

**SECOND AMENDMENT TO THE  
DECLARATION  
OF  
COVENANTS, EASEMENTS AND RESTRICTIONS  
FOR  
WINDING CREEK SUBDIVISION**

This Second Amendment to the Declaration of Covenants, Easements and Restrictions for Winding Creek Subdivision (Second Amendment) is made this 5<sup>th</sup> day of November, 2003, by SYED ARIF (the "Declarant").

**WITNESSETH**

WHEREAS, Declarant owns certain real property in Manatee County, Florida, on which there has been established a residential community known as WINDING CREEK SUBDIVISION (the "Subdivision") which said roads are platted in Plat Book 39 Page 187 and for which there is a Declaration of Covenants, Easements, and Restrictions for the Winding Creek Subdivision recorded in Official Record Book 1760, Page 576, and amended in Official Record Book 1806, Page 4624, all of the Public Records of Manatee County, Florida ("Declaration") which shall be modified by this Second Amendment; and

WHEREAS, Declarant is creating and developing the roadway and infrastructure for Phase II Subphase A of the Property of which the Declaration already applies and encumber; and

WHEREAS, Declarant desires to modify the Declaration as set forth herein;

NOW, THEREFORE, in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, receipt and sufficiency of which is hereby acknowledged, the Declarant hereby modifies the Declaration as set forth herein:

1. The above recitals are true and correct and are incorporated herein and Declarant hereby submits the roadways to Phase II Subphase A of the Property which is already subject to this Declaration but not yet platted. Said roadways for Phase II Subphase A are legally described in Exhibit "A" and said Phase II roadways shall soon be platted.

2. The Declarant, in accordance with the provisions of the Declaration, shall amend and modify the Declaration as follows:

A. Article 4, Common Property. 4.03(a)(i), Wetland Areas. Declarant has assigned the Conservation Easement set forth in Article 4, 4.03(a)(i) in the Declaration and said Conservation Easement is hereby in favor of Manatee County and Southwest Florida Water Management District as evidenced in that Assignment of Conservation Easement as recorded at Official Records Book 1848 Page 5973 of the Public Records of Manatee County, Florida. Additionally, Declarant established a Second Conservation Easement in favor of Manatee County and Southwest Florida Water Management District as recorded in Official Records Book

1848 Page 4025 of the Public Records of Manatee County, Florida, covering land in Phase IIA and Phase IIB of the Subdivision.

B. Article 4, Common Property. 4.03(d) Uses and Purposes of Common Property. Upland Preservation. The Upland Preservation Areas shall be more clearly defined as "Lot 11-A" and shall be known as "Lot 11-A" hereinafter. Paragraph 4.03(d) shall be deleted and restated in its entirety to read as follows:

"(d) **Lot 11-A.** These shall be hereby established as a preservation area the property known at Lot 11-A legally described as Exhibit "B" to this Second Amendment. Lot 11-A shall be left substantially in its natural state and shall be available for uses to the owners only such as walking, passive horseback riding and other passive uses, hiking except during hunting season, hunting without firearms during the official deer season as set forth by the regulating State agency, and other passive uses and shall serve as a visual amenity for the Subdivision. Lot 11-A may be sold by Declarant but shall be subject to the terms of this Paragraph. Firearm hunting on Lot 11-A is PROHIBITED. The association hereby creates the Winding Creek Hunt Club (Club) that shall control all rules and regulations of hunting on lot 11-A. Owners who desire to hunt must join the Club in order to hunt and be governed by its rules. The Club shall be governed by the association or by a governing committee approved by the association and initially governed solely by Declarant until the Subdivision is turned over to the association or earlier should Declarant declare. The Club shall maintain safety rules and hunting schedules and adequate insurance at all times during hunting season and may require fees in order to pay for the insurance."

C. Article 4, Common Property. 4.03(f)(iii), Uses and Purposes of Common Property. Roads and Easements. Declarant hereby modifies 7.5 foot private drainage easements to 20' private drainage easements, and, therefore, said paragraph shall be restated as follows:

"There is hereby established a 20' foot private drainage easement on all side lot lines where drainage outfall structure exists".

D. Article 8 Restrictions. 8.03 Animals. Declarant hereby modifies this provision to add the following sentence to the end of said Paragraph.

"Notwithstanding the foregoing, the habitat shall be maintained in its current state and livestock will not be allowed to freely graze in the native habitat areas. Habitat areas are any native habitats and not existing pastures within the Army Corps of Engineers line."

E. Article 8, Restrictions 8.11 Wetlands. The following provisions are added to this provisions as (f), (g), and (h):

"(f) Activities (i.e., mowing, bush hogging, tilling, disking, dredging, filling, vegetation removal (unless otherwise specified in this condition), etc.) and the construction and/or placement of any type of permanent or temporary structure (i.e., fences, pole barns, sheds, etc.) within the 75 foot upland buffer, mitigation area, and wetlands located within the project

boundaries are strictly prohibited. This area shall be maintained in its native condition in perpetuity except for the removal of nuisance and exotic vegetation.

(g) Each property owner within the subdivision at the time of construction of a building, residence, or structure shall comply with the approved construction plans for the surface water management system approved and on file with the Southwest Florida Water Management District (SWFWMD).

(h) No owner of property within the subdivision may construct or maintain any building, residence, or structure, or undertake or perform any activity in the wetlands, wetland mitigation areas, buffer areas, upland conservation and drainage easements described in the approved permit and recorded in the plat of the subdivision, unless prior approval is received from the Southwest Florida Water Management District, Sarasota Regulation Department."

F. Article 8. Restrictions 8.14 Canopy Trees. This provision shall be hereby deleted and restated as follows:

"8.14 Canopy Trees. PRIOR TO EACH OWNER OBTAINING THEIR CERTIFICATE OF OCCUPANCY, EACH PROPERTY OWNER AT THE OWNER'S COST SHALL PLANT ONE (1) CANOPY TREE MEETING THE MINIMUM STANDARDS OF THE MANATEE COUNTY LAND DEVELOPER'S CODE (3" CALIPER, 10' MINIMUM HEIGHT, AND 4' MINIMUM CANOPY SPREAD) AT PLANTING WITHIN TWENTY-FIVE (25) FEET OF THE RIGHT-OF-WAY OF EACH LOCAL STREET WITHIN THE SUBDIVISION FOR EVERY FIFTY (50) LINEAR FEET, OR SUBSTANTIAL FRACTION THEREOF, OF THE RIGHT-OF-WAY. NONE OF THESE REQUIRED TREES SHALL BE PLANTED WITHIN A PUBLIC OR PRIVATE UTILITIES EASEMENT. THE TREES SHALL BE SPACED NO CLOSER TOGETHER THAN TWENTY-FIVE (25) FEET, UNLESS A DECORATIVE GROUPING OR ALTERNATIVE METHOD IS SHOWN AND APPROVED ON THE FINAL SITE PLAN OR LANDSCAPE PLAN. PALM TREES MAY BE UTILIZED, WHEN GROUPED AT LEAST TWO (2) TOGETHER TO COUNT AS ONE (1) CANOPY TREE. EXISTING NATIVE TREES SHOULD BE USED TO FULFILL THESE REQUIREMENTS WHEREVER THEY MEET THE SPACING AND SIZE REQUIREMENTS OF THIS PARAGRAPH. RESPONSIBILITY FOR INSTALLATION AND MAINTENANCE IS EACH PROPERTY OWNERS. IN THE EVENT A STREET TREE DIES OR IS REMOVED, THE OWNER OF THE LOT IS RESPONSIBLE TO REPLACE THE TREE WITHIN THIRTY (30) DAYS. A CANOPY TREE SHALL MEAN A TREE SPECIES WHICH PRODUCES ONE (1) MAIN TRUNK AND NORMALLY REACHES A HEIGHT OF THIRTY (30) FEET OR MORE UPON MATURITY."

The street tree tables are set forth as part of the Notice to Buyers as amended.

G. Article 8. Restrictions 8.17 Construction of Fire Ponds. Declarant hereby adds the following provision to the end of said paragraph.

"The specifications of any and all hydrants shall be governed with local and/or state governmental authorities and the hydrant for each owner must be inspected and approved

by the local county or fire authorities prior to the issuance of any building permits. The hydrants must be located no nearer than 200 feet and no farther than 800 feet from the residence on the pond and located nearest the drive to the residence."

