



CFN:2004228018 07-19-2004 08:52 am  
OR Book/Page: 5335 / 1495

This instrument prepared by  
CURTIS R. MOSLEY, ESQ.  
Mosley & Wallis, P.A. *[Signature]*  
Post Office Box 1210  
Melbourne, Florida 32902-1210

**Scott Ellis**

Clerk Of Courts, Brevard County

#Pgs: 7 #Names: 2  
Trust: 4.00 Rec: 57.00 Serv: 0.00  
Deed: 0.00 Excise: 0.00  
Mtg: 0.00 Int Tax: 0.00

**FIRST AMENDMENT TO DECLARATION OF  
CONDOMINIUM OF SOLANA ON THE RIVER, A CONDOMINIUM**

**SOLANA ON THE RIVER, LLC**, a Florida limited liability company, pursuant to the authority reserved in Article XIII of the Declaration of Condominium establishing SOLANA ON THE RIVER, A CONDOMINIUM, as recorded in Official Records Book 5316, Pages 5489 through 5581 of the Public Records of Brevard County, Florida, and the Florida Condominium Act, hereby amends the Declaration as follows:

1. Delete Sheets 8 and 9 of Exhibit "B" as recorded in Official Records Book 5316, Pages 5551 and 5552, Public Records of Brevard County, Florida in their entirety and substitute revised Sheets 8 and 9 of Exhibit "B" attached hereto therefor.
2. Add Exhibit "E" attached hereto to the Declaration of Condominium. Exhibit "E" was inadvertently omitted when the Declaration of Condominium was recorded.

IN WITNESS WHEREOF, the above-stated Developer has caused these presents to be signed and sealed on this 26<sup>th</sup> day of June, 2004.

SIGNED, SEALED AND DELIVERED  
IN THE PRESENCE OF:

*[Signature]*  
Print Name: Donna V. Rosenberg

DEVELOPER:

SOLANA ON THE RIVER, LLC, a Florida limited liability company

BY: TOWNE REALTY, INC., a Wisconsin corporation, its sole member

*[Signature]*  
BY: James B. Young, Vice President  
(CORPORATE SEAL)

*[Signature]*  
Print Name: Jim Cantor

STATE OF WISCONSIN )  
COUNTY OF MILWAUKEE)

The foregoing instrument was acknowledged before me this 26<sup>th</sup> day of June, 2004, by James B. Young, Vice President of TOWNE REALTY, INC., a Wisconsin corporation, the sole member of SOLANA ON THE RIVER, LLC, a Florida limited liability company, on behalf of the company. He is personally known to me ~~or produced~~ as identification:

