

**Palmetto Point Association Board of Directors Guiding Principals' on Approving a Variance Amended Deed of Restrictions, Renamed Declaration of Covenants, Conditions and Restrictions for Palmetto Point and Palmetto Point Unit 2, hereinafter "Declaration".
Recorded December 11, 2003**

The Declaration provides for the Board to authorize variances from compliance with any architectural provisions when circumstances such as topography, natural obstructions, hardship, aesthetic or environmental considerations require such variance from compliance.

The granting of a variance may be subject to special conditions imposed by the Board and shall not create a precedence requiring the Board to grant variances in the future for the same Lot Owner or other Lot Owners.

There are one hundred and forty Lots in Palmetto Point. Three of these Lots had been combined with another Lot, which results in having one hundred and thirty-seven Lots available to build a residence upon. Of these lots, ten are not on water, leaving one hundred and twenty-seven lots with dock space. Of these docks, there are eight on the end of a canal near a culvert and one at the end of the only T shaped canal. There are 20 Lots which are on the end of cul- de- sac that are pie shaped, with the frontage much less than the rear of the Lot. There are fourteen lots on corners Lots on Griffin that are reverse pie shaped. The remaining eighty-four Lots are basically rectangle in shape and should not qualify for a Variance.

Guiding Principal Number One: Side Set Backs

No variances will ever be issued for the require distance of twelve and a half feet (12 ½'), for all side set-backs.

Guiding Principal Number Two: Building Height

No variances will ever be issued that exceeds the maximum height of thirty-five feet (35').

Guiding Principal Number Three: Front and Rear Set-backs for Pie Shape Lots

On pie shaped Lots a Variance of normally not more than three feet can be granted to recognize the fact that the shape of the Lot can cause the home to be moved forward or back from the street to comply with the side set-back of twelve and a half feet. It can also adversely affect the pool area set-backs.

Guiding Principal Number Four: End of Canal and T Shape Canal Lots - Docks

Due to the fact that the seawall is parallel to the canal only for the first fifty feet of the owners Lot, versus the normal one hundred feet, it is necessary to provide the Lot

Owner a Variance to accommodate the curve at the end of the canal. The Variance allows the dock to be built to within five feet of the property line. This would create a ten foot wide space between the adjacent docks at the canal ends. This is room enough for an eight foot barge to provide any needed culvert maintenance at the end of the canal.

Guiding Principal Number Five: Items Concerned When Approving All Docks

- 1. The dock and boat must not interfere with the neighbor's navigation of the canal.**
- 2. The dock and boat must allow the neighbors a clear view of the canal.**
- 3. Docks perpendicular to the seawall would only be considered at the very end of the Griffin Ave – Sherry Lane and Sherry Lane – Laurel Lane canals.**

Guiding Principal Number Six: Driveway Slope

Due to a legal change in the additional required flood height on new construction sites, the ¼" per foot slope requirement is waived for all new construction of driveways.

It is the intent of the Board to treat all Lot Owners fairly and to provide Variances that will protect very owner's ability to enjoy this boating community to the maximum.

Lot Map Legend:

End of Canal – Red

Pie Shape - Green

Reverse Pie Shape - Orange

PALMETTO POINT UNIT 2

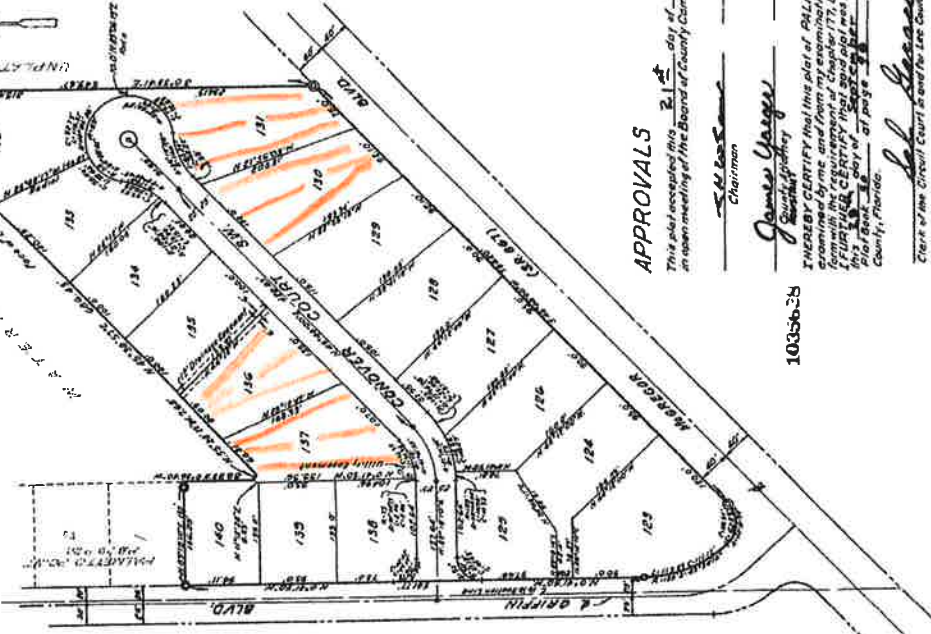
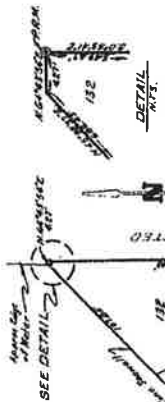
A RESUBDIVISION OF
TRACTS 'A' AND 'C' OF PALMETTO POINT
(According to plat recorded in Plat Book 29, Pages 21 through 23)
SECTION 29, T.45S., R.24E.
LEE COUNTY, FLORIDA

