

RECORDED & INDEXED  
CLERK OF CIRCUIT COURT  
BREVARD COUNTY, FLA.

STORM WATER MAINTENANCE AGREEMENT

AGREEMENT entered into this 10th day of March, 1987 by and between the CITY OF MELBOURNE, a municipal corporation, under the laws of the State of Florida, hereinafter referred to as the "City" and Meadow Cove Homeowners Association, a non-profit Florida Corporation, hereinafter referred to as "Meadow Cove", and Centex Homes Enterprises, a Florida Corporation.

WHEREAS, the City of Melbourne by virtue of Ordinance 83-5 has adopted a storm water management ordinance for the City of Melbourne and the terms of said Ordinance require that a mechanism be provided for the permanent maintenance of retention area and storm water structures in subdivisions being constructed within the confines of the City of Melbourne, and

WHEREAS, Meadow Cove has been designated by Centex Homes Enterprises Inc., the developer of a subdivision in the City of Melbourne, as the entity which shall own and maintain the common areas within said subdivision, which is legally described in Exhibit "A" attached hereto and made a part hereof, and

WHEREAS, the parties wish to enter into an agreement to satisfy the terms of the City's Ordinance and to provide for maintenance of the storm water retention areas and structures by Meadow Cove.

NOW THEREFORE, in consideration of the mutual covenants contained herein it is agreed between parties as follows:

1. Meadow Cove agrees that it will at their expense perpetually maintain as open space and as a portion of the common areas and pursuant to the authority granted to it by the Declaration of Covenants and Restrictions of Meadow Cove Subdivision the storm water retention areas and storm water structure and pipes contained within the subdivision legally described in Exhibit "A" attached hereto and made a part hereof.

THIS INSTRUMENT PERPARED BY:

Walter A. Tilley  
1417 N. Semoran Blvd.

Orlando, Florida 32807

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OFFICE OF CITY CLERK  
CITY OF MELBOURNE  
900 East Strawbridge Ave.  
Melbourne, Florida 32901

REC. FEE \$ 21.00 REC'D PAYMENT AS  
DOC. ST. \$ \_\_\_\_\_ RECORDED TO CLASS  
INT. TAX \$ \_\_\_\_\_ CITY INDEBTED & DOC  
SER. CHG \$ \_\_\_\_\_ STAMP TAXES SIGNED  
REFUND \$ \_\_\_\_\_  
City Clerk's Office Brevard Co. Florida *[Signature]*

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87 APR 21 AM 9:53

2. Meadow Cove agrees that in the event it shall fail to provide maintenance of the facilities described in paragraph 1 hereof, in accordance with the terms of Ordinance 83-5 and the maintenance standards which shall from time to time be adopted by the City of Melbourne Engineering Department for said facilities, the City may, after thirty (30) days written notice of its intention to do so, perform said work or have said work performed on behalf of Meadow Cove and charge the cost of performing said work or having said work performed to Meadow Cove.

3. In the event the City is compelled to provide maintenance of the described facilities in accordance with the terms of paragraph 2 above and Meadow Cove shall fail to pay to the City within thirty (30) days the cost of providing said maintenance services; the City of Melbourne shall have and is hereby granted a lien for the costs expended against the subdivision. The lien shall be enforceable by the City in accordance with the procedures set forth in the Declaration of Covenants and Restrictions for creation and collection of liens for assessments.

4. This agreement shall be recorded in the Public Records of Brevard County and shall be a continuing obligation of maintenance of Meadow Cove Homeowners Association, Inc. and its successors and assigns and the obligations, imposed on Meadow Cove hereby shall run with the land.

5. Enterprises, Inc., the owner of the real property which is described in this agreement has indicated their assent to this agreement by its signature affixed hereto.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

Donna Fears  
Witness  
Cathleen O. Bearden  
Witness

CITY OF MELBOURNE

BY: S. H. Halter  
Samuel H. Halter  
City Manager



Jane A. [Signature]  
Witness  
[Signature]  
Witness

MEADOW COVE HOMEOWNERS ASSOCIATION, INC.

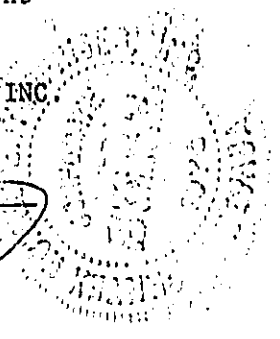
BY: Patrick Gallo  
Patrick Gallo, President

Attest: \_\_\_\_\_  
Asst. Secretary

[Signature]  
Witness  
Robert Simmons  
Witness

CENTEX HOMES ENTERPRISES, INC.