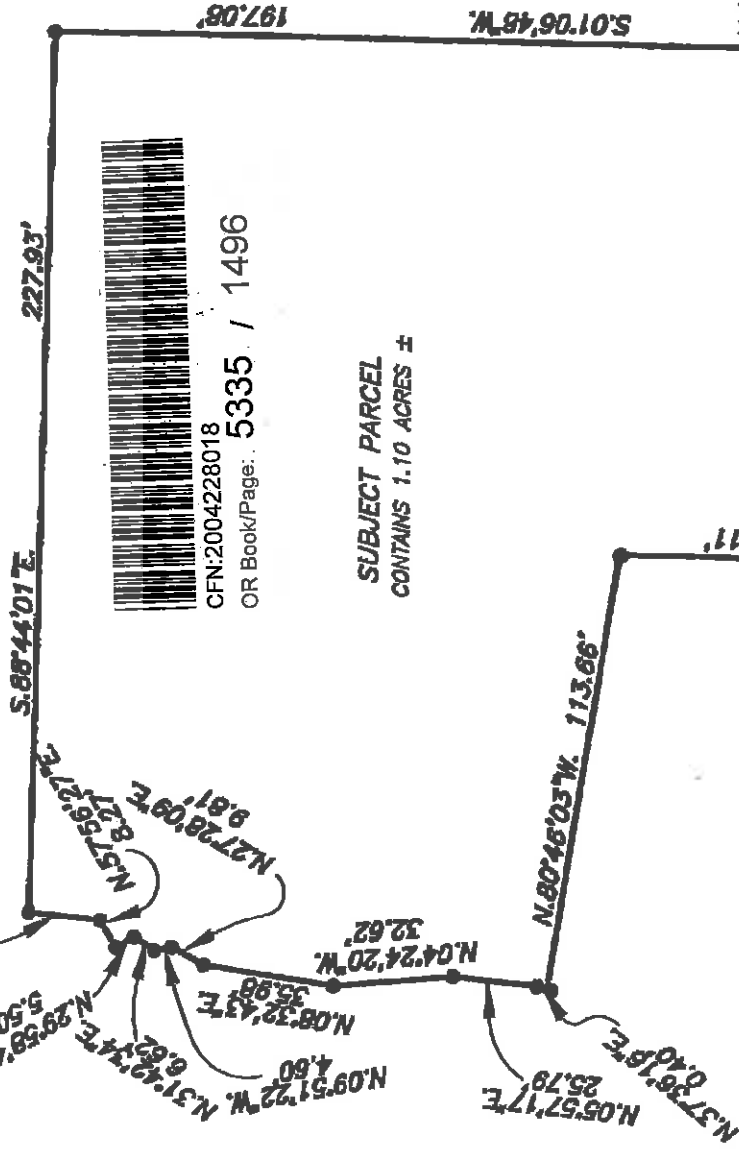


*[Signature]*

NOTARY PUBLIC

My Commission Expires: 7/24/05

# SOLANA ON THE RIVER, A CONDOMINIUM PHASE 4



CFN:2004228018  
OR Book/Page: 5335 / 1496

SUBJECT PARCEL  
CONTAINS 1.10 ACRES ±

SCALE: 1" = 50'



Description: Solana On The River - Phase 4

A portion of Section 22, Township 24 South, Range 37 East, Brevard County, Florida, being more particularly described as follows:

Commence at the Southeast corner of said Section 22; thence N01°06'48"E, along the East line of said Section 22, a distance of 2,007.20 feet; thence N88°58'13"W, a distance of 40.00 feet, to the POINT OF BEGINNING of the herein described parcel; thence continue, N88°58'13"W, a distance of 103.00 feet; thence S01°06'47"W, a distance of 170.07 feet; thence N88°58'13"W, a distance of 46.10 feet; thence N15°15'09"E, a distance of 70.00 feet; thence N01°06'47"E, a distance of 142.11 feet; thence N80°46'03"W, a distance of 113.66 feet, to a point on the Mean High Water Level Line of the Banana River; thence the following 10 courses along said Mean High Water Level Line: (1) N37°36'16"E, a distance of 0.40 feet; (2) N05°57'17"E, a distance of 25.79 feet; (3) N04°24'20"W, a distance of 32.62 feet; (4) N08°32'43"E, a distance of 35.98 feet; (5) N27°28'09"E, a distance of 9.81 feet; (6) N09°51'22"W, a distance of 4.60 feet; (7) N31°42'34"E, a distance of 5.62 feet; (8) N28°58'40"W, a distance of 5.50 feet; (9) N57°56'27"E, a distance of 8.27 feet; (10) N06°12'17"E, a distance of 19.60 feet; thence S88°44'01"E, a distance of 5.50 feet; (9) N57°56'27"E, a distance of 8.27 feet; the East line of said Section 22; thence S01°06'48"W, parallel with and 40.00 feet West of the East line of said Section 22, a distance of 197.08 feet, to the POINT OF BEGINNING; Containing 1.10 acres, more or less.

