter referred to as "OWNER."

WHEREAS, OWNER, is the fee title owner of certain property in Nassau County, Florida, as described in Exhibit "A" (the "Property"); and

WHEREAS, OWNER has applied to Nassau County ("COUNTY") for approval of abandonment of the public right of way for the Property; and

WHEREAS, COUNTY approved the right of way abandonment on _____, 2018, subject to certain conditions; and

WHEREAS, one of the conditions of approval is that OWNER provide a permanent access easement for utility service vehicles and emergency vehicles and for the installation and maintenance of public and semi-public underground utilities; and

WHEREAS, in order to comply with the conditions of approval, OWNER wishes to impose a permanent non-exclusive Restrictive Covenant for:

1. the ingress and egress of vehicles upon the portion of the Property described in Exhibit "B," for utility service vehicles, emergency vehicles, and for pedestrian traffic associated with those vehicles, and for private ingress and egress for current and future holders of any right, title, or interest in the Property, their successors and assigns; and
2. Installation, modification and maintenance of public and semi-public underground utilities

NOW, THEREFORE, IN ORDER TO SATISFY the conditions of approval described above, OWNER does hereby impose the following Restrictive Covenants upon the Property:

1. The recitals described above are true and accurate and are incorporated into these Restrictive Covenants.
2. Declaration of Restrictive Covenants for Emergency Access, Private Access and Utilities.
 - a. OWNER, for itself and its successors and assigns, hereby declares and subjects that portion of the Property described in Exhibit "B" to a non-exclusive unpaved access covenant to the public for ingress and egress of vehicular and pedestrian traffic for the purpose of providing access to utility service and emergency vehicles, and for installation, modification and maintenance of public and semi-public underground utilities.
 - b. OWNER, for itself and its successors and assigns, hereby declares and subjects that portion of the Property described in Exhibit "B" to a non-exclusive access covenant for private ingress and egress of vehicular and pedestrian traffic.
3. The maintenance of the unpaved emergency access described in Exhibit "B" shall be the sole responsibility of the OWNER, its successors and assigns.
4. OWNER, its successors and assigns shall obtain all required permits from COUNTY for any future proposed paved access to Drury Rd..
5. The failure of any party to this Declaration to abide by the covenants, conditions, and declarations herein shall constitute an event of default and may be enforced by COUNTY or such other governmental entity described herein.
6. This Declaration of Restrictive Covenants may not be altered, changed, or amended except by an instrument in writing, executed by all of the owners of any right, title, or interest in and to the Property, including any affected governmental entity.

7. This Declaration of Restrictive Covenants shall be recorded in the Public Records of Nassau County, Florida, at OWNER's sole cost and expense, and all of the provisions of this instrument shall run with the Property and shall remain in full force and effect for perpetuity and are binding on all parties and persons acquiring any right, title, or interest in or to all or any portion of the Property.
8. COUNTY, any other affected governmental entity, and the owners of any right, title, or interest in or to the Property are the beneficiaries of these restrictive covenants and as such, may enforce these restrictive covenants by action at law or in equity against any person or persons, entity or entities, violating or attempting to violate the terms hereof. COUNTY and any other affected governmental entity shall be entitled to specific performance of the restrictive covenants provided herein in addition to the remedies available at law or in equity.
9. Any controversies or legal problems arising out of this Declaration of Restrictive Covenants and any action involving the enforcement or interpretation of any rights hereunder shall be submitted to the jurisdiction of the state courts of the fourth Judicial Circuit of Nassau County, Florida, the venue situs, and shall be governed by the laws of the State of Florida.

[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK]

OWNER:

D&H HOMES LLC,
a Florida limited Liability Company

By _____

John R. Hawley, as Manager

____ day of _____, 2018

WITNESSES:

Witness #1

Witness #2

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 2018, by John R. Hawley, as Manager of D&H Homes LLC, a Florida Limited Liability Company, on behalf of the company, who (___) is personally known to me, or (___) has produced a valid driver's license as identification.

Notary Public, State of Florida

My commission expires: _____

(Seal)

EXHIBIT "A"
SKETCH AND DESCRIPTION
 30' RIGHT-OF-WAY REVERSION TO
 LOT 3, DRURY HOMES PLAT
 (PB 5, PG 3, N.C.R.)

