

ORDINANCE NO.: 91-41  
RESOLUTION NO.: 91-148

AN ORDINANCE AND RESOLUTION OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS MORE FULLY DESCRIBED BELOW AS FOLLOWS:  
TRACT A FROM R3 TO R3 WITH CONDITIONS; TRACT B FROM R3 WITH CONDITIONS TO R3 WITH CONDITIONS; TRACT C FROM R3 WITH CONDITIONS TO R3 WITH CONDITIONS; TRACT D FROM R3 TO R3 WITH CONDITIONS; AND TRACT E FROM R2 FOR USE AS A U.S. POST OFFICE TO R2 FOR ST. JOHNS COUNTY GOVERNMENTAL USES; SAID LANDS BEING WITHIN THE PONTE VEDRA ZONING DISTRICT; AND PROVIDING AN EFFECTIVE DATE BASED UPON CERTAIN CONDITIONS.

BE IT RESOLVED AND ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA:

Section 1. Pursuant to the application of the Resolution Trust Corporation, a federal agency, as receiver for Sandia Federal Savings Association (RTC as receiver for Sandia), the zoning classifications of the following tracts [see Exhibit A (tract map) and Exhibit B (legal descriptions) attached hereto and made a part hereof] are hereby changed in the following manner:<sup>1</sup>

A. Tract A (1.67 acres) shall be rezoned from R3 to R3 for the purpose of a bank facility and/or a professional office building with a building height restriction of two stories, not to exceed 35 feet;

B. Tract B (1.28 acres) shall be rezoned from R3, with conditions for sole use as a public library, to R3 for the sole purpose of permitting professional, business and general office usage with a building height limitation of two stories, not to exceed 35 feet;

C. Tract C (.66 acres) shall be rezoned from R3, with conditions for sole use as St. Johns County Fire and Emergency Rescue Facilities, to R3 for the sole purpose of permitting professional, business and general office usage with a building height restriction of two stories, not to exceed 35 feet;

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<sup>1</sup> See Ordinance #88-68, Resolution #88-283, effective November 30, 1988, outlining the prior zoning classifications on these parcels of land.

D. Tract D (1.41 acres) shall be rezoned from R3 to R3 for the sole purpose of permitting a professional, business and general office usage with a building height restriction of two stories, not to exceed 35 feet;

E. Tract E (10.04 acres) shall be rezoned from R2 for the sole use by the United States government as a post office (with conditions) to R2 for governmental use as a library site, fire station site, and other official uses by St. Johns County.

Section 2. The Building Department is authorized to issue construction permits allowed by classification as rezoned hereby.

Section 3. Access to Tracts A, B, C, and D (See Exhibit A) is limited by covenants and restrictions to Sandia Boulevard and Burts Boulevard. No direct vehicular access/egress shall be permitted to or from Solano Road or State Road 1A. See Exhibit C attached hereto, incorporated, and made a part hereof for the covenants and restrictions.

Section 4. Except as provided in Sections 1, 3, 5, and 6, nothing herein contained shall be deemed to impose conditions, limitations or requirements not applicable to all other land in the zoning district wherein said lands are located. All zoning regulations of the Ponte Vedra Zoning District, as may be amended from time to time, shall apply to Tracts A, B, C, and D, unless otherwise noted herein.

Section 5. Any development on Tracts A, B, C, and D shall comply with the standards, policies, requirements, and ordinances in effect at the time of final project approval and permitting of the project for development, including the Concurrency Management Ordinance or Concurrency Exemption Ordinance, as amended from time to time; and including any successor or new policies, financing mechanisms, plans, or ordinances adopted by the County after the date this ordinance/resolution is adopted.

Section 6. This ordinance and resolution shall not take effect until the latter of the following:

A. Receipt of official acknowledgment by the Clerk of the Board of County Commissioners of St. Johns County, Florida from the office of the Department of State of Florida that same has been filed;

B. The adoption of a resolution by the Board of County Commissioners pursuant to §125.37, Fla. Stat. (1989) authorizing and approving the transfer of Tracts B and C from St. Johns County to RTC as receiver for Sandia and the transfer by deed of Tract E, Burts Boulevard and Sandia Boulevard from RTC as receiver for Sandia to St. Johns County, and the appropriate recordation of each in the public records of St. Johns County; and

C. The recordation in the public records of St. Johns County of a duly executed declaration of covenants and restrictions from RTC as receiver for Sandia restricting the usage and setting other conditions for Tracts A, B, C and D for development, and further restricting any successors in interest and/or assigns in title, substantially as shown on Exhibit C hereto.

