
MEMORANDUM

TO: GREGORY J. ORAVEC, CITY MANAGER
FROM: PAM E. BOOKER, SENIOR ASSISTANT CITY ATTORNEY 
DATE: MAY 9, 2012
SUBJECT: MODIFICATION OF RESTRICTIVE COVENANTS
GEORGE J. CALLAS- LOTS 7 & 8, BLOCK 790, PSL 18

Attached please find a Request for Modification of Restrictive Covenant by George J. Callas, for Lots 7 and 8, Block 790, Port St. Lucie Section 18. This Restrictive Covenant was placed on the property as a result of an exemption from platting. The property owner intended to remove fifteen feet from Lot 7, and add the fifteen feet to Lot 8, for an addition to the existing home on Lot 8. The original restrictive covenant combined the two lots into one. That was not the intent from the documentation in the file. The owner wishes to sell Lot 8, and needs to have the Restrictive Covenant modified in order to proceed. A current survey is attached indicating both lots will still meet the setback requirements as individual single family lots.

Please place this item on the City Council agenda for Monday, May 14, 2012. Should you have any questions, or need any additional information, please do not hesitate to contact me at 871-5165.

PB/liw

RECEIVED

MAY 09 2012

City Manager's Office

City of Port St. Lucie
City Attorney's Office
121 SW Port St. Lucie Boulevard
Port St. Lucie, Florida 34984

MODIFICATION OF DECLARATION OF RESTRICTIVE COVENANTS

THIS Modification of Declaration of Restrictive Covenants made this _____ day of _____, 2012, by George J. Callas (hereinafter referred to as the "Owners"), the Owner/s of the following: LOTS 7 and 8 , BLOCK 790, PORT ST. LUCIE SECTION 18, according to the plat thereof recorded in Plat Book 13, Pages 17, 17A through 17K, of the public records of St. Lucie County, Florida (hereinafter referred to as the "Property").

WITNESSETH

The Owners are the owners of the Property and intend by this declaration to impose upon the Property evidence of restrictions, which would benefit the Owners of the Property and the City of Port St. Lucie.

The Owners desire to subject the Property to certain restrictions and covenants for the protection and benefit of the present and future owners of the Property or any part thereof and the City of Port St. Lucie.

The Owners combined Lots 7 & 8 of Block 790, Port St. Lucie Section 18, St. Lucie County on or about November 18, 2003 through a Declaration of Restrictive Covenant. Said Restrictive Covenant is recorded in the Public Records of St. Lucie County at OR Book 1845, Page 2448.

The Owners applied for an exemption from platting to take fifteen (15') feet from Lot 7 and add the fifteen feet (15') to Lot 8, in order to accommodate an addition to the existing home on Lot 8. The Owner never intended to combine Lots 7 & 8 as one lot for development purposes.

ARTICLE I

Property Subject to this Declaration

The Owners hereby declare that the property shall be held, sold, and conveyed subject to the following restrictions and covenants which are for the purpose of protecting the value, desirability and the benefit of and shall run with the real property subject to this Declaration which shall be binding on all parties having any right, title, or interest in the Property or any part thereof, their heirs, successors, and assigns and shall ensue to the benefit of each owner thereof and the City of Port St. Lucie.

ARTICLE II
Restrictions and Covenant

The language in the original Restrictive Covenant declaring Lot 7 and Lot 8 as one lot for future development purposes is hereby modified to allow development of Lot 7 and Lot 8 as individual single family lots consistent with the attached survey. A copy of the updated survey is attached hereto as Exhibit "A".

The Property shall be considered as two parcels of land with Fifteen feet removed from Lot 7 and added to Lot 8, as depicted on the updated survey dated May 5, 2012. Any future development of the Property shall be restricted to one single family residential unit and permitted accessory usages as allowed under the Code of the City of Port St. Lucie for a single lot, for Lot 7 and Lot 8, individually.

ARTICLE III
Duration and Remedies for Violation

The covenants and restrictions of this Declaration shall run with and bind the Property and shall inure to benefit of any Owner(s) of the Property, their respective representatives, heirs, successors and assigns and the City of Port St. Lucie for a term of fifty years from the date this Declaration is recorded, after which time, said covenants and restrictions shall automatically be extended for successive periods of ten years unless an instrument signed by the current owner(s) of the Property and the City of Port St. Lucie is recorded terminating the covenants and restrictions of this Declaration.

ARTICLE IV
Effective Date

This Declaration shall become effective upon its recordation in the Public Record of St. Lucie County, Florida.