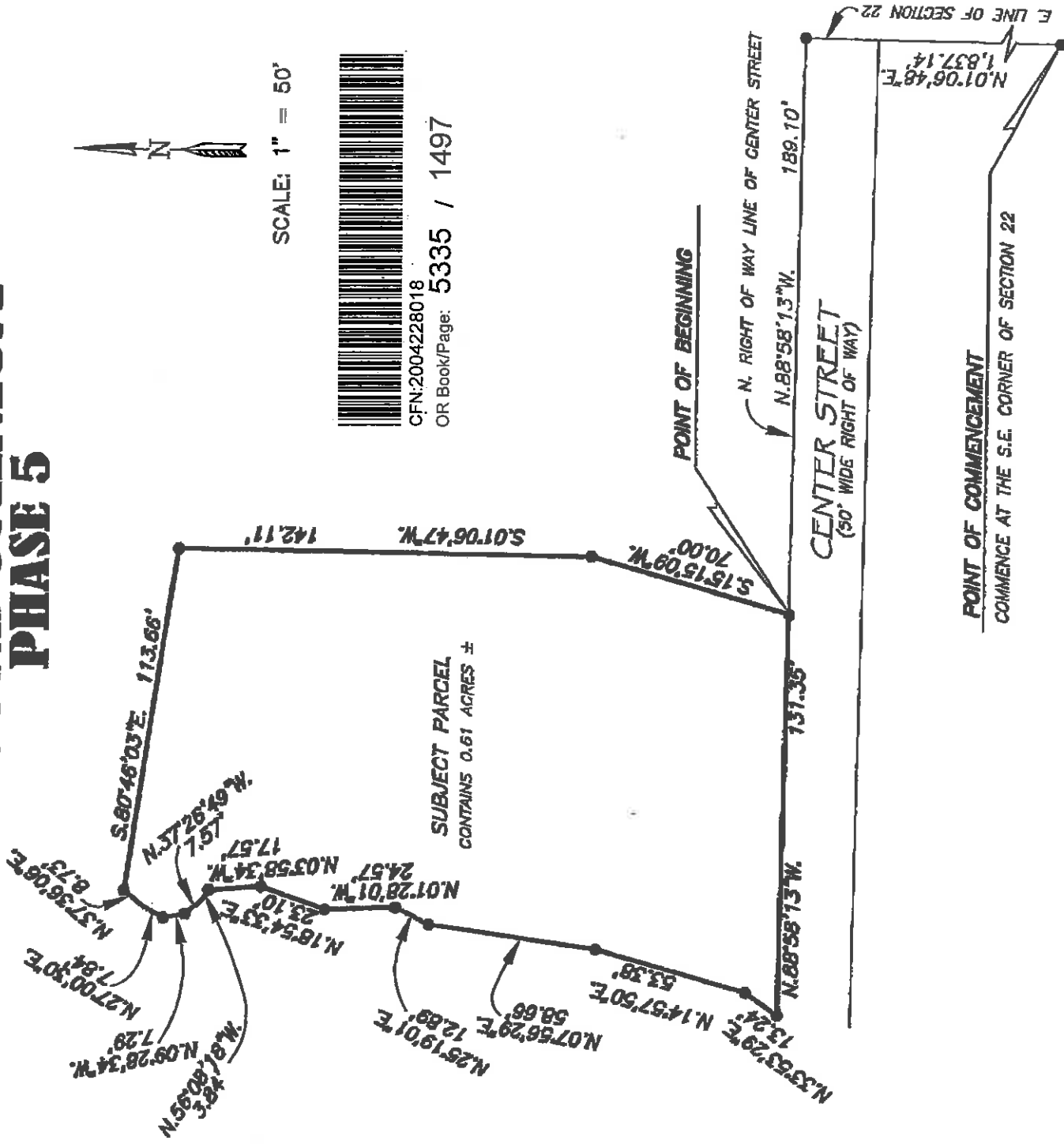
**NOTES:**

- REFER TO THE BOUNDARY SURVEY OF THE PARENT PARCEL ON SHEET 4 FOR THE LOCATION OF THE EXISTING IMPROVEMENTS & ENCROACHMENTS ON THE SITE.

ALLEN ENGINEERING, INC.  
106 DIXIE LANE  
COCOA BEACH, FLORIDA  
JUNE 4, 2003  
REVISED SEPTEMBER 12, 2003

EXHIBIT "B"

# SOLANA ON THE RIVER, A CONDOMINIUM PHASE 5



Description: Solana On The River - Phase 5

A portion of Section 22, Township 24 South, Range 37 East, Brevard County, Florida, being more particularly described as follows:

Commence at the Southeast corner of said Section 22; thence N01°06'48"E, along the East line of said Section 22, a distance of 1,837.14 feet, to a point on the North right of way line of Center Street (a 50.00 foot wide right of way); thence N88°58'13"W, along said North right of way line, a distance of 189.10 feet, to the POINT OF BEGINNING of the herein described parcel; thence continue, N88°58'13"W, along said North right of way line, a distance of 131.35 feet, to a point on the Mean High Water Level Line of the Banana River; thence the following 12 courses along said Mean High Water Level Line: (1) N33°53'29"E, a distance of 13.24 feet; (2) N14°57'50"E, a distance of 53.38 feet; (3) N07°56'29"E, a distance of 58.66 feet; (4) N25°19'01"E, a distance of 12.89 feet; (5) N01°28'01"W, a distance of 24.57 feet; (6) N18°54'33"E, a distance of 23.10 feet; (7) N03°58'34"W, a distance of 17.57 feet; (8) N56°08'18"W, a distance of 3.84 feet; (9) N37°26'49"W, a distance of 7.57 feet; (10) N09°28'34"W, a distance of 7.29 feet; (11) N27°00'30"E, a distance of 7.84 feet; (12) N37°36'06"E, a distance of 8.73 feet; thence S80°46'03"E, a distance of 113.66 feet; thence S01°06'47"W, a distance of 142.11 feet; thence S15°15'09"W, a distance of 70.00 feet, to the POINT OF BEGINNING; Containing 0.61 acres, more or less.

