

Recording: \$ _____
Prepared by and return to:
Christa L. Folkers, Esq.
Williams Parker Harrison Dietz & Getzen
200 South Orange Avenue
Sarasota, Florida 34236

**SIXTH AMENDMENT TO DECLARATION
OF COVENANTS, CONDITIONS, EASEMENTS, AND RESTRICTIONS
FOR
TOSCANA ISLES**

THIS AMENDMENT is made effective this 22 day of April 2020 by **LALP DEVELOPMENT, LLC**, a Florida limited liability company ("Developer").

RECITALS:

A. Developer previously recorded a Declaration of Covenants, Conditions, Easements, and Restrictions for Toscana Isles in the Official Records as Instrument #2015092161, Public Records of Sarasota County, Florida, as amended by instruments recorded in the Official Records as Instrument #2015115200, Instrument #2016114644, Instrument #2017026089, Instrument #2017153878, and Instrument #2017153882, Public Records of Sarasota County, Florida (collectively the "Declaration").

B. Article 24 of the Declaration reserves unto Developer the right to amend the Declaration at any time prior to the Turnover, provided any such amendment reasonably conforms to the general purposes of the covenants and restrictions set forth in the Declaration.

C. Developer desires to amend the Declaration with respect to certain matters as set forth herein.

NOW, THEREFORE, pursuant to the rights of Developer reserved in Article 24 of the Declaration, Developer hereby amends the Declaration as follows:

1. The property described in Exhibit "F" attached hereto, comprising the lands to be subdivided by Developer as Toscana Isles, Unit 5, is hereby made subject to the provisions of the Declaration. Exhibit "F" is added to the Declaration to read the same as Exhibit "F" attached hereto.

2. Article 1.64 is added to the Declaration to read as follows:

1.64 "Unit 5" shall mean the real property described in Exhibit "F."

3. Article 1.65 is added to the Declaration to read as follows:

1.65 "Unit 5 Plat" shall mean the plat of Unit 5 recorded in Plat Book _____, page _____, Public Records of Sarasota County, Florida.

4. The second sentence of Article 4.1 of the Declaration is amended to read as follows: "The District Property shall specifically include: (a) Tracts 150, 160, 161, and 170, all as shown on the Unit 1 Plat; (b) Tracts 250, 260, 261, and 262, all as shown on the Unit 2 Plat; (c) Tracts 450 and 451, all as shown on the Unit 4 Plat; (d) Tracts 550, 551, and 560, all as shown on the Unit 5 Plat; (e) all Improvements to such Tracts, other than equipment, lines, and facilities owned by utilities; components of the Central Irrigation System; and other Improvements owned by Developer, the Maintenance Association, the Association, or third parties that are located within such Tracts pursuant to easement rights; (f) the Water and Sewer System Facilities; and (g) the Surfacewater Management System Facilities."

5. Article 4.9 is added to the Declaration to read as follows:

4.9 **Unit 5 District Property.** The following provisions apply to the District Property within Unit 5:

A. **Tracts 550 and 551.** The District will construct paved roadways within Tracts 550 and 551 to provide access for Developer, the District, the Association, the Maintenance Association, and the Owners to the Parcels and other property within the Community. These roadways constitute the Community Roads. The District will also construct such other Improvements as may be required by the City of Venice or Sarasota County. The District, Developer, or the Association may additionally install such gates, signs, walls, lighting, medians, sidewalks, landscaping, irrigation, bridges, fountains, and related equipment and facilities as the District, Developer, or the Association may deem appropriate for the roadway character of these Tracts. The right of the District, Developer, and the Association to install such additional items shall not be construed as an obligation to do so.

B. **Tracts 560.** Tract 560 is comprised of stormwater retention and open space areas. The District will construct within this Tract stormwater retention ponds, together with outfall structures and related stormwater drainage and retention control devices and apparatus, as part of the Surfacewater Management System Facilities. The District, Developer, or the Association may install such plants, landscaping, and Improvements as the District, Developer, or the Association may deem appropriate for the open space and retention pond character of this Tract. The right of the District, Developer, and the Association to install such plants, landscaping, and Improvements shall not be construed as an obligation to do so, and, except for such Surfacewater Management System Facilities as may be required by City of Venice,

Sarasota County, or SWFWMD, these Tracts may, in the discretion of the District, Developer and the Association, be left in an unimproved state.