H. Article 8. Restrictions. 8.18 Floodplain Delineation. Declarant hereby adds the following provisions to this paragraph:

"(h) **The project site lies in flood zones X and A, with Base Flood Elevations (BFE) of 76 to 97 feet above mean sea level, as determined through a Flood Study conducted by Lombardo, Skipper and Foley, Inc., per FIRM Panels 120153 0410C and 120153 0450C. Specifically portions of lots: 13, 14, 15, 16, 111, 112, 113, 114, 134, 135, 136, 137, 138, 140, 141, 142, and 147 lie within flood zone A which exceeds the limit of the conservation easement.**

(i) If it is determined that any of the structures are in the A zone, a Floodplain Management Permit will be needed for submittal along with the building permit application.

(j) A sealed survey showing the FIRM panel number, delineating flood zone lines, showing base flood elevation, with existing and proposed grades of the lot, must be submitted at the time of building permit application. If there is a FEMA approved LOMR or CLOMR for the above lots the case number must be noted on the survey.

(k) If it is determined that a lot lies within a flood zone, a mortgage lender may require the owner/mortgager to purchase flood insurance.

(l) BUYERS ARE HEREBY NOTIFIED THAT THEIR MORTGAGE LENDER'S FLOOD DETERMINATION MAY DIFFER FROM THE DETERMINATION MADE BY THE MANATEE COUNTY BUILDING DEPARTMENT'S FLOODPLAIN MANAGEMENT SECTION."

I. Article 8. Restrictions. 8.19 Lot Review Committee. This paragraph is hereby restated in its entirety to read as follows:

"**8.19 Lot Review Committee.** Prior to obtaining building permits, each owner shall submit to a Lot Review Committee established by Declarant, the proposed site plan for the owner's construction showing and locating the location of all proposed improvements, buildings, structures, wetlands, 75 foot upland buffer, the conservation easement boundary, drainage easement, the Army Corp of Engineers boundary, and the terms of the construction as it relates to the wetlands, buffers and setbacks. Said survey must be submitted to Manatee County in order to obtain building permits. The Declarant shall appoint the Plan's Lot Review Committee which shall consist of a licensed engineer and surveyor and environmental consultant and a representative of the Declarant, or of the association as appointed by Declarant. The Owner shall pay a reasonable fee to the Lot Review Committee for this review with the submission of the Site Plan. The Lot Review Committee shall review for, but not be limited to, construction location, drainage plans, limits of construction and other matters required by the Lot Review Committee. The Lot Review Committee shall also review the developer's plans to assure no activities are

proposed outside the limits of construction and that the activities proposed within the area will not adversely impact habitats or surface water flows outside that area. If any lot owner wishes to perform activities outside the "Limits of Construction" area, i.e. pond excavation, creation of pasture clearing, etc., the Conservation Easement area (wetland limits and buffer) as delineated on the Rectified Color Infrared Aerial on file with SWFWMD will be staked and flagged in the field, surveyed and provided to the lot owner for him/her to show his proposed activities and present them for review by the Committee. The Owner shall be bound by changes requested by the Lot Review Committee. The limits of construction are proposed in the attached Exhibit "J" to the Declaration.

Additionally, any Builder or Contractor of improvements or residences to any lot within the subdivision must be approved by Declarant or Declarant's agent prior to the construction of said improvements or residences."

J. Article 8. Army Corps of Engineers Restrictions. Declarant hereby adds the following provision as 8.20:

"Owner shall not impact more than one-half (1/2) an acre (after the written consent has been received by the Association) that is within the Army Corps of Engineers (ACOE) boundary line as depicted on the survey each Buyer has or shall receive and a sketch of the overall ACOE line is attached as Exhibit "C". Owner shall not impact any area within the ACOE boundary line which "impacts" shall be defined as the filling, dredging (as in excavation of any ponds), clearing, or replacement of vegetation (as in conversion of native cover or pasture grass) or any other activity that would alter the nature or function of the affected wetland (other than the one-half (1/2) acre with the Association's prior written approval). Additionally, all motorized vehicles and livestock are excluded from this area. However, where the ACOE line is within any easement to Manatee County, Southwest Florida Water Management District, or the Association, then the structures of said easement the most restrictive covenants shall control. The Association, Southwest Florida Water Management District, Manatee County and/or ACOE shall enforce this restriction strictly."

K. Article 9. Compliance with Code. 9.06 (a) Fiscal Program. Declarant hereby amends and modifies the fiscal program to reflect the addition of Phase II to the Property and the Declaration and Exhibit "E" as set forth in the restrictions is modified as set forth in Exhibit "D" hereto.

L. Article 9. Compliance with Code. 9.06 (c) Notice. Declarant hereby amends and modifies the notice to Buyer set forth in 9.06 (c) as Exhibit "G" in the Declaration with that First Amendment to Notice to Buyer as set forth as Exhibit "E" attached hereto.

M. Article 9. Compliance with Code. 9.06 (d) Holdings. Declarant hereby amends and modifies the List of Holdings to include Phase II of the Property and Declaration and Exhibit "H" of the Declaration is modified as set forth in Exhibit "E" attached hereto.

3. All other terms of the Declaration as amended shall be in full force and effect.

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2nd AMENDMENT TO DECLARATION OF COVENANTS, EASEMENT AND RESTRICTION.

IN WITNESS WHERE, Declarant has caused these presents to be executed in its name by its general partner thereunto duly authorized as of the day and year first above written.

Signed, sealed and delivered in the presence of:

[Signature]
Witness

X [Signature] 11/5/03
SYED ARIF

Thomas M Breen
Print Name of Witness

[Signature]
Witness

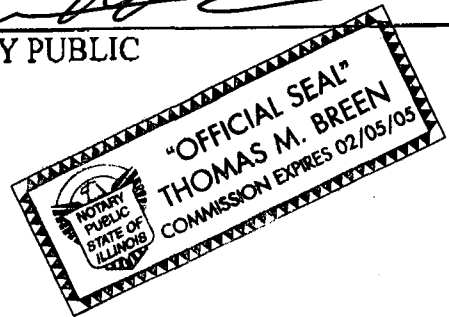
Christina Schwabe
Print Name of Witness

STATE OF ILLINOIS
COUNTY OF DuPAGE

The foregoing instrument was acknowledged before me this 5th day of November, 2003, by SYED ARIF, who is personally known to me or who has produced as identification.

My Commission Expires:

[Signature]
NOTARY PUBLIC



## EXHIBIT "A"

DESCRIPTION: WINDING CREEK ROADWAYS PHASE II, SUBPHASE "A"

COMMENCE AT THE NORTHEAST CORNER OF SECTION 32, TOWNSHIP 34 SOUTH, RANGE 22 EAST, SAME BEING THE NORTHWEST CORNER OF SECTION 33, TOWNSHIP 34 SOUTH, RANGE 22 EAST; THENCE S89°13'18"E, ALONG THE NORTH LINE OF SAID SECTION 33, A DISTANCE OF 1871.74 FT.; THENCE S00°46'42"W, PERPENDICULAR TO SAID NORTH LINE, A DISTANCE OF 794.44 FT. TO THE NORTHWEST CORNER OF 11TH AVENUE EAST, A 100 FT. WIDE PRIVATE ROAD, INGRESS/EGRESS, DRAINAGE AND UTILITY EASEMENT AS SHOWN ON THE PLAT OF "WINDING CREEK ROADWAYS, PHASE 1", AS RECORDED IN PLAT BOOK 39, PAGES 187 THROUGH 197, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, FOR A POINT OF BEGINNING; THENCE S78°24'38"W, A DISTANCE OF 620.39 FT. TO THE P.C. OF A CURVE CONCAVE TO THE NORTH, HAVING A RADIUS OF 1950.00 FT.; THENCE RUN NORTHWESTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 42°47'46", A DISTANCE OF 1456.52 FT. TO THE P.T. OF SAID CURVE; THENCE N58°47'36"W, A DISTANCE OF 225.50 FT. TO THE P.C. OF A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 550.00 FT.; THENCE RUN WESTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 29°57'58", A DISTANCE OF 287.65 FT. TO THE P.T. OF SAID CURVE; THENCE N88°45'34"W, A DISTANCE OF 721.83 FT. TO THE P.C. OF A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 850.00 FT.; THENCE RUN SOUTHWESTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 58°38'06", A DISTANCE OF 869.87 FT. TO THE P.R.C. OF A CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 950.00 FT.; THENCE RUN SOUTHWESTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 22°38'01", A DISTANCE OF 375.28 FT. TO THE P.C.C. OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 25.00 FT.; THENCE RUN NORTHWESTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 94°39'03", A DISTANCE OF 41.30 FT. TO THE P.T. OF SAID CURVE; THENCE N30°06'36"W, A DISTANCE OF 221.95 FT. TO THE P.C. OF A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 900.00 FT.; THENCE RUN NORTHWESTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 33°41'00", A DISTANCE OF 529.10 FT. TO THE P.R.C. OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 25.00 FT.; THENCE RUN NORTHWESTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 39°19'02", A DISTANCE OF 17.16 FT. TO THE P.R.C. OF A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 75.00 FT.; THENCE RUN WESTERLY AND SOUTHERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 262°43'14", A DISTANCE OF 343.90 FT. TO THE P.R.C. OF A CURVE CONCAVE TO THE SOUTH, HAVING A RADIUS OF 25.00 FT.; THENCE RUN EASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 43°47'56", A DISTANCE OF 19.11 FT. TO THE P.C.C. OF A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 800.00 FT.; THENCE RUN SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 33°17'16", A DISTANCE OF 464.78 FT. TO THE P.T. OF SAID CURVE; THENCE S30°06'36"E, A DISTANCE OF 225.00 FT. TO THE P.C. OF A CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 25.00 FT.; THENCE RUN SOUTHERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 90°00'00", A DISTANCE OF 39.27 FT. TO THE P.T. OF SAID CURVE; THENCE S59°53'24"W", A DISTANCE OF 858.00 FT. TO THE P.C. OF A CURVE CONCAVE TO THE NORTH, HAVING A RADIUS OF 950.00 FT.; THENCE RUN WESTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 63°12'11", A DISTANCE OF 1047.95 FT. TO THE P.R.C. OF A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 1050.00 FT.;