A PARCEL OF LAND BEING A PORTION OF AN ABANDONED 60 FOOT RIGHT-OF-WAY AS RECORDED IN OFFICIAL RECORDS BOOK XX, PAGE XXX OF THE PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA. SAID PORTION IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 1 OF THE PLAT OF DRURY HOMES, AS RECORDED IN PLAT BOOK 5, PAGE 3, OF THE PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA;

THENCE NORTH 00°15'07" EAST 132.27 FEET ALONG THE EASTERLY LINE OF SAID PLAT, ALSO BEING THE WESTERLY LINE OF THE PLAT OF AMELIA OAKS, AS RECORDED IN PLAT BOOK 8, PAGE 85 OF THE PUBLIC RECORDS OF NASSAU COUNTY FLORIDA, TO THE POINT OF BEGINNING;

THENCE NORTH 79°04'27" WEST 208.21 FEET TO THE EAST RIGHT-OF-WAY LINE OF DRURY ROAD AS INDICATED ON SAID PLAT;

THENCE NORTH 10°57'08" EAST 30.04 FEET ALONG SAID EAST RIGHT-OF-WAY LINE;

THENCE SOUTH 79°03'34" EAST 202.55 FEET ALONG THE SOUTHERLY PROPERTY LINE OF LOT 3 OF SAID PLAT;

THENCE SOUTH 00°15'07" WEST 30.52 FEET ALONG THE EASTERLY LINE OF SAID PLAT, ALSO BEING THE WESTERLY LINE OF THE PLAT OF AMELIA OAKS, AS RECORDED IN PLAT BOOK 8, PAGE 85 OF THE PUBLIC RECORDS OF NASSAU COUNTY FLORIDA, TO THE POINT OF BEGINNING.

SAID LANDS LYING IN THE CITY OF FERNANDINA BEACH, NASSAU COUNTY, FLORIDA, CONTAINING 6,165 SQUARE FEET (0.142 ACRE), MORE OR LESS.

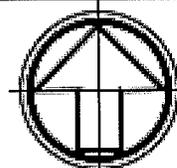
SHEET 1 OF 2 SHEETS

REVISIONS	DWN	DATE	FB/PG	CHKD

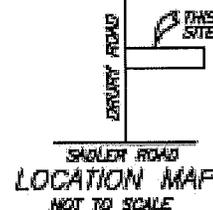
SDA SHAH
 DROTOS
 & ASSOCIATES
 CERTIFICATE OF AUTHORIZATION NO. LB 6486
 3410 N. Andrews Avenue Exp. • Fernandina Beach, FL 32084
 PH: 904-843-8433 • FAX: 904-7783-4734

ENGINEERING
 SURVEYING
 PLANNING

EXHIBIT "A"
SKETCH AND DESCRIPTION
30' RIGHT-OF-WAY REVERSION TO
LOT 3, DRURY HOMES PLAT
(PB 5, PG 3, N.C.R.)

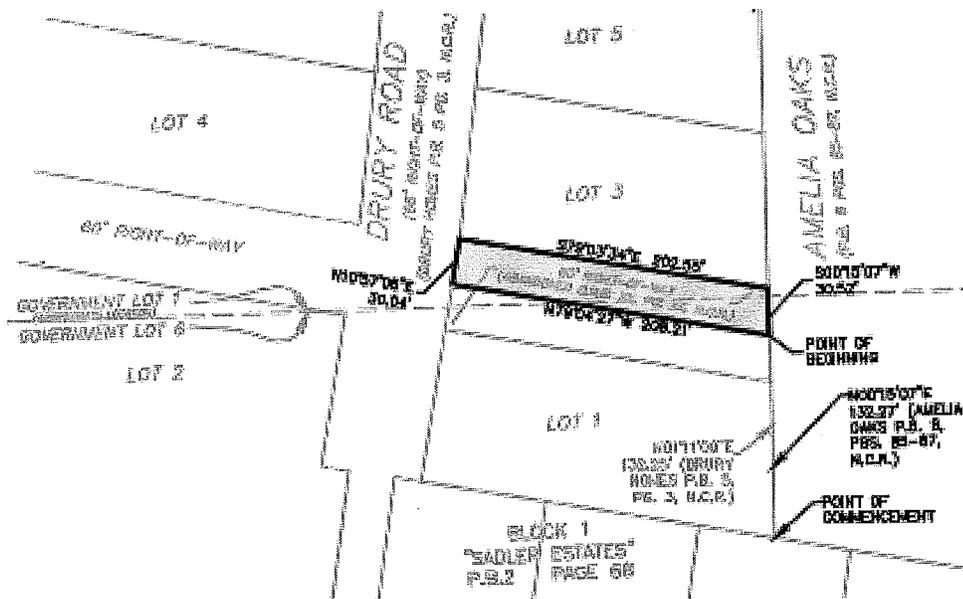


SCALE: 1" = 100'