SCALE: 1"=100' 100' 200' JUNE 1977

JOHNSON ENGINEERING, INC.
CIVIL ENGINEERS LAND SURVEYORS
FORT MYERS, FLORIDA

NOTES

Permanent Reference Monuments (P.R.M.'s) are placed
concrete monuments with metal discs set in top bearing
the survey certificate in (P.C.'s) are metal markers
with survey certificate number of the survey marked thereon
Bearings shown are from Palmetto Point PB, 29, p. 22



DESCRIPTION

TRACTS A and C of PALMETTO POINT according to plat recorded in Plat Book 29, at pages 21 through 23 of the public records of Lee County, Florida and all that part of the same containing any other plat lying thereon, together with the following description, are hereby resubdivided into the following lots, to-wit: Lot 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140. The corner of said Tract C run N 89° 18' 10" E for 184.25 Feet, Thence run S 0° 04' 40" E for 88.83 Feet, Thence run S 55° 50' E for 2.4 Feet, Thence run N 45° 58' 57" E for 9.86, 88 Feet, Thence run N 44° 43' 50" E for 4.87 Feet to the Northwest Corner of said Tract A and the end of the herein described boundary.

DEDICATION

KNOW ALL MEN BY THESE PRESENTS that QUINTON, INC., a corporation under the laws of the State of Florida, the owner, at the herein described lands, has conveyed the whole of PALMETTO POINT UNIT 2 to be made and does hereby dedicate to the public use of the public all drives, streets, roads, drainage easements and public utility easements shown hereon, and the easements and appurtenances thereon, and all that part of said lands heretofore owned and managed by QUINTON, INC. caused this dedication to be signed in its name by its President, and its Corporate Seal to be affixed, attested by its Secretary this 21st day of July, 1977 A.D.

Donald R. Harper
President
Richard Neal
Secretary

ACKNOWLEDGMENT

STATE OF FLORIDA
COUNTY OF LEE, ss: I, the undersigned, on this day before me personally appeared Daniel R. Harper, President and Curtis Baker, Secretary of QUINTON, INC., a corporation under the laws of the State of Florida, whose names have been subscribed to and who executed the foregoing dedication and they acknowledged the execution thereof for the uses and purposes therein mentioned.

WITNESS my hand and official seal at Fort Myers, said County and State this 20th day of July, 1977 A.D.
Richard Neal
Notary Public State of Florida at Large
My Commission Expires _____

NOTES

Permanent Reference Monuments (P.R.M.'s) are spaced concrete monuments with metal discs set in top bearing the survey certificate number.
Bearing are those shown on Palmetto Point Subdivision, Plat Book 29 Page 21
Public utility easements, 6 feet wide along boundaries of all easements including these boundaries are easer-way.

CERTIFICATE

I HEREBY CERTIFY that this plat of PALMETTO POINT UNIT 2 is a true and correct copy of the original as shown on the land according to a recent survey made and placed under my direction and supervision and that the survey data complies with all of the requirements of Chapter 171 Florida Statutes.

Leta F. Baker
Leta F. Baker
Professional Land Surveyor
Florida Certificate # 1965

APPROVALS

This plat accepted this 21st day of September, 1977 A.D. in open meeting of the Board of County Commissioners of Lee County, Florida.