THENCE RUN NORTHWESTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF  $18^{\circ}59'04''$ , A DISTANCE OF 347.91 FT. TO THE P.T. OF SAID CURVE; THENCE  $N75^{\circ}53'29''W$ , A DISTANCE OF 69.30 FT. TO THE P.C. OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 25.00 FT.; THENCE RUN NORTHERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF  $90^{\circ}52'21''$ , A DISTANCE OF 39.65 FT. TO THE P.C.C. OF A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 4950.00 FT.; THENCE RUN NORTHEASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF  $11^{\circ}04'29''$ , A DISTANCE OF 956.80 FT. TO THE P.C.C. OF A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 25.00 FT.; THENCE RUN NORTHEASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF  $41^{\circ}47'35''$ , A DISTANCE OF 18.24 FT. TO THE P.R.C. OF A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 75.00 FT.; THENCE RUN NORTHERLY AND WESTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF  $262^{\circ}48'59''$ , A DISTANCE OF 344.03 FT. TO THE P.R.C. OF A CURVE CONCAVE TO THE WEST, HAVING A RADIUS OF 25.00 FT.; THENCE RUN SOUTHERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF  $41^{\circ}02'05''$ , A DISTANCE OF 17.90 FT. TO THE P.R.C. OF A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 5050.00 FT.; THENCE RUN SOUTHWESTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF  $16^{\circ}24'24''$ , A DISTANCE OF 1446.08 FT. TO THE P.R.C. OF A CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 25.00 FT.; THENCE RUN SOUTHERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF  $41^{\circ}02'05''$ , A DISTANCE OF 17.90 FT. TO THE P.R.C. OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 75.00 FT.; THENCE RUN SOUTHERLY AND EASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF  $262^{\circ}48'59''$ , A DISTANCE OF 344.03 FT. TO THE P.R.C. OF A CURVE CONCAVE TO THE EAST, HAVING A RADIUS OF 25.00 FT.; THENCE RUN NORTHERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF  $41^{\circ}47'35''$ , A DISTANCE OF 18.24 FT. TO THE P.C.C. OF A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 4950.00 FT.; THENCE RUN NORTHEASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF  $03^{\circ}33'51''$ , A DISTANCE OF 307.92 FT. TO THE P.C.C. OF A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 25.00 FT.; THENCE RUN NORTHEASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF  $90^{\circ}52'21''$ , A DISTANCE OF 39.65 FT. TO THE P.T. OF SAID CURVE; THENCE  $S75^{\circ}53'29''E$ , A DISTANCE OF 69.30 FT. TO THE P.C. OF A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 950.00 FT.; THENCE RUN SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF  $18^{\circ}59'04''$ , A DISTANCE OF 314.77 FT. TO THE P.R.C. OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 1050.00 FT.; THENCE RUN SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF  $48^{\circ}03'04''$ , A DISTANCE OF 880.58 FT. TO THE P.R.C. OF A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 25.00 FT.; THENCE RUN SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF  $85^{\circ}59'58''$ , A DISTANCE OF 37.52 FT. TO THE P.T. OF SAID CURVE; THENCE  $S18^{\circ}57'31''E$ , A DISTANCE OF 127.62 FT. TO THE P.C. OF A CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 450.00 FT.; THENCE RUN SOUTHWESTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF  $65^{\circ}20'08''$ , A DISTANCE OF 513.14 FT. TO THE P.T. OF SAID CURVE; THENCE  $S46^{\circ}22'37''W$ , A DISTANCE OF 341.63 FT. TO THE P.C. OF A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 750.00 FT.; THENCE RUN SOUTHWESTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF  $67^{\circ}48'38''$ , A DISTANCE OF 887.64 FT. TO THE P.R.C. OF A CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 25.00 FT.; THENCE RUN SOUTHERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF  $84^{\circ}26'48''$ , A DISTANCE OF 36.85 FT. TO THE P.T. OF SAID CURVE; THENCE  $S63^{\circ}00'46''W$ , A DISTANCE



OF 125.76 FT. TO THE P.C. OF A CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 350.00 FT.; THENCE RUN WESTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF  $31^{\circ}48'31''$ , A DISTANCE OF 194.31 FT. TO THE P.T. OF SAID CURVE; THENCE  $N85^{\circ}10'43''W$ , A DISTANCE OF 195.79 FT. TO THE P.C. OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 450.00 FT.; THENCE RUN NORTHWESTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF  $52^{\circ}20'35''$ , A DISTANCE OF 411.10 FT. TO THE P.T. OF SAID CURVE; THENCE  $N32^{\circ}50'08''W$ , A DISTANCE OF 311.36 FT. TO THE P.C. OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 25.00 FT.; THENCE RUN NORTHERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF  $41^{\circ}24'35''$ , A DISTANCE OF 18.07 FT. TO THE P.R.C. OF A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 75.00 FT.; THENCE RUN NORTHERLY AND WESTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF  $262^{\circ}49'09''$ , A DISTANCE OF 344.03 FT. TO THE P.R.C. OF A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 25.00 FT.; THENCE RUN SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF  $41^{\circ}24'35''$ , A DISTANCE OF 18.07 FT. TO THE P.T. OF SAID CURVE; THENCE  $S32^{\circ}50'08''E$ , A DISTANCE OF 311.36 FT. TO THE P.C. OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 550.00 FT.; THENCE RUN SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF  $52^{\circ}20'35''$ , A DISTANCE OF 502.46 FT. TO THE P.T. OF SAID CURVE; THENCE  $S85^{\circ}10'43''E$ , A DISTANCE OF 195.79 FT. TO THE P.C. OF A CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 450.00 FT.; THENCE RUN EASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF  $31^{\circ}48'31''$ , A DISTANCE OF 249.82 FT. TO THE P.T. OF SAID CURVE; THENCE  $N63^{\circ}00'46''E$ , A DISTANCE OF 125.76 FT. TO THE P.C. OF A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 25.00 FT.; THENCE RUN EASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF  $84^{\circ}26'48''$ , A DISTANCE OF 36.85 FT. TO THE P.R.C. OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 750.00 FT.; THENCE RUN SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF  $20^{\circ}19'06''$ , A DISTANCE OF 265.97 FT. TO THE P.T. OF SAID CURVE; THENCE  $S52^{\circ}51'33''E$ , A DISTANCE OF 930.35 FT. TO THE P.C. OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 1050.00 FT.; THENCE RUN SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF  $35^{\circ}22'16''$ , A DISTANCE OF 648.21 FT. TO THE P.T. OF SAID CURVE; THENCE  $S88^{\circ}13'49''E$ , A DISTANCE OF 919.41 FT. TO THE P.C. OF A CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 1550.00 FT.; THENCE RUN NORTHEASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF  $40^{\circ}14'07''$ , A DISTANCE OF 1088.47 FT. TO THE P.R.C. OF A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 950.00 FT.; THENCE RUN NORTHEASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF  $44^{\circ}30'31''$ , A DISTANCE OF 737.98 FT. TO THE P.T. OF SAID CURVE; THENCE  $S83^{\circ}57'25''E$ , A DISTANCE OF 561.06 FT. TO THE SOUTHWEST CORNER OF 20TH PLACE EAST, A 100 FT. WIDE PRIVATE ROAD, INGRESS/EGRESS, DRAINAGE AND UTILITY EASEMENT AS SHOWN ON AFORESAID PLAT OF "WINDING CREEK ROADWAYS, PHASE 1"; THENCE  $N21^{\circ}18'59''W$ , ALONG THE WESTERLY LINE OF SAID 20TH PLACE EAST, A DISTANCE OF 112.59 FT. TO THE NORTHWEST CORNER THEREOF; THENCE  $N83^{\circ}57'25''W$ , A DISTANCE OF 509.32 FT. TO THE P.C. OF A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 1050.00 FT.; THENCE RUN SOUTHWESTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF  $44^{\circ}30'31''$ , A DISTANCE OF 815.66 FT. TO THE P.R.C. OF A CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 1450.00 FT.; THENCE RUN SOUTHWESTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF  $31^{\circ}10'21''$ , A DISTANCE OF 788.89 FT. TO THE P.C.C. OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 25.00 FT.; THENCE RUN NORTHWESTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A