LEGEND:

- P.B. = PLAT BOOK
- O.R.B. = OFFICIAL RECORDS BOOK
- N.C.R. = NASSAU COUNTY RECORDS
- P.G. = PAGE



SURVEY NOTES:

1. THIS IS NOT A BOUNDARY SURVEY.
2. LANDS SHOWN HEREON WERE NOT ABSTRACTED BY SHAH, DROTOS & ASSOCIATES FOR EASEMENTS, RIGHTS-OF-WAY, OWNERSHIP OR OTHER INSTRUMENTS OF RECORD.
3. UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER, THIS MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.

4. BEARINGS SHOWN HEREON ARE BASED ON N00°15'07"E FOR THE WEST LINE OF THE PLAT OF AMELIA OAKS (P.B. 8, PG. 85 N.C.R.)

FOR THE FIRM, BY:

MICHAEL D. SARVER
PROFESSIONAL SURVEYOR
AND MAPPER
 FLORIDA REGISTRATION NO. 4174

SHEET 2 OF 2 SHEETS

REVISIONS	DWN	DATE	FB/PG	CHKD

SDA SHAH
 DROTOS
 & ASSOCIATES
 CERTIFICATE OF AUTHORIZATION NO. LB 8458
 8410 N. Andrews Avenue, Suite 4, Parkwood Plaza, Ft. Lauderdale, FL 33324
 PH: 954-943-9438 FAX: 954-7703-0754

EXHIBIT "B"
SKETCH AND DESCRIPTION
 UTILITY AND ACCESS EASEMENT
 LOT 3, DRURY HOMES PLAT
 (PB 5, PG 3, N.C.R.)

A PARCEL OF LAND BEING A PORTION OF LOT 3, ACCORDING TO THE DRURY HOMES PLAT AS RECORDED IN PLAT BOOK 5, PAGE 3, OF THE PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA SAID PORTION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 1 AS INDICATED ON SAID PLAT;

THENCE NORTH 00°15'07" EAST ALONG THE EASTERLY LINE OF LOT 1 OF THE PLAT OF DRURY HOMES, AS RECORDED IN PLAT BOOK 5, PAGE 3, OF THE PUBLIC RECORDS OF NASSAU COUNTY FLORIDA, ALSO BEING THE WESTERLY LINE OF THE PLAT OF AMELIA OAKS, AS RECORDED IN PLAT BOOK 8, PAGE 85 OF THE PUBLIC RECORDS OF NASSAU COUNTY FLORIDA, 132.27 FEET TO THE POINT OF BEGINNING.

THENCE NORTH 79°04'27" WEST 208.21 FEET;

THENCE NORTH 10°57'08" EAST 19.97 FEET;

THENCE SOUTH 79°03'34" EAST 204.44 FEET;

THENCE SOUTH 00°15'07" WEST ALONG THE EASTERLY LINE OF THE PLAT OF DRURY HOMES, AS RECORDED IN PLAT BOOK 5, PAGE 3, OF THE PUBLIC RECORDS OF NASSAU COUNTY FLORIDA, ALSO BEING THE WESTERLY LINE OF THE PLAT OF AMELIA OAKS, AS RECORDED IN PLAT BOOK 8, PAGE 85 OF THE PUBLIC RECORDS OF NASSAU COUNTY FLORIDA, 20.27 FEET TO THE POINT OF BEGINNING.

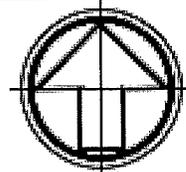
SAID LANDS LYING IN THE CITY OF FERNANDINA BEACH, NASSAU COUNTY, FLORIDA, CONTAINING 4,115 SQUARE FEET (0.095 ACRE), MORE OR LESS.