James Yager Chairman
Don Baker County Engineer

10356-29

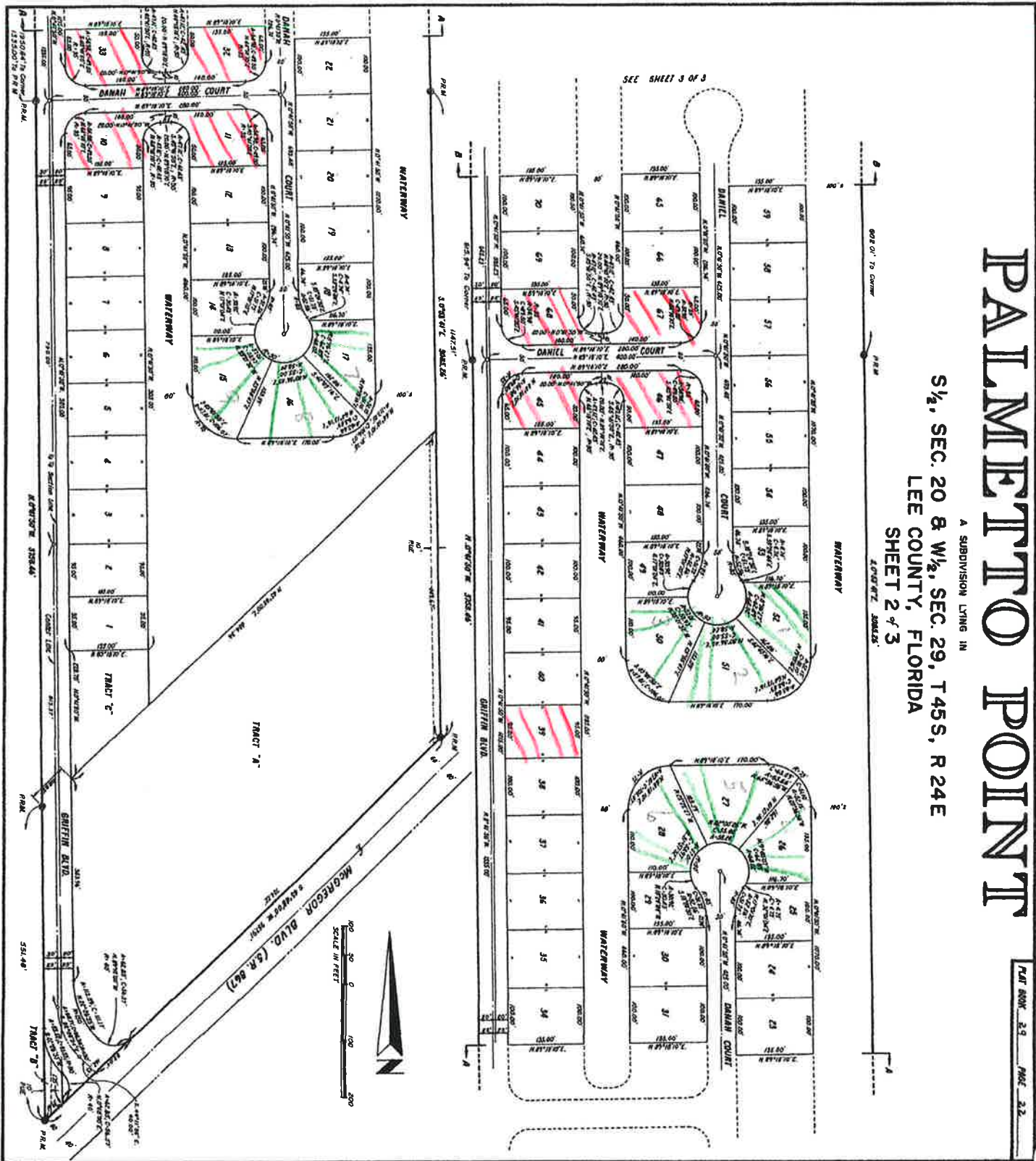
I HEREBY CERTIFY that this plat of PALMETTO POINT UNIT 2 has been examined by me, and from my examination I find that said plat complies in all respects with the requirements of Chapter 171, Florida Statutes. This Public Certificate was filed for record on 9/23/77 in the Public Record Office of Lee County, Florida, at page 38 of Plat Book 30.