NOTES:

1. REFER TO THE BOUNDARY SURVEY OF THE PARENT PARCEL ON SHEET 4 FOR THE LOCATION OF THE EXISTING IMPROVEMENTS & ENCROACHMENTS ON THE SITE.

ALLEN ENGINEERING, INC.  
106 DIXIE LANE  
COCOA BEACH, FLORIDA  
JUNE 25, 2003

REVISED SEPTEMBER 12, 2003

EXHIBIT "B"

SHEET 9 OF 9

# DESCRIPTION

NOT A BOUNDARY SURVEY

CFN:2004228018  
OR Book/Page: 5335 / 1499

## DESCRIPTION OF CONSERVATION EASEMENT AREA #1:

An easement for conservation purposes, lying in Section 22, Township 24 South, Range 37 East, Brevard County, Florida, being more particularly described as follows:

Commence at the Southeast corner of said Section 22; thence N01°06'48"E, along the East line of said Section 22, a distance of 2,204.12 feet, to a point on the North line of Parcel "Q" as described in Official Records Book 3194, Pages 955 and 957 of the Public Records of Brevard County, Florida; thence N88°44'01"W, along said North line, a distance of 255.88 feet, to the POINT OF BEGINNING of the herein described easement; thence S06°12'17"W, a distance of 26.46 feet; thence S24°24'11"W, a distance of 27.12 feet; thence S08°32'43"W, a distance of 30.28 feet; thence S04°24'20"E, a distance of 32.34 feet; thence S05°57'17"W, a distance of 30.28 feet; thence S00°29'07"W, a distance of 18.24 feet; thence S03°58'34"E, a distance of 25.87 feet; thence S18°54'33"W, a distance of 23.38 feet; thence S01°28'01"E, a distance of 25.28 feet; thence S25°19'01"W, a distance of 13.91 feet; thence S07°56'29"W, a distance of 57.56 feet; thence S14°57'50"W, a distance of 56.12 feet; thence S33°53'29"W, a distance of 7.49 feet, to a point on the North right of way line of Center Street (a 50.00 foot wide right of way); thence N88°58'13"W, along said North right of way line, a distance of 14.29 feet, to a point on the Mean High Water Level Line of the Banana River; thence the following 21 courses along said Mean High Water Level Line: (1) N33°53'29"E, a distance of 13.24 feet; (2) N14°57'50"E, a distance of 53.38 feet; (3) N07°56'29"E, a distance of 58.66 feet; (4) N25°19'01"E, a distance of 12.89 feet; (5) N01°28'01"W, a distance of 24.57 feet; (6) N18°54'33"E, a distance of 23.10 feet; (7) N03°58'34"W, a distance of 17.57 feet; (8) N56°08'18"W, a distance of 3.84 feet; (9) N37°26'49"W, a distance of 7.84 feet; (10) N09°28'34"W, a distance of 7.29 feet; (11) N27°00'30"E, a distance of 7.84 feet; (12) N37°36'06"E, a distance of 9.13 feet; (13) N05°57'17"E, a distance of 25.79 feet; (14) N04°24'20"W, a distance of 32.62 feet; (15) N08°32'43"E, a distance of 35.98 feet; (16) N27°28'09"E, a distance of 9.81 feet; (17) N09°51'22"W, a distance of 4.60 feet; (18) N31°42'34"E, a distance of 6.62 feet; (19) N29°58'40"W, a distance of 5.50 feet; (20) N57°56'27"E, a distance of 8.27 feet; (21) N06°12'17"E, a distance of 19.60 feet, to a point on the North line of said Parcel "Q"; thence S88°44'01"E, along said North line, a distance of 12.04 feet, to the POINT OF BEGINNING; Containing 0.11 acres, more or less.

### SURVEYOR'S NOTES:

1. THIS IS NOT A SURVEY.
2. The bearings shown hereon are based on a bearing of N01°06'48"E along the East line of Section 22.
3. • = Denotes change in direction (no corner found or set).