6. The third sentence of Article 6.1 of the Declaration is amended to read as follows: "The Common Areas shall specifically include: (a) Tract 100, as shown on the Unit 1 Plat; (b) Tracts 180 and 181, all as shown on the Unit 1 Plat; (c) Tracts 270, 280, 281, and 282, all as shown on the Unit 2 Plat; (d) Tracts 470 and 471, all as shown on the Unit 4 Plat; (e) Tracts 561, 562, 570, 571, 580, 581, 582, and 590, all as shown on the Unit 5 Plat; (f) all Improvements to such Tracts other than equipment, lines, and facilities owned by the District or utilities; and other Improvements owned by Developer, the District, or third parties that are located within such Tracts pursuant to easement rights; and (g) the Central Irrigation System."

7. The following sentence is added to Article 6.6 of the Declaration to read as follows: "Notwithstanding the foregoing, Developer may, at Developer's discretion, transfer title to certain Common Areas, including Tracts 561, 562, and 590, to the Maintenance Association instead of the Association within the time periods set forth in this Article."

8. Article 6.10 is added to the Declaration to read as follows:

6.10 Unit 5 Common Areas. The following provisions apply to the Common Areas within Unit 5:

A. Tracts 561 and 562. Tracts 561 and 562 are comprised of stormwater retention and open space areas. The District will construct within these Tracts stormwater retention ponds, together with outfall structures and related stormwater drainage and retention control devices and apparatus, as part of the Surfacewater Management System Facilities. The District, Developer, or the Association may install such plants, landscaping, and Improvements as the District, Developer, or the Association may deem appropriate for the open space and retention pond character of these Tracts. The right of the District, Developer, and the Association to install such plants, landscaping, and Improvements shall not be construed as an obligation to do so, and, except for such Surfacewater Management System Facilities as may be required by City of Venice, Sarasota County, or SWFWMD, these Tracts may, in the discretion of the District, Developer and the Association, be left in an unimproved state.

B. Tracts 570 and 571. Tracts 570 and 571 are comprised of an open space area and is hereby set aside by Developer for the use, enjoyment, and benefit of Developer and the Owners. As reflected on the Unit 5 Plat, Tract 570 includes a lift station easement in favor of City of Venice for the installation, maintenance, and operation of a sewerage lift station and related facilities over, under, and across a portion of this Tract. The District, Developer, the Association, or the Maintenance Association may install a perimeter wall or fence within these Tracts, and such plants, landscaping, irrigation, and Improvements as the District, Developer, the Association, or the Maintenance Association may deem appropriate for the open space character of these Tracts. The right of the District, Developer, the Association, and the

Maintenance Association to install such perimeter wall, fence, plants, landscaping, irrigation, and Improvements shall not be construed as an obligation to do so, and these Tracts may, in the discretion of the District, Developer, the Association, and the Maintenance Association be left in an unimproved state.

C. Tracts 580, 581, and 582. Tracts 580, 581, and 582 are comprised of stormwater retention and open space areas. The District will construct within a portion of these Tracts, and within the rear 5 feet of certain Parcels adjacent to these Tracts, stormwater retention ponds, together with outfall structures and related stormwater drainage and retention control devices and apparatus, as part of the Surfacewater Management System Facilities. The District, Developer, the Association, or the Maintenance Association may install such plants, landscaping, and Improvements as the District, Developer, the Association, or the Maintenance Association may deem appropriate for the open space and retention pond character of these Tracts. The right of the District, Developer, the Association, and the Maintenance Association to install such plants, landscaping, and Improvements shall not be construed as an obligation to do so, and, except for such Surfacewater Management System Facilities as may be required by City of Venice, Sarasota County, SWFWMD, or Army Corps, these Tracts may, in the discretion of the District, Developer, the Association, and the Maintenance Association be left in an unimproved state. As provided in Article 7.5, Owners of certain Parcels may apply to applicable governmental agencies for construction of private docks within Tracts 580 and 581, which private dock will be for the exclusive use of the Owner of the Parcel adjacent to the private dock. The area of these Tracts between the rear of the lot lines and adjacent retention pond or the erosion control barrier, if applicable, will be for the exclusive use of the Owner of the Parcel adjacent to the Tracts, and with the exception of the District, Developer, the Association, or the Maintenance Association, no other Person may use these portions of the Tracts. To promote architectural and aesthetic quality in the construction of the private docks and to ensure appropriate locations of the private docks, all Plans for a proposed private dock must be submitted to the Architectural Committee for evaluation and approval pursuant to Article 13 prior to commencement of construction. Such Architectural Committee approval will be required in addition to requisite governmental approvals.

