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CONSERVATION EASEMENT

WHEREAS, Orchid Island Associates Limited Partnership, a Connecticut Limited Partnership, hereinafter "Grantor", is the fee simple owner of certain real property situated in the Town of Orchid, Indian River County, Florida, which is currently undergoing development; and

WHEREAS, Grantor's property is adjacent to Jungle Trail and also adjacent to State Road A-1-A; and

WHEREAS, the Grantor finds that it is appropriate to retain certain of the Grantor's property in its natural, scenic, wooded condition, retaining such areas as habitat for plants and wildlife, except as provided herein; and

WHEREAS, it is necessary and desirable to limit the use of certain parcels of Grantor's property by the conveyance of a conservation easement to the Town of Orchid and to Indian River County;

W I T N E S S E T H:

That Grantor, for ten dollars and other good and valuable consideration in hand paid, by Indian River County, a political subdivision of the State of Florida, and by the Town of Orchid ("Grantees"), by these presents does grant a conservation easement upon and across that real property described in Exhibit "A", to Grantees, which conservation easement shall run with the land and be binding upon the owner, its heirs, successors and assigns, and remain in full force and effect, enforceable by either or both of the Grantees, said easement specifically prohibiting any of the following activities:

- (a) Construction or placing of buildings, roads, signs, billboards or other advertising, utilities, or other structures on or above the ground.

DOC. ST. - AMT. \$.55
J.K. BARTON, Clerk of Circuit Court
Indian River County - by *J. Clark*

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Return to:
County Attorney's Office
Indian River County
1840 - 25th Street
Vero Beach, FL 32960

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(b) Dumping or placing of soil or other substance or material as land fill or dumping or placing of trash, waste, or unsightly or offensive materials.

(c) Removal or destruction of trees, shrubs, or other vegetation.

(d) Excavation, dredging, or removal of loam, peat, gravel, soil, rock or other material substance.

(e) Surface uses except for purposes that permit the land to remain predominantly in its natural condition.

(f) Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife habitat preservation.

(g) Acts or uses detrimental to such retention of land areas.

(h) Acts or uses detrimental to the preservation of the integrity or appearance of sites of historical, archaeological, or cultural significance.

Notwithstanding any provision to the contrary herein contained, Grantor shall reserve the right to install and maintain landscaping, signage and decorative features within the North 200 feet of Tract B, and the South 200 feet of Tract C. Landscaping Plans for such landscaping, signage and decorative features shall be submitted to Grantees prior to installation.

This easement shall be perpetual and shall run with the land and be binding upon all subsequent owners of the servient estate. This easement shall not be assignable by the Grantees. This easement may be enforced by the Grantees by injunction or

proceeding in equity or at law. This easement may be released by the Grantees to the owners of the servient estate. This easement shall be recorded and indexed in the same manner as any other instrument affecting the title to real property.

Grantor hereby covenants that it is lawfully seized of said servient land in fee simple, and that it has good right and lawful authority to convey the easement established hereby, and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantor has caused these presents to be executed this 16th day of October, 1989.

WITNESSES:

ORCHID ISLAND ASSOCIATES LIMITED PARTNERSHIP, A Connecticut Limited Partnership

RICHARD ROBERTS CO., INC., a *Full*
General Partner

By: Robert H. Haines III
Robert H. Haines III, President

(Corporate Seal)

STATE OF Connecticut
COUNTY OF Hartford

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared ROBERT H. HAINES III, well known to me to be the President of RICHARD ROBERTS CO., INC., General Partner of ORCHID ISLAND ASSOCIATES LIMITED PARTNERSHIP, and that he acknowledged executing the same in the presence of two subscribing witnesses freely and voluntarily under authority duly vested in him by said corporation and that the seal affixed thereto is the true corporate seal of said corporation.

Witness my hand and official seal in the County and State last aforesaid this 16th day of October, 1989.

(Seal) C.

Patricia B. Reidy
Notary Public
My Commission Expires:

PATRICIA B. REIDY
NOTARY PUBLIC
MY COMMISSION EXPIRES MARCH 31, 1994

EXHIBIT "A"

TRACTS A, B and C, Orchid Island Plat 6 as recorded in Plat
Book 13 Page 15 Public Records of Indian River County,
Florida.

FILED FOR RECORD
89 OCT 25 PM 4: 14
BY A. D. WILSON, J.C.C.

O.R. 846 PG 0135