In the event that the aforementioned conditions are not met on or before October 24, 1991, then this rezoning ordinance and resolution shall automatically become void ab initio and shall be of no force and effect whatsoever.

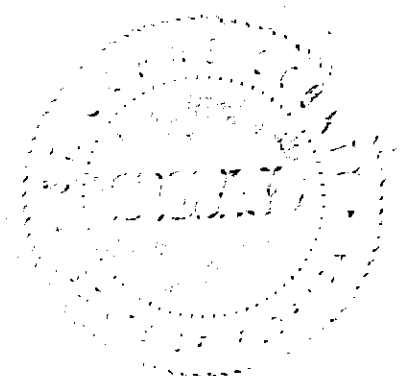
PASSED by the Board of County Commissioners of St. Johns County, Florida this 24th day of September, 1991

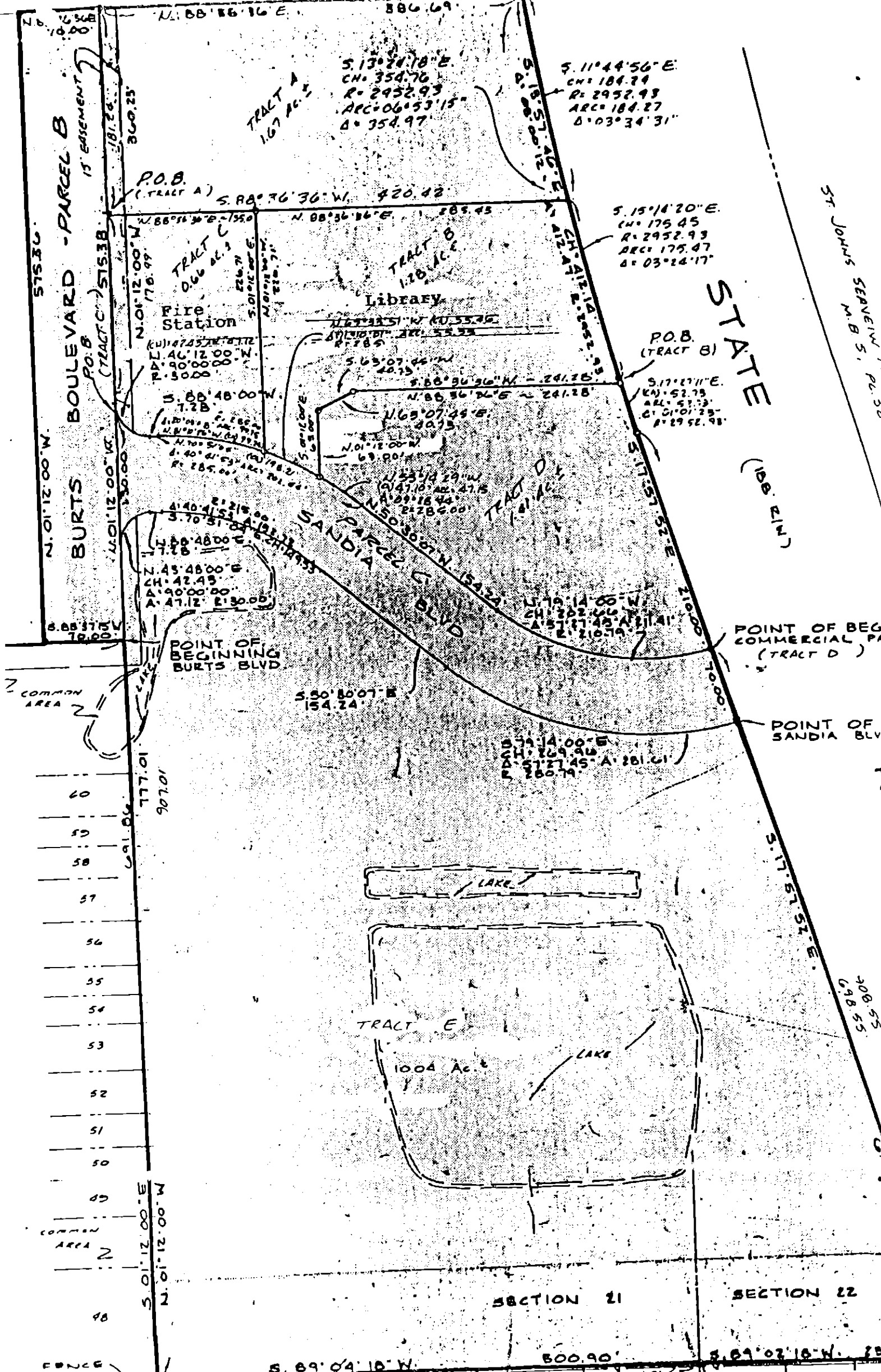
BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