D. Tract 590. Tract 590 is comprised of a preservation area. Except for activities that may otherwise be permitted by the City of Venice, Sarasota County, and SWFWMD, no activities, including filling, excavating, well drilling, removal of vegetations (both trees and understory), and storage of materials, may be undertaken or performed within this Tract. This Tract will be maintained by the Association or the Maintenance Association in accordance with the approved resource management plan and the applicable Land Development Code for the City of Venice or Sarasota County.

9. The first sentence of Article 7.5 of the Declaration is amended to read as follows: "Owners of Lots 4 – 44, 47 – 87, 93 – 118, 124 – 128, 133 – 170, 345 – 383, 387 – 392, 411 – 417, 495 – 513, 608 – 631, 639 – 642, 663 – 673, 677 – 688, 723 – 732, 754, and 755 may apply to applicable governmental agencies for the construction of a private dock."

10. Article 7.5.B of the Declaration is amended to read as follows:

~~B. The private docks will be constructed within Tracts 180, 181, 280, 281, 580, and 581, and adjacent to the rear lot line of the Parcel with the exclusive use of the private dock in accordance with the approved plans.~~

11. Article 7.5.C of the Declaration is amended to read as follows:

C. Any private dock constructed for an Owner will be for the exclusive use of that Owner, subject to the rights of the District, Association, and Maintenance Association to access this area for the purpose of maintaining Tracts 180, 181, 280, 281, 580, and 581 and any Improvements that the District, Association, and Maintenance Association are required to maintain.

12. The following sentence is added to Article 21.1.G of the Declaration to read as follows: "There is hereby granted to the District a perpetual nonexclusive access easement across the rear 5 feet of any Parcel adjacent to Tracts 580 and 581 (exclusive of the interior of the residence or enclosed pool cage) for the purpose of constructing, repairing, and maintaining the erosion control barrier and related improvements, together with outfall structures and related stormwater drainage and retention control devices and apparatus that are part of the Surfacewater Management System Facilities."

[Signatures on following page]

IN WITNESS WHEREOF, Developer has caused this Amendment to be executed in their name as of the day and year first above written.

WITNESSES:

LALP DEVELOPMENT, LLC

By: Vanguard Realtors, LLC, a Florida
limited liability company, as its
Manager

Joan Steinberg
Signature of Witness
Joan Steinberg
Print Name of Witness

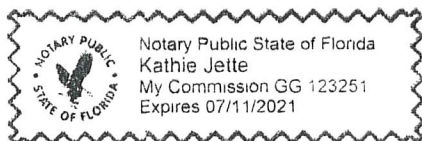
Kathie Jette
Signature of Witness
Kathie Jette
Print Name of Witness

By: [Signature]
John R. Peshkin, as its Manager

STATE OF FLORIDA
COUNTY OF Sarasota

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 22 day of April 2020 by John R. Peshkin, as Manager of Vanguard Realtors, LLC, a Florida limited liability company and Manager of **LALP DEVELOPMENT, LLC**, a Florida limited liability company, on behalf of the companies. The above-named person is personally known to me or has furnished _____ as identification.

(Notary Seal)



Kathie Jette
Signature of Notary Public

Kathie Jette
Print Name of Notary Public

I am a Notary Public of the State of FL
and my commission expires on 7-11-2021

EXHIBIT "F"

All of the property described in the plat of Toscana Isles, Unit 2, Phase 5, recorded in Plat Book _____, Page _____, Public Records of Sarasota County, Florida.