SEE SHEET 1 FOR THE SKETCH TO ACCOMPANY THIS DESCRIPTION

### SURVEYOR'S CERTIFICATION:

EXHIBIT "E"  
SHEET 2 OF 4

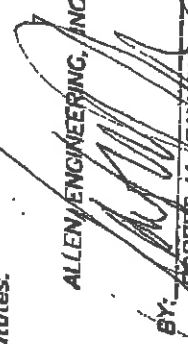
I hereby certify that the attached Property Description was prepared under my direction, in accordance with all applicable requirements of the "Minimum Technical Standards," for land surveying in the State of Florida, described in Chapter 61G17-6, Florida Administrative Code, pursuant to Chapter 472.027, Florida Statutes.

**ALLEN**  
Engineering, Inc.

SURVEYORS - ENGINEERS  
108 DIXIE LANE  
CORONA BEACH, FLORIDA 32081  
TELEPHONE: (321)789-7443 - FAX: (321)789-6902  
WEBSITE: www.alleneng.net - EMAIL: info@alleneng.net

ALLEN ENGINEERING, INC.

Not valid without the signature  
and the original raised seal of a  
Florida licensed surveyor and mapper.

BY:   
ROBERT M. SAINON  
PROFESSIONAL SURVEYOR &  
MAPPER

FLORIDA REGISTRATION No. 4262

PREPARED AND CERTIFIED FOR:

TOWNE REALTY

3.	
2.	
1.	CHANGE EXHIBIT & PAGE NO.5 6-21-04
JOB NO.	020069 DATE: 2-18-03

# DESCRIPTION

NOT A BOUNDARY SURVEY



CFN:2004228018

OR Book/Page: 5335 / 1500

## DESCRIPTION OF CONSERVATION EASEMENT AREA #2:

An easement for conservation purposes, lying in Section 22, Township 24 South, Range 37 East, Brevard County, Florida, being more particularly described as follows:

Commence at the Southeast corner of said Section 22; thence N01°06'48"E, along the East line of said Section 22, a distance of 1,787.14 feet, to a point on the South right of way line of Center Street (a 50.00 foot wide right of way); thence N88°58'13"W, along said South right of way line, a distance of 322.53 feet, to the POINT OF BEGINNING of the herein described easement; thence S14°55'56"W, a distance of 23.86 feet; thence S08°22'49"W, a distance of 27.50 feet; thence S19°25'57"W, a distance of 22.22 feet; thence S08°15'25"W, a distance of 43.64 feet; thence S19°17'13"W, a distance of 3.88 feet; thence S00°10'32"W, a distance of 7.81 feet; thence S33°43'53"E, a distance of 17.38 feet; thence S09°25'34"W, a distance of 57.06 feet; thence S28°28'08"W, a distance of 44.84 feet; thence S00°15'46"W, a distance of 22.97 feet; thence S06°05'14"W, a distance of 49.62 feet; thence S11°28'13"W, a distance of 62.10 feet; thence S06°05'14"W, a distance of 23.26 feet; thence S01°26'36"E, a distance of 13.91 feet, to a point on the South line of Parcel "N" as described in Official Records Book 3194, Pages 955 and 957 of the Public Records of Brevard County, Florida; thence N88°51'21"W, along said South line, a distance of 12.01 feet, to a point on the Mean High Water Level Line of the Banana River; thence the following 18 courses along said Mean High Water Level Line: (1) N01°26'36"W, a distance of 10.71 feet; (2) N26°24'44"W, a distance of 24.72 feet; (3) N11°28'13"E, a distance of 30.28 feet; (4) N06°05'14"E, a distance of 48.70 feet; (5) N02°43'10"E, a distance of 62.17 feet; (6) N06°46'42"E, a distance of 44.58 feet; (7) N00°15'46"E, a distance of 25.30 feet; (8) N28°28'08"E, a distance of 29.74 feet; (9) N09°25'34"E, a distance of 50.31 feet; (10) N33°43'53"W, a distance of 19.19 feet; (11) N23°33'27"E, a distance of 13.92 feet; (12) N19°17'13"E, a distance of 52.72 feet; (13) N00°10'32"E, a distance of 42.76 feet; (14) N11°00'11"E, a distance of 4.73 feet; (15) N08°15'25"E, a distance of 28.39 feet; (16) N19°25'57"E, a distance of 22.23 feet; (17) N08°22'49"E, a distance of 44.21 feet; (18) N14°55'56"E, a distance of 21.58 feet, to a point on the South right of way line of aforesaid Center Street; thence S88°58'13"E, along said South right of way line, a distance of 12.36 feet, to the POINT OF BEGINNING; Containing 0.16 acres, more or less.