BY: *Ronald P. Russell*  
Its Chairman

ATTEST: CARL "BUD" MARKEL, CLERK  
BY: *Wenona Carter*  
Deputy Clerk

Effective date: October 24, 1991





COMMON AREA

60
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COMMON AREA
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TRACT A

A part of Government Lot 12, Section 21, Township 3 South, Range 29 East, St. Johns County, Florida, being more particularly described as follows: For a point of reference, commence at the southeast corner of said Section 21; thence North 89°02'18" East, along the south line of Section 22, of said Township and Range, the same being the north line of Sandy Oaks Unit 1, as recorded in Map Book 14, Pages 98 and 99 of the public records of St. Johns County, Florida, a distance of 238.91 feet to the westerly right of way line of State Road A-1-A, (as now established as a 188 foot right of way); thence North 17°57'52" West, along said westerly right of way line a distance of 698.55 feet to a point, said point being on a curve concave northeasterly, having a radius of 210.79 feet; thence northwesterly, along the arc of said curve, a chord bearing of North 79°14'00" West and a chord distance of 202.66 feet to the point of tangency of said curve; thence North 50°30'07" West a distance of 154.24 feet to a point of curve of a curve concave southwesterly having a radius of 285.00 feet; thence northwesterly along the arc of said curve, a chord bearing of North 70°51'04" West and a chord distance of 198.21 feet to the point of tangency of said curve; thence South 88°48'00" West a distance of 7.28 feet to a point of curve of a curve concave northeasterly having a radius of 30.00 feet; thence northwesterly along the arc of said curve a chord bearing of North 46°12'00" West and a chord distance of 42.43 feet to the point of tangency of said curve; thence North 01°12'00" West a distance of 178.99 feet to the point of beginning; thence continue North 01°12'00" West, along last said line, a distance of 181.24 feet to the southerly right of way of Solano Road, (as now established as a 60 foot right of way); thence North 88°36'36" East, along said southerly right of way line of Solano Road, a distance of 386.69 feet to the aforementioned westerly right of way line of State Road A-1-A, said right of way line being a curve concave northeasterly, having a radius of 2952.93 feet; thence southeasterly along the arc of said curve and along said westerly right of way line a chord bearing of South 11°44'56" East and a chord distance of 184.24 feet to a point on said curve; thence South 88°36'36" West, parallel with the southerly right of way line of aforementioned Solano Road, a distance of 420.42 feet to the point of beginning. Containing 1.67 acres more or less.