SHEET 1 OF 2 SHEETS

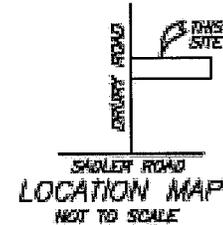
REVISIONS	DWN	DATE	FB/PG	CHKD

SDA SHAH
 BROTON
 & ASSOCIATES
 ENGINEERING
 SURVEYING
 PLANNING
 CERTIFICATE OF AUTHORIZATION NO. LB 5406
 5410 N. Andrews Avenue Est. • Pompano Beach, FL 33064
 PH 954-843-8433 • FAX 954-7783-4754

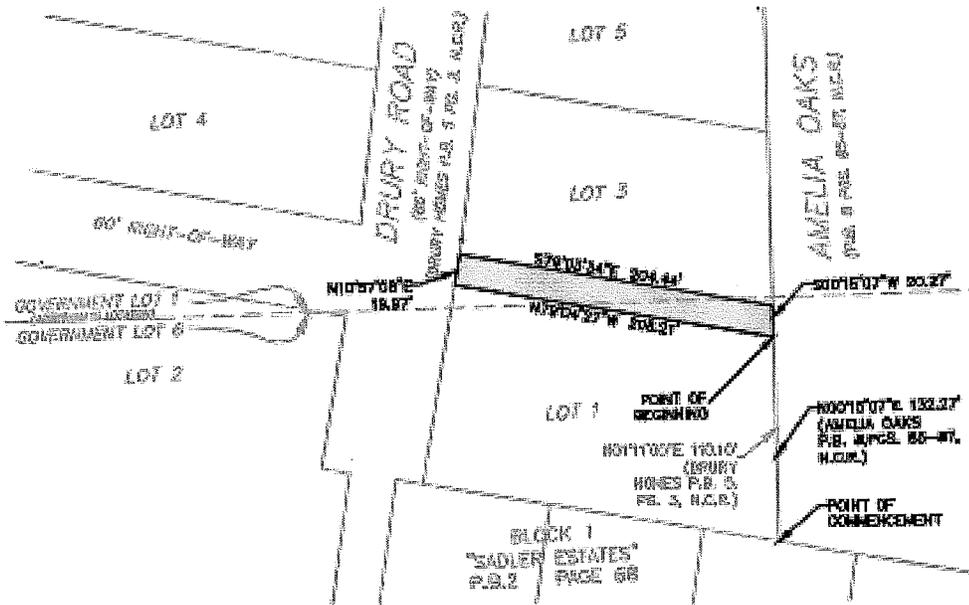
EXHIBIT "B"
SKETCH AND DESCRIPTION
 UTILITY AND ACCESS EASEMENT
 LOT 3, DRURY HOMES PLAT
 (PB 5, PG 3, N.C.R.)



SCALE: 1" = 100'



LEGEND:
 P.B. = PLAT BOOK
 N.C.R. = NASSAU COUNTY RECORDS
 P.S. = PAGE



SURVEY NOTES:
 1. THIS IS NOT A BOUNDARY SURVEY.
 2. LANDS SHOWN HEREON WERE NOT ABSTRACTED BY SHAH, DROTOS & ASSOCIATES FOR EASEMENTS, RIGHTS-OF-WAY, OWNERSHIP OR OTHER INSTRUMENTS OF RECORD.
 3. UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER, THIS MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.

4. BEARINGS SHOWN HEREON ARE BASED ON N00°15'07"E FOR THE WEST LINE OF THE PLAT OF AMELIA OAKS (P.B. 8, PG. 85 N.C.R.)

FOR THE FIRM, BY:

MICHAEL D. SARVER
 PROFESSIONAL SURVEYOR
 AND MAPPER
 FLORIDA REGISTRATION NO. 4174
 SHEET 2 OF 2 SHEETS

REVISIONS	DWN	DATE	FB/PB	CHKD

SDA SHAH
 DROTOS
 & ASSOCIATES
 CERTIFICATE OF AUTHORIZATION NO. LB 8458
 8410 N. Andrews Avenue East, # Fourteen, Coconut Creek, FL 33064
 PH: 954-842-1434 FAX: 954-3792-0734