### SURVEYOR'S NOTES:

1. THIS IS NOT A SURVEY.
2. The bearings shown hereon are based on a bearing of N01°06'48"E along the East line of Section 22.
3. • = Denotes change in direction (no corner found or set).

SEE SHEET 1 FOR THE SKETCH TO ACCOMPANY THIS DESCRIPTION

### SURVEYOR'S CERTIFICATION:

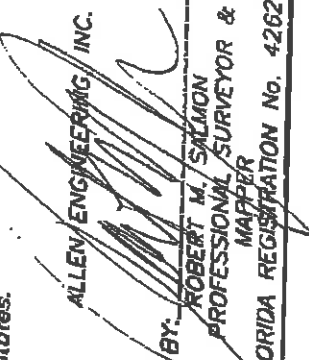
I hereby certify that the attached Property Description was prepared under my direction, in accordance with all applicable requirements of the "Minimum Technical Standards," for land surveying in the State of Florida, described in Chapter 61G17-6, Florida Administrative Code, pursuant to Chapter 472.027, Florida Statutes.

EXHIBIT "E"  
SHEET 4 OF 4

**ALLEN**  
Engineering, Inc.

SURVEYORS - ENGINEERS  
108 DIXIE LANE  
COCOA BEACH, FLORIDA 32931  
TELEPHONE: (321)783-7443 - FAX: (321)783-9602  
WEBSITE: www.alleneng.net - EMAIL: info@alleneng.net

ALLEN ENGINEERING INC.

BY:   
ROBERT M. SALMON  
PROFESSIONAL SURVEYOR &  
MAPPER

FLORIDA REGISTRATION No. 4262

Not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.

PREPARED AND CERTIFIED FOR:

TOWNE REALTY

3.	
2.	
1.	CHANGE EXHIBIT & PAGE NO.S 6-21-04
JOB NO.	020069 DATE: 2-18-03

# SKETCH TO ACCOMPANY DESCRIPTION

## NOT A BOUNDARY SURVEY CONSERVATION EASEMENT AREA #1



CFN:2004228018  
OR Book/Page: 5335 / 1498



### LINE TABLE

LINE	BEARING	LENGTH
L1	S06°12'17"W	26.46'
L2	S24°24'11"W	27.12'
L3	S08°32'43"W	32.62'
L4	S04°24'20"E	32.34'
L5	S05°37'17"W	30.28'
L6	S00°28'07"W	18.24'
L7	S03°58'34"E	24.87'
L8	S18°54'33"W	23.38'
L9	S01°28'01"E	25.28'
L10	S25°19'01"W	13.91'
L11	S07°56'29"W	57.56'
L12	S14°57'50"W	56.12'
L13	S33°33'29"W	7.49'
L14	N08°58'13"W	14.29'
L15	N33°53'29"E	13.24'
L16	N14°57'50"E	63.36'
L17	N07°56'29"E	58.65'
L18	N25°19'01"E	12.89'
L19	N01°28'01"W	24.57'
L20	N18°54'33"E	23.10'
L21	N03°58'34"W	17.87'
L22	N66°08'18"W	3.84'
L23	N09°28'14"W	7.57'
L24	N09°28'14"W	7.29'
L25	N27°00'30"E	7.84'
L26	N37°36'06"E	9.13'
L27	N05°37'17"E	25.79'
L28	N06°24'20"W	32.62'
L29	N08°32'43"E	35.88'
L30	N09°51'22"W	9.81'
L31	N27°28'09"E	4.60'
L32	N31°42'34"E	6.62'
L33	N28°58'40"W	4.50'
L34	N57°58'27"E	8.27'
L35	N06°12'17"E	19.60'
L36	S08°44'01"E	12.04'