TRACT B

A PART OF GOVERNMENT LOT 12, SECTION 21, TOWNSHIP 3 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE, COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 21, THENCE NORTH 89°02' 18" EAST, ALONG THE SOUTH LINE OF SECTION 22, OF SAID TOWNSHIP AND RANGE, THE SAME BEING THE NORTH LINE OF SANDY OAKS UNIT 1, AS RECORDED IN MAP BOOK 14, PAGES 98 AND 99 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, A DISTANCE OF 238.91 FEET TO THE WESTERLY RIGHT OF WAY LINE OF STATE ROAD A-1-A (AS NOW ESTABLISHED AS A 188 FOOT RIGHT OF WAY); THENCE NORTH 17°57' 52" WEST, ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 908.55 FEET TO THE POINT OF CURVE OF A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 2952.93 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE AND ALONG SAID RIGHT OF WAY LINE SUBTENDED BY A CHORD BEARING OF NORTH 17°27' 11" WEST AND A CHORD DISTANCE OF 52.73 FEET TO A POINT ON SAID CURVE AND SAID RIGHT OF WAY LINE AND THE POINT OF BEGINNING; THENCE SOUTH 88° 36' 36" WEST PARALLEL WITH THE SOUTHERLY RIGHT OF WAY LINE OF SOLANO ROAD (AS NOW ESTABLISHED AS A 60 FOOT RIGHT OF WAY), A DISTANCE OF 241.28 FEET; THENCE SOUTH 63° 07' 45" WEST, A DISTANCE OF 40.73 FEET; THENCE SOUTH 01° 12' 00" EAST PARALLEL WITH THE WEST LINE OF AFOREMENTIONED GOVERNMENT LOT 12, A DISTANCE OF 63.00 FEET TO A POINT ON A CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 285.00 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE SUBTENDED BY A CHORD BEARING OF NORTH 65° 33' 51" WEST AND A CHORD DISTANCE OF 55.46 FEET TO A POINT OF SAID CURVE; THENCE NORTH 01°12' 00" WEST, PARALLEL WITH THE WEST LINE OF AFOREMENTIONED GOVERNMENT LOT 12, A DISTANCE OF 226.71 FEET; THENCE NORTH 88° 36' 36" EAST, PARALLEL WITH THE AFOREMENTIONED SOUTHERLY RIGHT OF WAY LINE OF SOLANO ROAD, A DISTANCE OF 285.43 FEET TO THE AFOREMENTIONED WESTERLY RIGHT OF WAY LINE OF STATE ROAD A-1-A, SAID RIGHT OF WAY BEING A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 2952.93 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE AND SAID RIGHT OF WAY LINE SUBTENDED BY A CHORD BEARING OF SOUTH 15° 14' 20" EAST AND A CHORD DISTANCE OF 175.45 FEET TO THE POINT OF BEGINNING. CONTAINING 1.28 ACRES MORE OR LESS.

TRACT C

A PART OF GOVERNMENT LOT 12, SECTION 21, TOWNSHIP 3 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 21, THE SAME BEING THE NORTHEAST CORNER OF INNLET BEACH UNIT EIGHT, AS RECORDED IN MAP BOOK 13, PAGES 111, 112 AND 113 OF THE PUBLIC RECORDS OF SAID COUNTY, THENCE SOUTH 89° 04' 18" WEST, ALONG THE SOUTH LINE OF SAID SECTION 21, THE SAME BEING THE NORTH LINE OF SAID INNLET BEACH UNIT EIGHT, A DISTANCE OF 500.90 FEET; THENCE NORTH 01° 12' 00" WEST, PARALLEL WITH THE WESTERLY LINE OF SAID GOVERNMENT LOT 12, A DISTANCE OF 907.01 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 01° 12' 00" WEST, A DISTANCE OF 178.99 FEET; THENCE NORTH 88° 36' 36" EAST, PARALLEL WITH THE SOUTHERLY RIGHT OF WAY LINE OF SOLANO ROAD (AS NOW ESTABLISHED AS A 60 FOOT RIGHT OF WAY), A DISTANCE OF 135.00 FEET; THENCE SOUTH 01° 12' 00" EAST, A DISTANCE OF 226.71 FEET TO A POINT ON A CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 285.00 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE SUBTENDED BY A CHORD BEARING OF NORTH 81° 10' 26" WEST AND A CHORD DISTANCE OF 99.24 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE SOUTH 88° 48' 00" WEST, A DISTANCE OF 7.28 FEET TO A POINT OF CURVE OF A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 30.00; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE SUBTENDED BY A CHORD BEARING OF NORTH 46° 12' 00" WEST AND A CHORD DISTANCE OF 42.43 FEET TO THE POINT OF TANGENCY OF SAID CURVE AND THE POINT OF BEGINNING. CONTAINING 0.66 ACRES MORE OR LESS.