CENTRAL ANGLE OF 93°01'01", A DISTANCE OF 40.59 FT. TO THE P.T. OF SAID CURVE; THENCE N04°16'34"W, A DISTANCE OF 392.04 FT. TO THE P.C. OF A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 25.00 FT.; THENCE RUN NORTHERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 41°24'35", A DISTANCE OF 18.07 FT. TO THE P.R.C. OF A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 75.00 FT.; THENCE RUN NORTHERLY AND WESTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 262°49'09", A DISTANCE OF 344.03 FT. TO THE P.R.C. OF A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 25.00 FT.; THENCE RUN SOUTHERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 41°24'35", A DISTANCE OF 18.07 FT. TO THE P.T. OF SAID CURVE; THENCE S04°16'34"E, A DISTANCE OF 392.04 FT. TO THE P.C. OF A CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 25.00 FT.; THENCE RUN SOUTHERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 93°01'01", A DISTANCE OF 40.59 FT. TO THE P.C.C. OF A CURVE CONCAVE TO THE NORTH, HAVING A RADIUS OF 1450.00 FT.; THENCE RUN SOUTHWESTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 03°01'43", A DISTANCE OF 76.65 FT. TO THE P.T. OF SAID CURVE; THENCE N88°13'49"W, A DISTANCE OF 919.41 FT. TO THE P.C. OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 950.00 FT.; THENCE RUN NORTHWESTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 35°22'16", A DISTANCE OF 586.48 FT. TO THE P.T. OF SAID CURVE; THENCE N52°51'33"W, A DISTANCE OF 930.35 FT. TO THE P.C. OF A CURVE CONCAVE TO THE EAST, HAVING A RADIUS OF 650.00 FT.; THENCE RUN NORTHERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 99°14'10", A DISTANCE OF 1125.80 FT. TO THE P.T. OF SAID CURVE; THENCE N46°22'37"E, A DISTANCE OF 341.63 FT. TO THE P.C. OF A CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 550.00 FT.; THENCE RUN NORTHERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 65°20'08", A DISTANCE OF 627.18 FT. TO THE P.T. OF SAID CURVE; THENCE N18°57'31"W, A DISTANCE OF 127.62 FT. TO THE P.C. OF A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 25.00 FT.; THENCE RUN NORTHERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 85°59'58", A DISTANCE OF 37.52 FT. TO THE P.R.C. OF A CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 1050.00 FT.; THENCE RUN NORTHEASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 07°09'03", A DISTANCE OF 131.04 FT. TO THE P.T. OF SAID CURVE; THENCE N59°53'24"E, A DISTANCE OF 858.00 FT. TO THE P.C. OF A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 25.00 FT.; THENCE RUN EASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 90°00'00", A DISTANCE OF 39.27 FT. TO THE P.T. OF SAID CURVE; THENCE S30°06'36"E, A DISTANCE OF 79.72 FT. TO THE P.C. OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 850.00 FT.; THENCE RUN SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 16°15'10", A DISTANCE OF 241.12 FT. TO THE P.R.C. OF A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 650.00 FT.; THENCE RUN SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 26°20'29", A DISTANCE OF 298.83 FT. TO THE P.T. OF SAID CURVE; THENCE S20°01'17"E, A DISTANCE OF 401.97 FT. TO THE P.C. OF A CURVE CONCAVE TO THE WEST, HAVING A RADIUS OF 25.00 FT.; THENCE RUN SOUTHERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 41°24'35", A DISTANCE OF 18.07 FT. TO THE P.R.C. OF A CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 75.00 FT.; THENCE RUN SOUTHERLY AND EASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 262°49'09", A DISTANCE OF 344.03 FT. TO THE P.R.C. OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 25.00 FT.; THENCE RUN NORTHERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 41°24'35", A DISTANCE OF 18.07 FT. TO THE P.T. OF SAID CURVE; THENCE N20°01'17"W, A DISTANCE

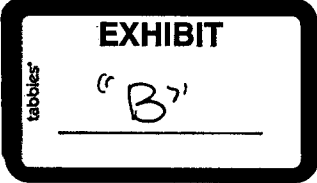
OF 401.97 FT. TO THE P.C. OF A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 750.00 FT.; THENCE RUN NORTHWESTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 26°20'29", A DISTANCE OF 344.81 FT. TO THE P.R.C. OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 750.00 FT.; THENCE RUN NORTHWESTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 16°15'10", A DISTANCE OF 212.75 FT. TO THE P.T. OF SAID CURVE; THENCE N30°06'36"W, A DISTANCE OF 82.34 FT. TO THE P.C. OF A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 25.00 FT.; THENCE RUN NORTHERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 85°59'58", A DISTANCE OF 37.52 FT. TO THE P.R.C. OF A CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 1050.00 FT.; THENCE RUN NORTHEASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 23°17'01", A DISTANCE OF 426.70 FT. TO THE P.R.C. OF A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 750.00 FT.; THENCE RUN NORTHEASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 58°38'06", A DISTANCE OF 767.53 FT. TO THE P.T. OF SAID CURVE; THENCE S88°45'34"E, A DISTANCE OF 721.83 FT. TO THE P.C. OF A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 450.00 FT.; THENCE RUN SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 26°23'48", A DISTANCE OF 207.32 FT. TO THE P.C.C. OF A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 25.00 FT.; THENCE RUN SOUTHERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 93°34'10", A DISTANCE OF 40.83 FT. TO THE P.T. OF SAID CURVE; THENCE S31°12'24"W, A DISTANCE OF 490.58 FT. TO THE P.C. OF A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 1450.00 FT.; THENCE RUN SOUTHWESTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 23°47'22", A DISTANCE OF 602.04 FT. TO THE P.R.C. OF A CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 25.00 FT.; THENCE RUN SOUTHWESTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 40°06'29", A DISTANCE OF 17.50 FT. TO THE P.R.C. OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 75.00 FT.; THENCE RUN SOUTHERLY AND EASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 262°46'59", A DISTANCE OF 343.98 FT. TO THE P.R.C. OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 25.00 FT.; THENCE RUN NORTHERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 42°49'13", A DISTANCE OF 18.68 FT. TO THE P.C.C. OF A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 1350.00 FT.; THENCE RUN NORTHERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 23°38'39", A DISTANCE OF 557.10 FT. TO THE P.T. OF SAID CURVE; THENCE N31°12'24"E, A DISTANCE OF 491.41 FT. TO THE P.C. OF A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 25.00 FT.; THENCE RUN EASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 90°00'00", A DISTANCE OF 39.27 FT. TO THE P.T. OF SAID CURVE; THENCE S58°47'36"E, A DISTANCE OF 101.96 FT. TO THE P.C. OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 2050.00 FT.; THENCE RUN SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 34°10'53", A DISTANCE OF 1222.99 FT. TO THE P.R.C. OF A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 25.00 FT.; THENCE RUN SOUTHERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 87°55'43", A DISTANCE OF 38.37 FT. TO THE P.T. OF SAID CURVE; THENCE S05°02'46"E, A DISTANCE OF 390.46 FT. TO THE P.C. OF A CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 25.00 FT.; THENCE RUN SOUTHERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 41°24'35", A DISTANCE OF 18.07 FT. TO THE P.R.C. OF A CURVE CONCAVE TO THE NORTH, HAVING A RADIUS OF 75.00 FT.; THENCE RUN SOUTHERLY AND EASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 262°49'09", A DISTANCE OF 344.03 FT. TO THE P.R.C. OF A CURVE CONCAVE TO THE NORTHEAST,