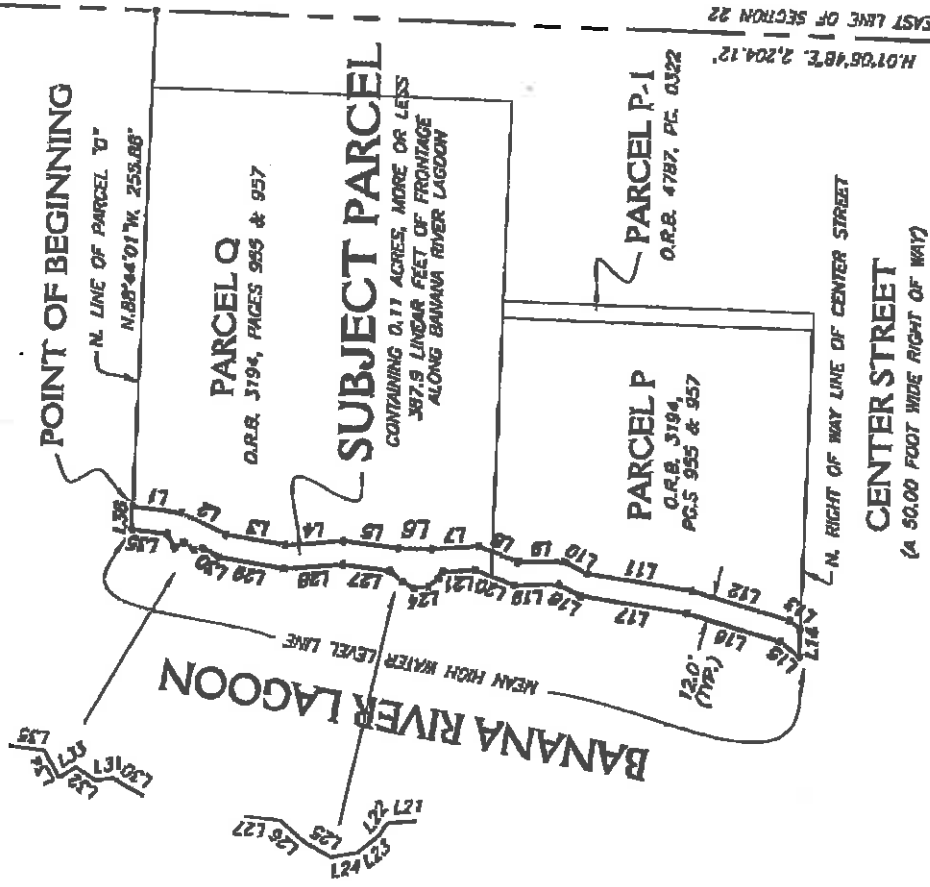


EXHIBIT "E"  
SHEET 1 OF 4



SURVEYORS - ENGINEERS  
108 DIXIE LANE  
COCOA BEACH, FLORIDA 32991  
TELEPHONE: (321)783-7443 - FAX: (321)785-6902  
WEBSITE: www.alleneng.net - EMAIL: info@alleneng.net

POINT OF COMMENCEMENT 22 23  
S.E. CORNER OF SECTION 22-24-37

27 26

ABBREVIATION:

O.R.B. OFFICIAL RECORDS BOOK  
P.G.S. PAGES

SEE SHEET 2 FOR DESCRIPTION,  
SURVEYOR'S CERTIFICATION & NOTES

PREPARED AND CERTIFIED FOR:

3.	
2.	
1.	CHANGE EXHIBIT & PAGE NO.S 6-21-04
DATE:	2-18-03
JOB NO.	020069
DRAWN BY:	DJG
SCALE:	1"=100'