DECLARATION OF RESTRICTIVE COVENANTS

IN WITNESS WHEREOF the Owners have caused this Declaration to be executed as required by law on the above date.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

WITNESS:

(Printed Name) _____

(Printed Name) _____

STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 2012, by **GEORGE J. CALLAS**, said person has produced _____ as identification.

By: George J. Callas

SEAL

By: _____
(Printed Name) _____
Notary Public, State of Florida

WITNESS:

(Print Name) _____

(Print Name) _____

CITY OF PORT ST. LUCIE
a Florida municipal corporation

By: _____
JoAnn M. Faiella, Mayor

STATE OF FLORIDA
COUNTY OF ST. LUCIE

The foregoing instrument as acknowledged before me this __ day of _____, 2012, by **JOANN M. FAIELLA** as Mayor of the City of Port St. Lucie, on behalf of the City, who is personally known to me.

SEAL

By: _____
(Printed Name) _____
Notary Public, State of Florida

DECLARATION OF RESTRICTIVE COVENANTS

THIS Declaration of Restrictive Covenants made this 10 day of NOVEMBER, 2003 by
George J. CALLAS and George J. CALLAS, SAME
(relationship)

(hereinafter referred to as the "Owners"), the Owner/s of the following:

LOTS 7 & 8, BLOCK 790, PORT ST. LUCIE SECTION 18, according to the plat
thereof recorded in Plat Book 13, Pages 1717A through 17K, of the public records of St. Lucie County,
Florida (hereinafter referred to as the "Property").

WITNESSETH

The Owners are the owners of the Property and intend by this declaration to impose upon the Property evidence of restrictions,
which would benefit the Owners of the Property and the City of Port St. Lucie.

The Owners desire to subject the Property to certain restrictions and covenants for the protection and benefit of the present and
future owners of the Property or any part thereof and the City of Port St. Lucie.

ARTICLE I

Property Subject to this Declaration

The Owners hereby declare that the property shall be held, sold, and conveyed subject to the following restrictions and covenants
which are for the purpose of protecting the value, desirability and the benefit of and shall run with the real property subject to this
Declaration which shall be binding on all parties having any right, title, or interest in the Property or any part thereof, their heirs,
successors, and assigns and shall ensue to the benefit of each owner thereof and the City of Port St. Lucie.

ARTICLE II

Restrictions and Covenants

The Property shall be considered one lot. Any future development of the Property shall be restricted to one single family
residential unit and permitted accessory usages as allowed under the Code of the City of Port St. Lucie for a single lot.

ARTICLE III

Duration and Remedies for Violation

The covenants and restrictions of this Declaration shall run with and bind the Property and shall insure to benefit of any Owner(s)
of the Property, their respective representatives, heirs, successors and assigns and the City of Port St. Lucie for a term of fifty years
from the date this Declaration is recorded, after which time, said covenants and restrictions shall automatically be extended for
successive periods of ten years unless an instrument signed by the current owner(s) of the Property and the City of Port St. Lucie is
recorded terminating the covenants and restrictions of this Declaration.

ARTICLE IV

Effective Date

This Declaration shall become effective upon its recordation in the Public Record of St. Lucie County, Florida.

IN WITNESS WHEREOF the Owners have caused this Declaration to be executed as required by law on the above date.

Jane C. Piacente
Witness Signature
JANE C PIAENTE
Printed Name

George J. Callas
Owner Signature
George J. CALLAS
Printed Name

Chris Fernandez
Witness Signature
CHRIS Fernandez
Printed Name

702 S.E. ADAMS CT
Street Address
PORT ST LUCIE, FL, 34984
City, State, Zip

If more than one name on deed:

Witness Signature

Owner Signature

Printed Name

Printed Name

Witness Signature

Street Address

Printed Name

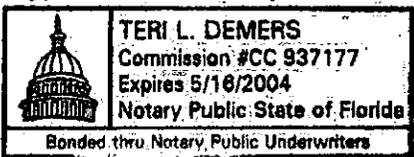
City, State, Zip

STATE OF FLORIDA
COUNTY OF ST. LUCIE

I HEREBY CERTIFY that in this day, before an officer duly authorized to take acknowledgements, personally appeared George J. Callas and _____ known to me to be the person(s) described in and who executed the foregoing instruments, who acknowledged before me that they executed the same, that I relied upon the following form of identification of the above named person(s):

FL Drivers License

WITNESS my hand in official seal in the County and State last aforesaid this 10th day of NOV., 2003



Teri L Demers
Notary Public Signature
TERI L DEMERS
Printed Notary Public Name

My Commission Expires (Stamp Above)

Ret: 702 SE Adams Ct
PSL, FL 34984

LEGAL DESCRIPTION:

ALL OF LOT 8 AND A PORTION OF LOT 7, BLOCK 790, PORT ST. LUCIE SECTION 18, AS RECORDED IN PLAT BOOK 13, PAGE 17 ("A" THROUGH "K"), PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE MOST NORTHWESTERLY CORNER OF LOT 8 BLOCK 790, SAID POINT OF BEGINNING BEING THE PLATTED DIVISION LINE BETWEEN LOTS 7 AND 8 AND LYING ON THE SOUTHERLY RIGHT OF WAY LINE OF ESSEX DRIVE; THENCE RUN S32°04'12"W DEPARTING SAID RIGHT OF WAY, A DISTANCE OF 100.00 FEET; THENCE S77°04'12"W, A DISTANCE OF 21.21 FEET; THENCE N32°04'12"E, A DISTANCE OF 115.00 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF ESSEX DRIVE; THENCE S57°55'48"E ALONG SAID RIGHT OF WAY A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING.

ADDRESS: 702 SE ADAMS COURT
PORT ST. LUCIE, FLORIDA

NOTES:
SUBJECT TO ANY APPLICABLE EASEMENTS, RIGHTS-OF-WAY, OR OTHER RESTRICTIONS OF RECORD. A SEARCH OF THE PUBLIC RECORDS HAS NOT BEEN MADE BY THIS OFFICE.
BEARINGS SHOWN ARE RELATED TO THE CENTERLINE OF ESSEX DRIVE, AS SHOWN ON THE PLAT OF RECORD.
ELEVATIONS ARE IN FEET AND RELATED TO THE BENCHMARK SHOWN HEREON.
PROPERTY LIES IN F.I.R.M. ZONE "X", AS SHOWN ON PANEL 120287-0290F, DATED 8/19/91.
ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY, IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY.
THERE ARE NO ABOVE GROUND ENCROACHMENTS UNLESS OTHERWISE SHOWN.
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
BOUNDARY DIMENSIONS SHOWN ARE PER PLAT AND FIELD MEASURE UNLESS OTHERWISE NOTED.
6' DUE ALONG NEWLY ESTABLISHED BOUNDARY LINE SUBJECT TO APPROVAL BY GOVERNING AGENCIES.
PUBLIC WATER AND SEWER AVAILABLE.

CERTIFIED TO: ALLY PARKER BROWN TITLE INSURANCE AGENCY; OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY; SECURITY NATIONAL MORTGAGE COMPANY, A UTAH CORPORATION; CATHY L. LAROSA AND MICHAEL E. LAROSA.

ROBERT F. KEMERSON
PROFESSIONAL SURVEYOR AND MAPPER
STATE OF FLORIDA # 6285

PC
FND NAIL 63.25'(P)
FND NAIL 63.37'(M)

ABBEVIATIONS
ANC = ANCHOR
BP = BRICK PAVERS
BM = BENCHMARK
(C) = CALCULATED
CL = CENTERLINE
CONC = CONCRETE
COR = CORNER
CS = CONCRETE SLAB
DUE = DRAINAGE & UTILITY EASEMENT
ELEV = ELEVATION
EP = EDGE OF PAVEMENT
FFE = FINISH FLOOR ELEVATION
FND = FOUND
GA = GREEN AREA
ID = IDENTIFICATION
IP = IRON PIPE
IR = IRON ROD

ABBEVIATIONS
LB = LICENSE BUSINESS
(M) = MEASURED
N&D = NAIL & DISC
OHE = OVERHEAD ELECTRIC
(P) = PLAT
PC = POINT OF CURVATURE
PK/TT = PARKER KALON NAIL & TIN TAB
POB = POINT OF BEGINNING
PSM = PROFESSIONAL SURVEYOR & MAPPER
R/C = ROD AND CAP
R/W = RIGHT OF WAY
SBT = SOUTHERN BELL TELEPHONE
SF = SQUARE FEET
SV = SEWER VALVE
WM = WATER METER
WPP = WOOD POWER POLE

VELCON GROUP, INC.
ENGINEERS & SURVEYORS
702 S.W. PORT ST. LUCIE BLVD.
PORT ST. LUCIE, FLORIDA 34953
(772) 879-0477
(772) 871-6659 (FAX)
LICENSE BUSINESS #4942

BOUNDARY SURVEY REVISIONS

NO.	DESCRIPTION	DATE	BY
1	BOUNDARY	05/01/03	RC
2	FORMBOARD	01/29/04	DH
3	UPDATE SURVEY	05/05/12	BK
4			

DATE IN FIELD: 05/01/12
FIELD BOOK: 04/22/03
PAGE: 30-32
CHECKED BY: RFK
JOB NO.: 12-045