HAVING A RADIUS OF 25.00 FT.; THENCE RUN NORTHERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF  $41^{\circ}24'35''$ , A DISTANCE OF 18.07 FT. TO THE P.T. OF SAID CURVE; THENCE  $N05^{\circ}02'46''W$ , A DISTANCE OF 390.46 FT. TO THE P.C. OF A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 25.00 FT.; THENCE RUN NORTHERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF  $87^{\circ}55'43''$ , A DISTANCE OF 38.37 FT. TO THE P.R.C. OF A CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 2050.00 FT.; THENCE RUN NORTHEASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF  $04^{\circ}28'19''$ , A DISTANCE OF 160.00 FT. TO THE P.T. OF SAID CURVE; THENCE  $N78^{\circ}24'38''E$ , A DISTANCE OF 620.39 FT. TO THE SOUTHWEST CORNER OF AFORESAID 11TH AVENUE EAST; THENCE  $N11^{\circ}35'22''W$ , ALONG THE WESTERLY LINE THEREOF, A DISTANCE OF 100.00 FT. TO THE POINT OF BEGINNING, BEING AND LYING IN SECTIONS 32 AND 33, TOWNSHIP 34 SOUTH, RANGE 22 EAST, MANATEE COUNTY, FLORIDA.

CONTAINING 50.73 ACRES MORE OR LESS.

DESCRIPTION: UPLAND PRESERVATION AREA

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 33, TOWNSHIP 34 SOUTH, RANGE 22 EAST; THENCE N89°03'40"W, ALONG THE SOUTH LINE OF SAID SECTION 33, A DISTANCE OF 1430.50 FT. FOR A POINT OF BEGINNING; THENCE N14°45'02"E, 22.91 FT.; THENCE N45°32'27"E, 53.88 FT.; THENCE N59°10'18"E, 50.81 FT.; THENCE N72°15'45"E, 83.42 FT.; THENCE N89°19'01"E, 43.50 FT.; THENCE S79°38'19"E, 51.77 FT.; THENCE N69°12'23"E, 81.13 FT.; THENCE N58°31'33"E, 90.40 FT.; THENCE N70°00'46"E, 69.16 FT.; THENCE N82°37'38"E, 84.36 FT.; THENCE S85°04'53"E, 40.81 FT.; THENCE S55°32'46"E, 54.39 FT.; THENCE S37°46'42"E, 16.66 FT.; THENCE S50°16'24"E, 24.65 FT.; THENCE S30°11'16"E, 65.80 FT.; THENCE S12°28'13"E, 39.45 FT.; THENCE N24°27'45"E, 62.29 FT.; THENCE N23°30'15"W, 8.42 FT.; THENCE N08°54'43"W, 35.82 FT.; THENCE N00°46'11"E, 35.91 FT.; THENCE N10°05'43"E, 32.45 FT.; THENCE N19°30'46"E, 39.73 FT.; THENCE N35°15'38"E, 78.05 FT.; THENCE N68°50'52"E, 30.42 FT.; THENCE N53°24'45"E, 13.26 FT.; THENCE N18°44'58"E, 55.11 FT.; THENCE N03°57'17"E, 54.78 FT.; THENCE S88°17'21"W, 48.71 FT.; THENCE N86°31'44"W, 36.90 FT.; THENCE N88°52'39"W, 72.90 FT.; THENCE N45°07'11"W, 60.42 FT.; THENCE N16°45'14"W, 79.36 FT.; THENCE S88°21'30"W, 42.10 FT.; THENCE N55°59'38"W, 44.53 FT.; THENCE N28°33'32"W, 58.40 FT.; THENCE N07°20'05"W, 28.82 FT.; THENCE N28°43'14"W, 46.22 FT.; THENCE N18°16'41"W, 27.69 FT.; THENCE N40°46'17"W, 47.56 FT.; THENCE N16°54'32"W, 21.37 FT.; THENCE N58°24'14"W, 62.91 FT.; THENCE N35°34'19"W, 29.61 FT.; THENCE N27°33'34"W, 27.17 FT.; THENCE N14°37'56"W, 78.38 FT.; THENCE N66°03'50"W, 71.39 FT.; THENCE N55°16'13"W, 35.54 FT.; THENCE N39°03'51"W, 73.91 FT.; THENCE N17°59'37"W, 10.43 FT.; THENCE N65°43'38"W, 12.13 FT.; THENCE N43°45'56"W, 36.11 FT.; THENCE N36°57'45"W, 49.49 FT.; THENCE N23°24'30"W, 40.92 FT.; THENCE N07°27'46"W, 20.20 FT.; THENCE S62°52'59"W, 47.30 FT.; THENCE S86°25'26"W, 19.39 FT.; THENCE S69°03'53"W, 9.56 FT.; THENCE S44°09'39"W, 19.26 FT.; THENCE S89°47'25"W, 42.91 FT.; THENCE N77°55'36"W, 45.28 FT.; THENCE N61°02'31"W, 42.69 FT.; THENCE N36°33'56"W, 75.52 FT.; THENCE N16°21'14"W, 30.38 FT.; THENCE N09°33'44"W, 52.00 FT.; THENCE N32°24'30"W, 40.86 FT.; THENCE N66°06'47"W, 13.95 FT.; THENCE N80°17'47"W, 34.90 FT.; THENCE S55°31'02"W, 24.27 FT.; THENCE S45°34'15"W, 75.35 FT.; THENCE S33°38'06"W, 38.74 FT.; THENCE S42°17'10"W, 27.94 FT.; THENCE S29°23'51"W, 58.64 FT.; THENCE S41°10'08"W, 54.75 FT.; THENCE S63°35'39"W, 52.62 FT.; THENCE S29°40'40"W, 128.68 FT.; THENCE S39°47'11"W, 35.36 FT.; THENCE S33°04'18"W, 48.20 FT.; THENCE S38°38'55"W, 56.69 FT.; THENCE S45°41'00"W, 61.56 FT.; THENCE S56°28'35"W, 70.90 FT.; THENCE S62°42'10"W, 27.83 FT.; THENCE S50°16'31"W, 23.90 FT.; THENCE S30°35'31"W, 10.03 FT.; THENCE S36°54'01"E, 31.60 FT.; THENCE S62°47'11"E, 8.54 FT.; THENCE S52°56'06"E, 80.37 FT.; THENCE S41°21'41"E, 36.01 FT.; THENCE S48°26'29"E, 46.08 FT.; THENCE S39°52'39"E, 60.93 FT.; THENCE S03°57'41"E, 25.88 FT.; THENCE S20°09'31"E, 23.18 FT.; THENCE S13°02'29"E, 221.92 FT.; THENCE S03°48'24"E, 85.84 FT.; THENCE S45°26'43"E, 19.03 FT.; THENCE S77°46'03"E, 27.73 FT.; THENCE N80°52'04"E, 48.70 FT.; THENCE S82°59'37"E, 45.17 FT.; THENCE N84°29'33"E, 65.18 FT.; THENCE S43°59'27"E, 17.98 FT.; THENCE S63°13'09"E, 50.55 FT.; THENCE S39°04'57"E, 89.93 FT.; THENCE S05°26'37"E, 53.84 FT.; THENCE S00°02'52"E, 68.44 FT.; THENCE S02°55'37"W, A DISTANCE OF 25.43 FT. TO THE INTERSECTION WITH THE SOUTH LINE OF AFORESAID SECTION 33, SAME BEING THE NORTH LINE OF SECTION 4, TOWNSHIP 35 SOUTH, RANGE 22 EAST; THENCE CONTINUE S02°55'37"W, A DISTANCE OF 53.02 FT.; THENCE S04°10'18"E, 51.16 FT.; THENCE S06°41'02"W, 55.98 FT.; THENCE S33°35'38"W, 62.83 FT.; THENCE S38°47'42"W, 71.52 FT.; THENCE S45°00'59"W, 64.02 FT.; THENCE S50°55'41"W, 76.51 FT.; THENCE S66°43'12"W, 17.56 FT.; THENCE S83°12'36"W, 57.96 FT.; THENCE N79°11'10"W, 34.72 FT.; THENCE N64°51'48"W, 25.85 FT.; THENCE N71°56'26"W, 40.14 FT.; THENCE S34°53'38"E, 97.90 FT.; THENCE S17°43'15"E, 62.68 FT.; THENCE S19°28'33"W, 57.41 FT.; THENCE S88°22'20"E, 63.34 FT.; THENCE N73°31'51"E, 21.95 FT.; THENCE N48°20'07"E, 7.06 FT.; THENCE N24°33'56"E, 9.46 FT.; THENCE N44°22'42"E, 25.93 FT.; THENCE N36°03'20"E, 30.71 FT.; THENCE N53°43'25"E, 121.32 FT.; THENCE N45°00'59"E, 27.37 FT.; THENCE N89°26'50"E, 80.84 FT.; THENCE S49°58'49"E, 36.17 FT.; THENCE S61°59'32"E, 15.19 FT.; THENCE S50°50'29"E, 69.24 FT.; THENCE N20°56'49"E,