Ordinance Book 11 Page 235

Exhibit B to  
Rezoning Ordinance/Resolution  
Page 2 of 3

TRACT D

A part of Government Lot 12, Section 21, and a part of Government Lot 7, Section 22, all in Township 3 South, Range 29 East, St. Johns County, Florida, all being more particularly described as follows: For a point of reference, commence at the southeast corner of said Section 21, thence north 89°02'18" East, along the south line of said Section 22, the same being the north line of Sandy Oaks Unit 1, as recorded in Map Book 14, Pages 98 and 99 of the public records of St. Johns County, Florida, a distance of 238.91 feet to the westerly right of way line of State Road A-1-A (as now established as a 188 foot right of way); thence North 17°57'52" West, along said westerly right of way line, a distance of 698.55 feet to the point of beginning, said point being on a curve concave northeasterly having a radius of 210.79 feet; thence northwesterly along the arc of said curve subtended by a chord bearing of North 79°14'00" West and a chord distance of 202.66 feet to the point of tangency of said curve; thence North 50°30'07" West, a distance of 154.24 feet to the point of curve of a curve concave southwesterly having a radius of 285.00 feet; thence Northwesterly along the arc of said curve subtended by a chord bearing of North 55°14'29" West and a chord distance of 47.10 feet to a point on said curve; thence North 01°12'00" West, parallel with the west line of aforementioned Government Lot 12, a distance of 63.00 feet; thence North 63°07'45" East, a distance of 40.73 feet; thence North 88°36'36" East, parallel with the southerly right of way line of Solano Road (as now established as a 60 foot right of way), a distance of 241.28 feet to the aforementioned westerly right of way line of State Road A-1-A, said right of way line being a curve concave northeasterly having a radius of 2952.93 feet; thence Southeasterly along the arc of said curve and along said westerly right of way subtended by a chord bearing of South 17°27'11" East and a chord distance of 52.73 feet to the point of tangency of said curve; thence South 17°57'52" East, along said Westerly right of way line, a distance of 210.00 feet to the point of beginning. Containing 1.41 acres more or less.

TRACT E

(LAS CALINAS PATIOS)

A part of Government Lot 12, Section 21, and a part of Government Lot 7, Section 22, all in Township 3 South, Range 29 East, St. Johns County, Florida, all being more particularly described as follows: For a point of beginning commence at the southeast corner of said Section 21; thence South 89°04'18" West, along the South Line of said Section 21, a distance of 500.90 feet; thence North 01°12'00" West a distance of 777.01 feet to a point of curve of a curve concave Southeasterly having a radius of 30.00 feet; thence Northeasterly, along the arc of said curve, a chord bearing of North 43°48'00" East and a chord distance of 42.43 feet to the point of tangency of said curve; thence North 88°48'00" East a distance of 7.28 feet to a point of curve of a curve concave Southwesterly having a radius of 215.00 feet; thence Southeasterly, along the arc of said curve, a chord bearing of South 70°51'04" East and a chord distance of 149.53 feet to the point of tangency of said curve; thence South 50°30'07" East a distance of 154.24 feet to a point of curve of a curve concave Northeasterly having a radius of 280.79 feet; thence Southeasterly, along the arc of said curve, a chord bearing of South 79°14'00" East and a chord distance of 269.96 feet to the westerly right of way line of State Road A-1-A, as now established as a 188 foot right of way; thence South 17°57'52" East, along said Westerly right of way line, a distance of 628.55 feet to the South line of said Section 22; thence South 89°02'18" West, along said South line, the same being the North line of Sandy Oaks Unit 1, as recorded in Map Book 14, Pages 98 and 99 of the Public Records of said county, a distance of 238.91 feet to the point of beginning, containing 10.04 acres more or less.