Leta F. Baker
Leta F. Baker
Notary Public State of Florida at Large
My Commission Expires _____

PALMETTO POINT

A SUBDIVISION LYING IN
 S 1/2, SEC. 20 & W 1/2, SEC. 29, T45S, R24E
 LEE COUNTY, FLORIDA
 SHEET 2 of 3

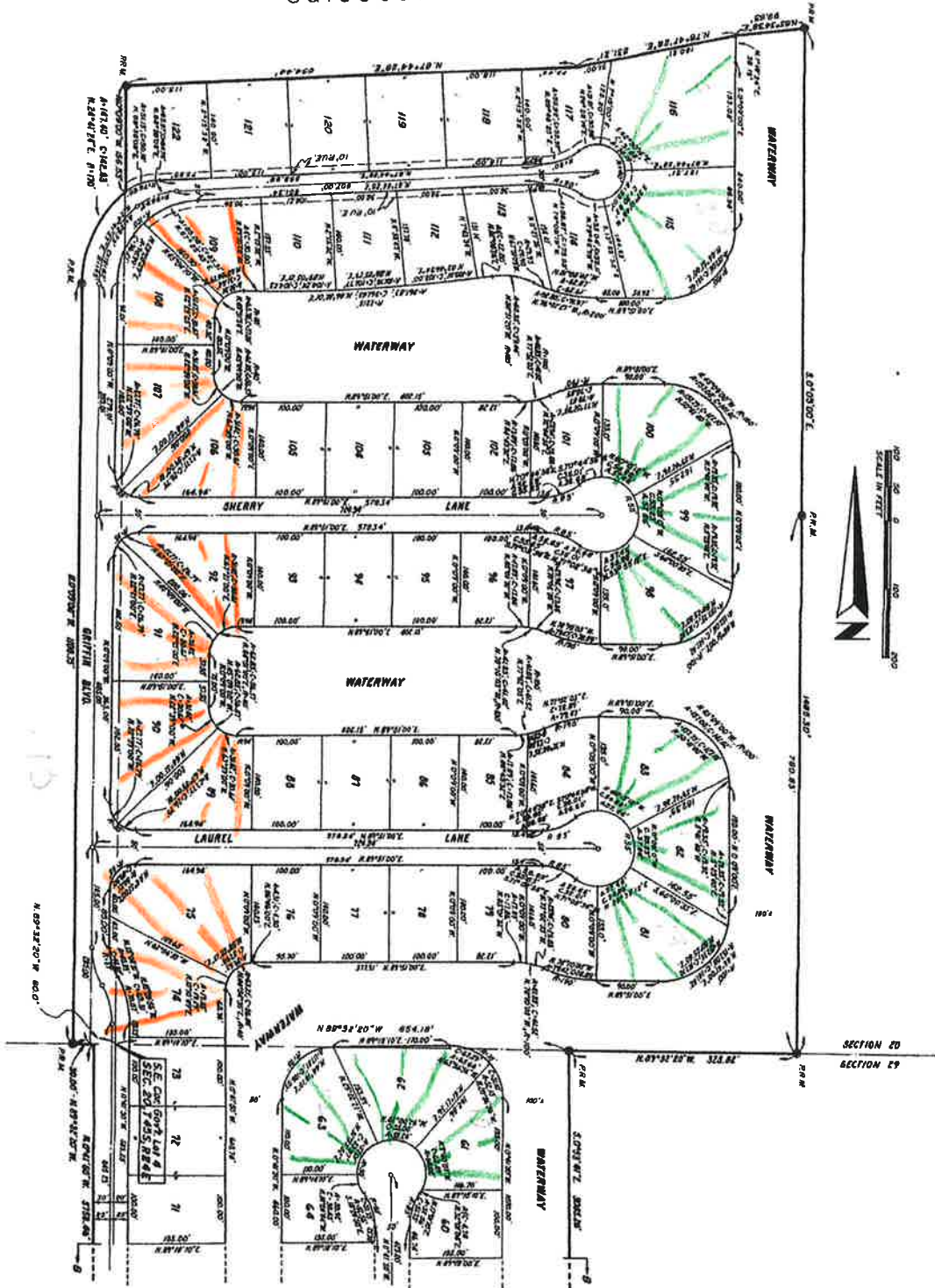
PLAT BOOK 2-9 PAGE 2-2



Caloosahatchee River

PALMETTO POINT

A SUBDIVISION LYING IN
S½, SEC. 20 & W½, SEC. 29, T45S, R24E
LEE COUNTY, FLORIDA
SHEET 3 of 3



PLAT BOOK 24 PAGE 23