23.24 FT.; THENCE N12°01'52"W, 16.19 FT.; THENCE N07°01'12"W, 154.57 FT.; THENCE N04°51'33"E, 115.04 FT.; THENCE N21°51'29"E, 101.39 FT.; THENCE N14°45'02"E, A DISTANCE OF 59.76 FT., TO THE POINT OF BEGINNING, BEING AND LYING IN SECTION 4, TOWNSHIP 35 SOUTH, RANGE 22 EAST AND SECTION 33, TOWNSHIP 34 SOUTH, RANGE 22 EAST, MANATEE COUNTY, FLORIDA.

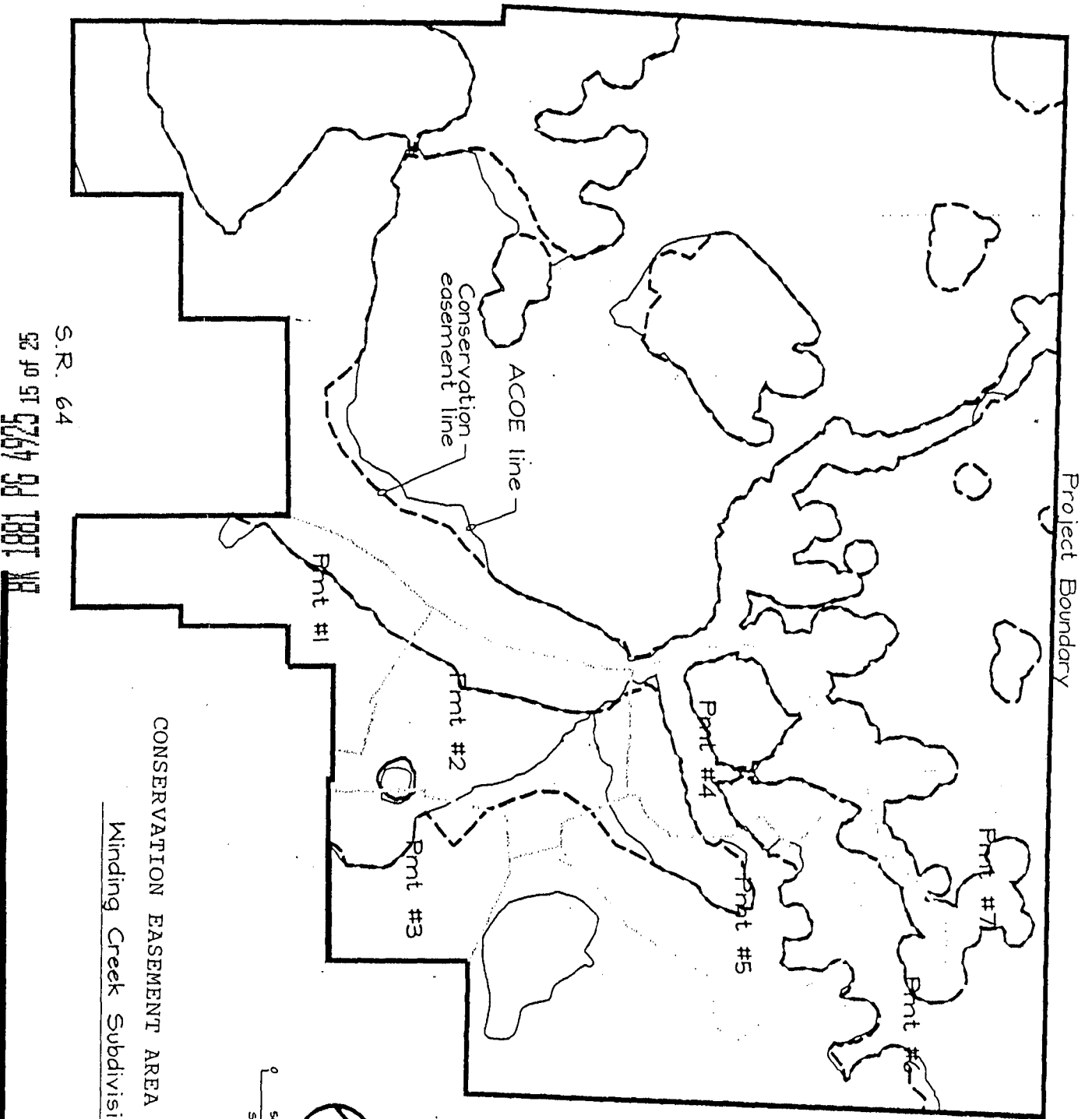
CONTAINING 28.57 ACRES MORE OR LESS.

D:\Legal\WndCrk11A Upland (053003)

EXHIBIT

"C"

tabbles



Project Boundary

Conservation easement line

ACOE line

Pmt #1

Pmt #2

Pmt #3

Pmt #4

Pmt #5

Pmt #7

Pmt #6

CONSERVATION EASEMENT AREA

Winding Creek Subdivision

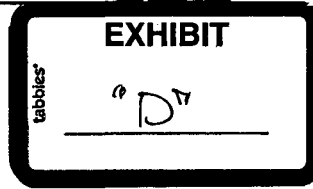
S.R. 64

52 JO ST 5267 94 1881 NR

200001767 (IP-JPF)

Sheet 9 of 9

05/17/2002



**EXHIBIT "E"**

**FISCAL PROGRAM**

An estimated ten (10) year Fiscal program has been established to provide adequate funds for the care of the amenities and operation of the maintenance program. The proposed funds will be collected as required by the Declaration of Protective Covenants, Conditions, Easements, and Restrictions to which each lot is subject.

Subsequent years may require additional funds which will be assessed and collected as required by the Declaration of Protective Covenants, Conditions, Easements, and Restrictions to which each lot is subject. These amounts are estimated and may change as the actual invoicing is obtained.

**WINDING CREEK HOMEOWNER'S ASSOCIATION, INC.  
TEN YEAR PROJECTION OF EXPENSES AND BUDGET  
FOR PHASES I AND II**

**INCOME - 2003\***

Assessment for Association Expenses

Association Working Capital Contributions - \$250 per lot

TOTAL INCOME

(Not Determinable at this Time)

**EXPENSES**

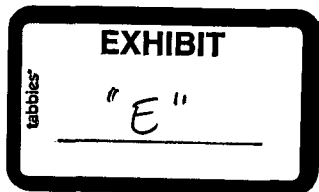
**BASE ASSOCIATION EXPENSES (per year)**

Insurance	\$ 3,000.00
Management Fee	3,000.00
Bank Charges	400.00
Rights of Way Maintenance	10,000.00
Retention Lake Maintenance	3,000.00
Well Maintenance	600.00
Entranceway Maintenance	15,000.00
Governmental Expenses	400.00
Professional Fees	1,000.00
<u>Electrical Costs</u>	<u>2,000.00</u>

TOTAL BASE ASSOCIATION EXPENSES WITHOUT RESERVES      \$38,400.00\*

\*For years 2 - 10, add 2% annual increase, 2003 - 2011





**FIRST AMENDMENT TO  
NOTICE TO BUYERS**

THIS FIRST AMENDMENT TO NOTICE TO BUYERS for Winding Creek Subdivision is made this 5<sup>th</sup> day of November, 2003, by SYED ARIF (the "Developer").