TOWNE REALTY

# SKETCH TO ACCOMPANY DESCRIPTION

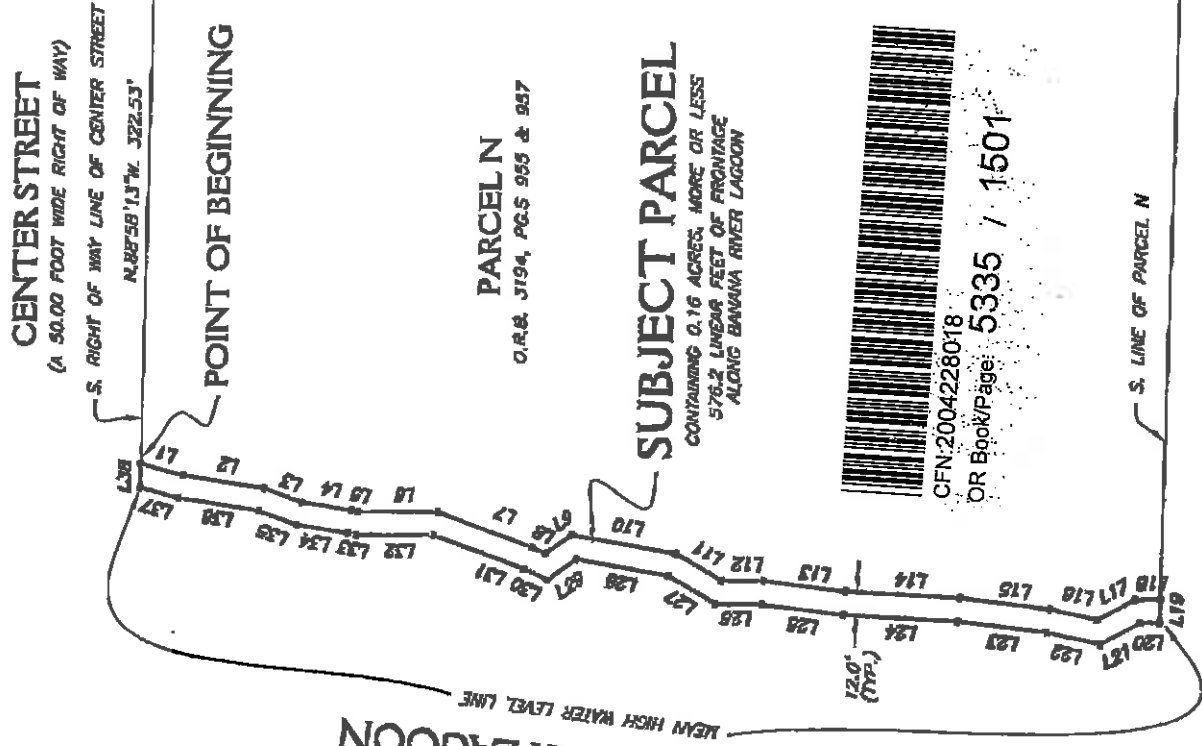
NOT A BOUNDARY SURVEY

## CONSERVATION EASEMENT AREA #2



### LINE TABLE

LINE	BEARING	LENGTH
L1	S14°55'56"W	23.86'
L2	S08°22'49"W	44.69'
L3	S19°25'57"W	22.22'
L4	S08°15'25"W	27.50'
L5	S11°00'11"W	3.89'
L6	S00°10'32"W	43.64'
L7	S19°17'13"W	50.19'
L8	S23°33'27"W	7.81'
L9	S33°43'53"E	17.39'
L10	S09°25'34"W	57.06'
L11	S28°28'08"W	28.74'
L12	S00°15'46"W	22.97'
L13	S06°46'42"W	44.84'
L14	S02°43'10"W	62.10'
L15	S06°05'14"W	49.82'
L16	S11°28'13"W	26.72'
L17	S26°24'44"E	23.26'
L18	S01°26'36"E	13.91'
L19	N08°51'21"W	12.01'
L20	N01°25'36"W	10.71'
L21	N26°24'44"W	24.72'
L22	N11°28'13"E	30.28'
L23	N05°05'14"E	48.70'
L24	N02°43'10"E	62.17'
L25	N06°46'42"E	44.59'
L26	N00°15'46"E	25.30'
L27	N28°28'08"E	29.74'
L28	N09°25'34"E	50.31'
L29	N33°43'53"W	18.19'
L30	N23°33'27"E	73.82'
L31	N19°17'13"E	52.72'
L32	N00°10'32"E	42.76'
L33	N11°00'11"E	4.73'
L34	N08°15'25"E	28.39'
L35	N19°25'57"E	22.23'
L36	N08°22'49"E	44.21'
L37	N14°55'56"E	21.59'
L38	S08°58'13"E	12.36'



N.01°06'48"E 1,787.14'  
EAST LINE OF SECTION 22

EXHIBIT "E"  
SHEET 3 OF 4

**ALLEN** Engineering, Inc.  
SURVEYORS - ENGINEERS  
108 DIXIE LANE  
COCOA BEACH, FLORIDA 32931  
TELEPHONE: (321)783-7443 - FAX: (321)783-5902  
WEBSITE: www.alleneng.net - EMAIL: info@alleneng.net

POINT OF COMMENCEMENT 22 23  
S.E. CORNER OF SECTION 22-24-37 27 26

ABBREVIATION:  
O.R.B. OFFICIAL RECORDS BOOK  
P.G.S. PAGES

SEE SHEET 2 FOR DESCRIPTION,  
SURVEYOR'S CERTIFICATION & NOTES

PREPARED AND CERTIFIED FOR:

1. CHANGE EXHIBIT & PAGE NO.5 6-21-04  
DATE: 2-18-03 DRAWN BY: DJG  
JOB NO. 020069 SCALE: 1"=100'

TOWNE REALTY