Ordinance Book 11 Page 236

## SANDIA BOULEVARD

A part of Government Lot 12, Section 21, and a part of Government Lot 7, Section 22, all in Township 3 South, Range 29 East, St. Johns County, Florida, all being more particularly described as follows: For a point of reference, commence at the southeast corner of said Section 21, thence north 89 degrees 02'18" east, along the south line of said Section 22, the same being the north line of Sandy Oaks Unit 1, as recorded in Map Book 14, Pages 98 and 99 of the public records of St. Johns County, a distance of 238.91 feet to the westerly right of way line of State Road A-1-A, as now established as a 188 foot right of way; thence north 17 degrees 57'52" west, along said westerly right of way line, a distance of 628.55 feet to the point of beginning, said point being on a curve concave northeasterly having a radius of 280.79 feet; thence northwesterly, along the arc of said curve, a chord bearing of north 79 degrees 14'00" west and a chord distance of 269.96 feet to the point of tangency of said curve; thence north 50 degrees 30'07" west a distance of 154.24 feet to a point of a curve concave southwesterly having a radius of 215.00 feet; thence northwesterly, along the arc of said curve, a chord bearing bearing of north 70 degrees 51'04" west and a chord distance of 149.53 feet to the point of tangency of said curve; thence south 88 degrees 48'00" west a distance of 7.28 feet to a point of curve of a curve concave southeasterly having a radius of 30.00 feet; thence southwesterly, along the arc of said curve, a chord bearing of south 43 degrees 48'00" west and a chord distance of 42.43 feet to the point of cusp of said curve; thence north 01 degree 12'00" west, parallel with the west line of said Government Lot 12, a distance of 130.00 feet to a point of cusp of a curve concave northeasterly having a radius of 30.00 feet; thence southeasterly, along the arc of said curve, a chord bearing of south 46 degrees 12'00" east and a chord distance of 42.43 feet to the point of tangency of said curve; thence north 88 degrees 48'00" east a distance of 7.28 feet to a point of curve of a curve concave southwesterly having a radius of 285.00 feet; thence southeasterly, along the arc of said curve, a chord bearing of south 70 degrees 51'04" east and a chord distance of 198.21 feet to the point of tangency of said curve; thence south 50 degrees 30'07" east a distance of 154.24 feet to a point of curve of a curve concave northeasterly having a radius of 210.79 feet; thence southeasterly, along the arc of said curve, a chord bearing of south 79 degrees 14'00" east and a chord distance of 202.66 feet to the westerly right of way line of aforementioned State Road A-1-A; thence south 17 degrees 57'52" east, along said westerly right of way line, a distance of 70.00 feet to the point of beginning.

## BURTS BOULEVARD

A part of Government Lot 12, Section 21, Township 3 South, Range 29 East, St. Johns County, Florida more particularly described as follows: For a point of reference, commence at the southeast corner of said Section 21, the same being the northeast corner of Inlet Beach Unit Eight, as recorded in Map Book 13, Pages 111, 112 and 113 of the public records of said county; thence south 89 degrees 04'18" west, along the south line of said Section 21, the same being the north line of said Inlet Beach Unit Eight, a distance of 500.90 feet; thence north 01 degree 12'00" west, parallel with the westerly line of said Government Lot 12, a distance of 691.86 feet to the point of beginning; thence south 88 degrees 37'15" west, parallel with the southerly right of way line of Solano Road, as now established as 60 foot right of way, a distance of 70.00 feet; thence north 01 degree 12'00" west, parallel with said westerly line of Government Lot 12, a distance of 575.36 feet to said southerly right of way line; thence north 88 degrees 36'36" east, along said southerly right of way line, a distance of 70.00 feet, thence south 01 degree 12'00" east, parallel with the west line of said Government Lot 12, a distance of 575.38 feet to the point of beginning.



DECLARATION OF COVENANTS AND RESTRICTIONS

This Declaration of Covenants and Restrictions, made and entered into on this \_\_\_\_\_ day of \_\_\_\_\_, 1991, by the Resolution Trust Corporation as receiver for Sandia Federal Savings Association, having a mailing address of c/o Baron L. Bartlett, P.A., 615 Highway 1A, Suite 101, Ponte Vedra Beach, Florida 32082 ("Owner").