**WITNESSETH**

WHEREAS, Developer owns certain real property in Manatee County, Florida, on which there has been established a residential community known as WINDING CREEK SUBDIVISION (the "Subdivision") and for which there is a Notice to Buyers for the Winding Creek Subdivision recorded in Official Record Book 1760, Page 644, of the Public Records of Manatee County, Florida ("Notice") which shall be modified by this Amended Notice to Buyers; and

WHEREAS, Developer desires to amend the Notice as set forth herein;

NOW, THEREFORE, in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, receipt and sufficiency of which is hereby acknowledged, the Developer hereby modifies the Notice as set forth herein:

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1. The above recitals are true and correct and are incorporated herein.

2. The Developer, in accordance with the provisions of Notice, shall amend and modify the Notice as follows:

A. Item 12. Developer hereby modifies said paragraph and restates same as follows:

12. PRIOR TO EACH OWNER OBTAINING THEIR CERTIFICATE OF OCCUPANCY, EACH PROPERTY OWNER AT THE OWNER'S COST SHALL PLANT ONE (1) CANOPY TREE MEETING THE MINIMUM STANDARDS OF THE MANATEE COUNTY LAND DEVELOPER'S CODE (3" CALIPER, 10' MINIMUM HEIGHT, AND 4' MINIMUM CANOPY SPREAD) AT PLANTING WITHIN TWENTY-FIVE (25) FEET OF THE RIGHT-OF-WAY OF EACH LOCAL STREET WITHIN THE SUBDIVISION FOR EVERY FIFTY (50) LINEAR FEET, OR SUBSTANTIAL FRACTION THEREOF, OF THE RIGHT-OF-WAY. NONE OF THESE REQUIRED TREES SHALL BE PLANTED WITHIN A PUBLIC OR PRIVATE UTILITIES EASEMENT. THE TREES SHALL BE SPACED NO CLOSER TOGETHER THAN TWENTY-FIVE (25) FEET, UNLESS A DECORATIVE GROUPING OR ALTERNATIVE METHOD IS SHOWN AND APPROVED ON THE FINAL SITE PLAN OR LANDSCAPE PLAN. PALM TREES MAY BE UTILIZED, WHEN GROUPED AT LEAST TWO (2) TOGETHER TO COUNT AS ONE (1) CANOPY TREE. EXISTING NATIVE TREES SHOULD BE USED TO

FULFILL THESE REQUIREMENTS WHEREVER THEY MEET THE SPACING AND SIZE REQUIREMENTS OF THIS PARAGRAPH. RESPONSIBILITY FOR INSTALLATION AND MAINTENANCE IS EACH PROPERTY OWNERS. IN THE EVENT A STREET TREE DIES OR IS REMOVED, THE OWNER OF THE LOT IS RESPONSIBLE TO REPLACE THE TREE WITHIN THIRTY (30) DAYS. A CANOPY TREE SHALL MEAN A TREE SPECIES WHICH PRODUCES ONE (1) MAIN TRUNK AND NORMALLY REACHES A HEIGHT OF THIRTY (30) FEET OR MORE UPON MATURITY. SEE RESIDENTIAL STREET TREE TABLE ATTACHED HERETO AS SCHEDULE "1" AS RELATING TO PHASE I AND SCHEDULE "2" IS THE STREET TREE TABLE AS RELATING TO PHASE II TO THE PROPERTY SUBJECT TO THE DECLARATION.

B. Item 14. The following provisions are added as (D), (E), and (F):

(D) Activities (i.e., mowing, bush hogging, tilling, disking, dredging, filling, vegetation removal (unless otherwise specified in this condition), etc.) and the construction and/or placement of any type of permanent or temporary structure (i.e., fences, pole barns, sheds, etc.) within the 75 foot upland buffer, mitigation area, and wetlands located within the project boundaries are strictly prohibited. This area shall be maintained in its native condition in perpetuity except for the removal of nuisance and exotic vegetation.

(E) Each property owner within the subdivision at the time of construction of a building, residence, or structure shall comply with the approved construction plans for the surface water management system approved and on file with the Southwest Florida Water Management District (SWFWMD).

(F) No owner of property within the subdivision may construct or maintain any building, residence, or structure, or undertake or perform any activity in the wetlands, wetland mitigation areas, buffer areas, upland conservation and drainage easements described in the approved permit and recorded in the plat of the subdivision, unless prior approval is received from the Southwest Florida Water Management District, Sarasota Regulation Department.

C. Item 17. Any reference to "SITE PLAN REVIEW COMMITTEE" shall be amended to read "LOT REVIEW COMMITTEE".

D. Item 17. Developer hereby deletes said paragraph and restates same as follows:

17. Prior to obtaining building permits, each owner shall submit to a Lot Review Committee established by Declarant, the proposed site plan for the owner's construction showing and locating the location of all proposed improvements, buildings, structures, wetlands, 75 foot upland

buffer, the conservation easement boundary, drainage easement, the Army Corp of Engineers boundary, and the terms of the construction as it relates to the wetlands, buffers and setbacks. Said survey must be submitted to Manatee County in order to obtain building permits. The Declarant shall appoint the Plan's Lot Review Committee which shall consist of a licensed engineer and surveyor and environmental consultant and a representative of the Declarant, or of the association as appointed by Declarant. The Owner shall pay a reasonable fee to the Lot Review Committee for this review with the submission of the Site Plan. The Lot Review Committee shall review for, but not be limited to, construction location, drainage plans, limits of construction and other matters required by the Lot Review Committee. The Lot Review Committee shall also review the developer's plans to assure no activities are proposed outside the limits of construction and that the activities proposed within the area will not adversely impact habitats or surface water flows outside that area. If any lot owner wishes to perform activities outside the "Limits of Construction" area, i.e. pond excavation, creation of pasture clearing, etc., the Conservation Easement area (wetland limits and buffer) as delineated on the Rectified Color Infrared Aerial on file with SWFWMD will be staked and flagged in the field, surveyed and provided to the lot owner for him/her to show his proposed activities and present them for review by the Committee. The Owner shall be bound by changes requested by the Lot Review Committee. The limits of construction are proposed in the attached Exhibit "J" to the Declaration.

Additionally, any Builder or Contractor of improvements or residences to any lot within the subdivision must be approved by Declarant or Declarant's agent prior to the construction of said improvements or residences.

E. Item 18. Developer hereby adds the following said paragraphs:

18. (h) **The project site lies in flood zones X and A, with Base Flood Elevations (BFE) of 76 to 97 feet above mean sea level, as determined through a Flood Study conducted by Lombardo, Skipper and Foley, Inc., per FIRM Panels 120153 0410C and 120153 0450C. Specifically portions of lots: 13, 14, 15, 16, 111, 112, 113, 114, 134, 135, 136, 137, 138, 140, 141, 142, and 147 lie within flood zone A which exceeds the limit of the conservation easement.**

(i) If it is determined that any of the structures are in the A zone, a Floodplain Management Permit will be needed for submittal along with the building permit application.

(j) A sealed survey showing the FIRM panel number, delineating flood zone lines, showing base flood elevation, with existing and proposed grades of the lot, must be submitted at the time of building permit

application. If there is a FEMA approved LOMR or CLOMR for the above lots the case number must be noted on the survey.

(k) If it is determined that a lot lies within a flood zone, a mortgage lender may require the owner/mortgager to purchase flood insurance.

(l) BUYERS ARE HEREBY NOTIFIED THAT THEIR MORTGAGE LENDER'S FLOOD DETERMINATION MAY DIFFER FROM THE DETERMINATION MADE BY THE MANATEE COUNTY BUILDING DEPARTMENT'S FLOODPLAIN MANAGEMENT SECTION."

F. Item 20. Developer hereby adds the following provision as Item 20:

20. Owner shall not impact more than one-half (1/2) an acre (after the written consent has been received by the Association) that is within the Army Corps of Engineers (ACOE) boundary line as depicted on the survey each Buyer has or shall receive and a sketch of the overall ACOE line is attached as Exhibit "B". Owner shall not impact any area within the ACOE boundary line which "impacts" shall be defined as the filling, dredging (as in excavation of any ponds), clearing, or replacement of vegetation (as in conversion of native cover or pasture grass) or any other activity that would alter the nature or function of the affected wetland (other than the one-half (1/2) acre with the Association's prior written approval). Additionally, all motorized vehicles and livestock are excluded from this area. However, where the ACOE line is within any easement to Manatee County, Southwest Florida Water Management District, or the Association, then the structures of said easement the most restrictive covenants shall control. The Association, Southwest Florida Water Management District, Manatee County and/or ACOE shall enforce this restriction strictly.