BY: Andrew J. Hannigan  
Andrew J. Hannigan



Attest: \_\_\_\_\_  
Asst. Secretary

STATE OF FLORIDA  
COUNTY OF BREVARD

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgement, personally appeared Patrick Gallo, President of Meadow Cove Homeowners Association, Inc. that he severally acknowledged executing the same, in the presence of two subscribing witnesses, freely and voluntarily for the purpose therein expressed.

WITNESS my hand and official seal in the County and State last aforesaid this 10<sup>th</sup> day of March, A.D., 1987.

My Commission Expires:  
6-20-89

Walter A. Tully  
Notary Public




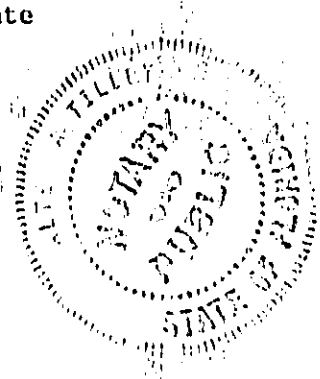
STATE OF FLORIDA  
COUNTY OF BREVARD

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgement, personally appeared Andrew J. Hannigan, President of CENTEX HOMES ENTERPRISES, INC., and that he severally acknowledged executing the same, in the presence of two subscribing witnesses, freely and voluntarily for the purpose there in expressed.

WITNESS my hand and official seal in the County and State last aforesaid this 10<sup>th</sup> day of March, AD., 1987.

My Commission Expires:  
6-20-89

  
Notary Public

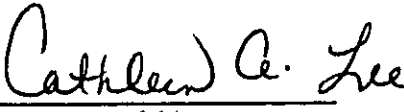


STATE OF FLORIDA  
COUNTY OF BREVARD

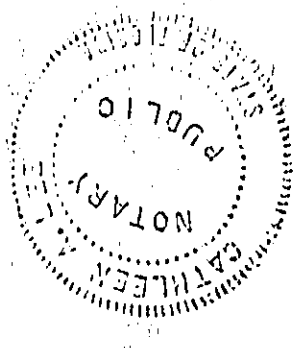
I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgement, personally appeared SAMUEL H. HALTER, well known to me to be the CITY MANAGER OF THE CITY OF MELBOURNE, and that he acknowledged executing the same, in the presence of two subscribing witnesses, freely and voluntarily under authority duly vested in them 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 15<sup>th</sup> day of April, A.D., 1987.

My Commission Expires:

  
Notary Public

Notary Public, State of Florida  
My Commission Expires July 25, 1989  
Bonded Thru Troy Fain - Insurance, Inc.



INDEX REC.

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*Exhibit "A"*

DESCRIPTION

THAT PORTION OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 8, TOWNSHIP 27 SOUTH, RANGE 37 EST, LYING AND BEING IN THE CITY OF MELBOURNE, BREVARD COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 8; THENCE RUN N. 88° 12'15" W., ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 8, FOR 1277.75 FEET TO THE EAST RIGHT-OF-WAY LINE OF STEWART ROAD; THENCE RUN N. 01° 29'42" E., ALONG THE EAST RIGHT-OF-WAY OF SAID STEWART ROAD, 25 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 8, FOR 1031.52 FEET; THENCE RUN S. 88° 29'57" E., FOR 295.16 FEET; THENCE RUN N. 1° 29'42" E., FOR 295.16 FEET, TO A POINT ON THE NORTH LINE OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 8; THENCE FOR THE NEXT THREE COURSES RUN ALONG THE SOUTH RIGHT-OF-WAY LINE OF WASHINGTON ROAD AS FOLLOWS: S. 88° 29'57" E., ALONG THE NORTH LINE OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 8, FOR 596.28 FEET, TO THE POINT OF CURVE; THENCE RUN SOUTHEASTERLY, HAVING A RADIUS OF 791.64 FEET, THROUGH A CENTRAL ANGLE OF 14° 00'00", FOR AN ARC DISTANCE OF 193.43 FEET, TO THE POINT OF REVERSE CURVE; THENCE RUN SOUTHEASTERLY, ALONG THE ARC OF A CIRCULAR CURVE TO THE LEFT, CONCAVE NORTHERLY, HAVING A RADIUS OF 891.64 FEET, THROUGH A CENTRAL ANGLE OF 13° 45'58", FOR AN ARC DISTANCE OF 217.08 FEET, TO A POINT ON THE EAST LINE OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 8; THENCE LEAVING THE SOUTH RIGHT-OF-WAY LINE OF SAID WASHINGTON ROAD, RUN S. 02° 24'04" W., ALONG THE EAST LINE OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 8, FOR 1283.41 FEET, TO THE POINT OF BEGINNING CONTAINING 37.0949 ACRES MORE OR LESS.

BEARING REFER TO THOSE SHOWN ON THE PLAT OF STEWART PLACE (PLAT BOOK 25, PAGE 148, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.)

*Link  
3/24/87*

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**UNSUITABLE  
FOR MICROFILM**