W I T N E S S E T H

WHEREAS, Owner has acquired the real property described on Exhibit "A" attached hereto (hereinafter referred to as the property); and

WHEREAS, St. Johns County by Ordinance No. 88-68 and resolution #88-283 rezoned all parcels as reflected on Exhibit "B" (Tract-Map); and

WHEREAS, Owner has agreed with St. Johns County to exchange the ownership interest it has in Tract "E" (formerly known as Las Calinas Patios) consisting of 10.04 acres to St. Johns County for Tract "B" (formerly known as library site) and Tract "C" (formerly known as fire station site) and as more particularly described on Exhibit "B" attached hereto; and

WHEREAS, Owner is desirous of changing, modifying and amending previous covenants and restrictions; and

WHEREAS, Owner, in order to provide for the preservation of the values and amenities in the community in which the property is located, and Owner further desires to subject said property to a height limitation and certain other development criteria, including, but not limited to the care, landscaping, maintenance, drainage and other aesthetics; and

WHEREAS, Owner, in order to assure that the said property will be developed in accordance with the terms of this Declaration, desires to subject said property to said Declarations of Covenants and Restrictions and to provide St. Johns County, Florida, with full power and authority to enforce the provisions hereof.

NOW THEREFORE, Owner, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, for itself and its successors in title and assigns, declares that the property is and shall be held, transferred, sold, conveyed, and occupied, subject to the covenants and restrictions, hereinafter set forth, all of which are for the purpose of protecting the value and desirability of the property and adjacent lands, and further declares that the covenants and restrictions shall run with the title to the property and shall be binding upon all parties having any right, title, or interest in and to any portion of the property, and their respective heirs, successors in title, and assigns.

Section 1. Restrictions on Use of Property. The property as described on Exhibit "A" shall remain as previously subdivided and developed in accordance with the appropriate zoning and conditional usage as set forth herein below:

(a) The bank site, Tract "A", consisting of approximately 1.67 acres, shall be used for the

— Exhibit C of  
Rezoning Ordinance/Resolution —  
Page 1 of 3

construction and operation of a bank, including drive through tellers, and similar financial institution or, alternatively, a professional, business and general office use. No building or structure thereon shall be erected more than thirty-five feet in height (two stories).

(b) The site previously designated as a "Library Site" and defined as Tract "B", consisting of approximately 1.2 acres, shall be used solely for professional, business and general office use with limited construction height not to exceed thirty-five feet (two stories).

(c) Tract "C", previously designated as the "Fire Station Site," consisting of approximately .66 acres, shall be used solely for professional, business and general office usage and restricted to a height limitation of no more than thirty-five feet (two stories).

(d) Tract "D", consisting of approximately 1.41 acres, shall be used solely for professional, business and general office usage and restricted to a height limitation of no more than thirty-five feet (two stories).

(e) The area comprising Sandia Boulevard and Burts Boulevard shall be transferred to St. Johns County, which shall regulate access to, egress from, and public vehicular use upon said roadways.

(f) Subject to regulations by St. Johns County, Sandia Boulevard and Burts Boulevard shall serve as the only vehicular access/egress points for Tracts A, B, C and D. No direct vehicular access/egress for Tracts A, B, C or D shall be permitted to or from either Solano Road or State Road 11A.

**Section 2. Violation of Restrictions.** If any person claiming by, through, or under the Owner, or its successors or assigns, or any other person, shall violate or attempt to violate any of the covenants or restrictions contained herein, the Owner or any person owning any portion of the Property subject to these covenants, or St. Johns County, Florida, may bring a proceeding at law or in equity against the person or persons violating or attempting to violate such covenants, including an action to enjoin or prevent the person from violating the said covenants, to cause the said violation to be remedied, and to recover damages for such violation. If the party bringing any such action shall prevail, the said party bringing such action shall be entitled to recover from the person or persons violating these restrictions the costs incurred by such prevailing party, including a reasonable attorney's fee. Invalidation of any of these covenants by judgment or court order shall in no way affect any of the other covenants and provisions contained herein, which shall remain in full force and effect. The remedies contained in this Section shall be construed as cumulative of all other remedies now or hereafter provided by law. The failure by the Owner, its successors or assigns, or St. Johns County, Florida, to enforce any covenant or restriction or any obligation, right, power, privilege, authority, or reservation herein contained, shall in no way be deemed a waiver of the right to enforce the same thereafter as to the same or similar breach or violation, or as to any other breach or violation thereof accruing prior or subsequent thereto.

**Section 3. Amendments and Future Easements.** These covenants and restrictions may not be amended without the prior written consent of any Owner, any other owner of any portion of the Property, Resolution Trust Corporation as receiver for Sandia Federal Savings Association, its successors and assigns and St. Johns County. The Owner reserves the right to grant