G. Item 21. Developer hereby adds the following provision as Item 21:

21. The specifications of any and all hydrants shall be governed with local and/or state governmental authorities and the hydrant for each owner must be inspected and approved by the local county or fire authorities prior to the issuance of any building permits. The hydrants must be located no nearer than 200 feet and no farther than 800 feet from the residence on the pond and located nearest the drive to the residence.

3. All other terms of the Notice to Buyer as amended shall be in full force and effect.

FIRST AMENDMENT TO NOTICE TO BUYERS.

IN WITNESS WHEREOF, Developer has caused these presents to be executed in his name thereunto duly authorized as of the day and year first above written.

Signed, sealed and delivered in the presence of:

*[Signature]*  
Print/Witness: Thomas M Breen

*[Signature]* 11/5/03  
SYED ARIF

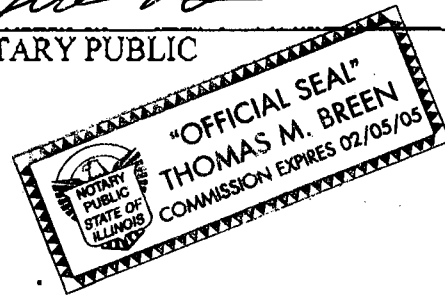
*[Signature]*  
Print Witness: CHRISTINA SCHUBERT

STATE OF ILLINOIS  
COUNTY OF DUPAGE

The foregoing instrument was acknowledged before me this 5<sup>th</sup> day of November, 2003, by SYED ARIF,  who is personally known to me OR  who produced \_\_\_\_\_ as identification.

My Commission Expires:

*[Signature]*  
NOTARY PUBLIC



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## WINDING CREEK PHASE 1 RESIDENTIAL STREET TREE TABLE

1 tree per 50' of frontage per Manatee County LDR, Section 715.3.4 (native vegetation to be used as applicable). See Code Landscape Plans, dated 5-6-02.

Lot Number	Frontage + by 50	Number of Trees	Rounded down
1	530.0	10.6	10
2	680.0	13.6	13
3	250.0	5.0	5
4	350.5	7.01	7
5	773.1	15.4	15
6	703.3	14.0	14
7	1103.3	22.0	22
8	296.2	5.9	5
9	131.3	2.6	2
10	46.6	0.93	1
11	1098.5	21.9	21
12	375.0	7.5	7
13	681.8	13.6	13
14	931.6	18.6	18
15	346.1	6.9	6
16	241.3	4.8	4
17	227.6	4.5	4
18	1022.2	20.4	20
19	1076.5	21.5	21
20	652.4	13.0	13
21	406.5	8.1	8
22	292.6	5.8	5
23	415.0	8.3	8
24	415.3	8.3	8
25	393.3	7.8	7
26	400.5	8.0	8
27	342.9	6.8	6
28	342.8	6.8	6
29	453.9	9.0	9
30	1086.0	21.7	21
31	618.9	12.3	12*
32	66.5	1.3	1

Lot Number	Frontage + by 50	Number of Trees	Rounded down
33	68.6	1.3	1
34	1260.7	25.2	25
35	768.3	15.3	15
36	351.1	7.0	7
37	897.4	17.9	17
38	436.1	8.7	8
39	1010.4	20.2	20
40	521.9	10.4	10
41	311.4	6.2	6
42	403.0	8.0	8
43	271.8	5.4	5
44	773.1	15.4	15
45	455.4	9.1	9
46	108.4	2.1	2
47	48.0	0.96	1
48	63.7	1.2	1
49	849.4	16.9	16
50	1505.7	30.1	30*
51	1409.5	28.1	28*
52	566.8	11.3	11
53	468.8	9.3	9
54	437.3	8.7	8
55	415.3	8.3	8
56	406.5	8.1	8
57	557.6	11.1	11
58	373.0	7.4	7
59	558.6	11.1	11
60	441.6	8.8	8
61	606.0	12.1	12
62	606.0	12.1	12
63	571.9	11.4	11
<b>TOTAL</b>			
			660

\* Portion of lot frontage in Phase II roadway construction is included in Phase I calculations.

Schedule "1"

**ACCEPTED IN OPEN SESSION**           JUL 23 2002            
**BOARD OF COUNTY COMMISSIONERS, MANATEE COUNTY**

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Schedule "2"

WINDING CREEK PHASE II-A RESIDENTIAL STREET TREE TABLE

1 tree per 50' of frontage per Manatee County LDR, Section 715.3.4  
(native vegetation to be used as applicable)

See Landscape Plans, dated 9/27/2002.

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Lot Number	Frontage + by 50	Number of Trees	Rounded Down
64	250	5.00	5
65	260	5.20	5
66	250	5.00	5
67	306	6.12	6
68	439	8.78	8
69	331	6.62	6
70	324	6.48	6
71	314	6.28	6
72	256	5.12	5
73	412	8.24	8
74	416	8.32	8
75	295	5.90	5
76	253	5.06	5
77	1069	21.38	21
78	304	6.08	6
79	208	4.16	4
80	59	1.18	1
81	511	10.22	10
82	945	18.90	18
83	485	9.70	9
84	406	8.12	8
85	474	9.48	9
86	842	16.84	16
87	308	6.16	6
88	303	6.06	6
89	56	1.12	1
90	94	1.88	1
91	210	4.20	4
92	279	5.58	5
93	214	4.28	4
94	230	4.60	4
95	248	4.96	4
96	267	5.34	5
97	209	4.18	4
98	58	1.16	1
99	89	1.78	1
100	68	1.36	1
101	1003	20.06	20
102	1091	21.82	21
103	522	10.44	10
104	403	8.06	8
105	1084	21.68	21

Lot Number	Frontage + by 50	Number of Trees	Rounded Down
106	358	7.16	7
107	447	8.94	8
108	91	1.82	1
109	66	1.32	1
110	123	2.46	2
111	255	5.10	5
112	187	3.74	3
113	184	3.68	3
114	184	3.68	3
115	313	6.26	6
116	594	11.88	11
117	548	10.96	10
118	400	8.00	8
119	213	4.26	4
120	219	4.38	4
121	273	5.46	5
122	900	18.00	18
156	971	19.42	19
157	300	6.00	6
158	1079	21.58	21
164	1012	20.24	20
165	736	14.72	14
166	509	10.18	10
167	216	4.32	4
168	209	4.18	4
169	191	3.82	3
170	191	3.82	3
171	1104	22.08	22
172	274	5.48	5
173	65	1.30	1
174	65	1.30	1
175	892	17.84	17
176	432	8.64	8
177	237	4.74	4
178	373	7.46	7
179	221	4.42	4
180	551	11.02	11
181	300	6.00	6
182	787	15.74	15
183	425	8.50	8
184	255	5.10	5
185	226	4.52	4

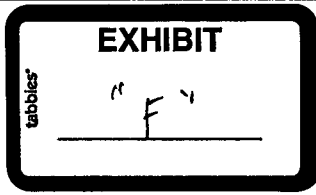
Lot Number	Frontage ± by 50	Number of Trees	Rounded Down
186	184	3.68	3
187	562	11.24	11
188	1083	21.66	21
189	611	12.22	12
190	48	0.96	1
191	96	1.92	1
192	442	8.84	8
193	395	7.90	7
194	933	18.66	18
195	745	14.90	14
196	1224	24.48	24
197	354	7.08	7
198	347	6.94	6

Lot Number	Frontage ± by 50	Number of Trees	Rounded Down
199	90	1.80	1
200	140	2.80	2
201	600	12.00	12
202	738	14.76	14
203	334	6.68	6
204	224	4.48	4
205	846	16.92	16
206	151	3.02	3
207	86	1.72	1
208	244	4.88	4
209	1073	21.46	21
TOTAL			844

Schedule "2"  
 continued

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## EXHIBIT "H"

### LISTING OF HOLDINGS

The following is a complete listing of all common open space and improvements of the WINDING CREEK HOMEOWNERS ASSOCIATION, INC., a non-profit Florida corporation. This organization has been established for the ownership and maintenance of all land, buildings, equipment, facilities, and other holders as described and depicted on the plat.

#### TRACT "A"

- a. May include a retention pond for the purpose of stormwater drainage and retention.
- b. Private road right of way which has been planted and will be maintained by the Association.
- c. Entrance way which was planted and will be maintained by the Association.
- d. Upland Preservation Areas as shown on the Plat.

BK 1881 PG 4935 FILED AND RECORDED 11/19/2003 9:52:25 AM 25 of 25  
R.B. SHORE CLERK OF CIRCUIT COURT MANATEE COUNTY FL.