

Prepared by:  
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RE-17-1279

**SIXTH AMENDMENT TO THE DECLARATION OF  
CONDITIONS, COVENANTS, AND RESTRICTIONS**

STATE OF FLORIDA  
COUNTY OF ESCAMBIA

This Sixth Amendment to the Declaration of Conditions, Covenants, and Restrictions is made this \_\_\_ day of September, 2022, by Community Redevelopment Agency of the City of Pensacola, a public body, corporate and politic, of the State of Florida (“Declarant”), whose address is 222 West Main Street, Pensacola, FL 32502, and Hawkshaw Development Group, LLC, a Florida limited liability company (“Owner”), whose address is 657 E. Romana St., Pensacola, FL 32502. Defined terms shall have the meaning ascribed to them in the Declaration.

WITNESSETH:

WHEREAS, on February 21, 2018, Declarant executed a Declaration of Conditions, Covenants, and Restrictions, which was recorded in Official Records Book 7860, at Page 540 of the public records of Escambia County, Florida, encumbering the Property therein described (as amended, as set forth below, the “Declaration”);

WHEREAS, the Declaration was amended by First Amendment to Declaration of Conditions, Covenants and Restrictions dated April 18, 2019, and recorded in Official Records Book 8080, at Page 1546; by Second Amendment to Declaration of Conditions, Covenants and Restrictions dated June 28, 2019 and recorded in Official Records Book 8140, at Page 471; by Third Amendment to Declaration of Conditions, Covenants and Restrictions dated August 15, 2019, and recorded in Official Records Book 8151, at Page 1137; by Fourth Amendment to the Declaration of Conditions, Covenants and Restrictions dated October 13, 2021, and recorded in Official Records Book 8640, at Page 284; and by Fifth Amendment to Declaration of Conditions, Covenants and Restrictions dated March 9, 2022, and recorded in Official Records Book 8737, at Page 1233; all of the Public Records of Escambia County, Florida;

WHEREAS, the Declarant has the absolute right to amend the Declaration in accordance with Article Six, Section 6.4, by a written instrument executed by Declarant, its successors or assigns and the then-current Owner;

WHEREAS, the Declarant and Owner desire to amend the Declaration to contemplate and require the construction of multi-family residential units;

NOW, THEREFORE, Declarant and Owner hereby amend the Declaration as follows, with the intent and purpose that the amendments will encumber the Property and will run with the land and be binding on and inure to the benefit of the Owner.

1. Recitals. The above and foregoing recitals are true and correct and adopted herein.
2. Amendment of Article Two. Article Two is hereby deleted in its entirety and the following is substituted in its place:

**ARTICLE TWO**  
**DEVELOPMENT OF THE PROPERTY**

2.01 The Project shall be used and developed only as multi-family residential condominium or apartment units complying with the requirements of this Article (the "Project"), and only improvements complying with the requirements of this Article shall be constructed and allowed to remain on the Property.

- (a) The Project shall consist of:
  - (i) Three (3) 4-story residential buildings, which, for purposes of convenience and reference in this Declaration only, are described as Building A, Building B, and Building C. Nothing shall preclude Owner from using different descriptions or names for these buildings in marketing materials, condominium documents, or apartment documents relating to the Project.
  - (ii) Building A shall be located along S. 9<sup>th</sup> Avenue and shall contain approximately twelve (12) residential units, plus amenities benefitting the residents of all Project buildings. All residential units in Building A shall be located on the second, third, and fourth floors of the building.
  - (iii) Building B shall be located along E. Romana Street and shall contain approximately twenty-one (21) residential units, all of which shall be located on the second, third, and fourth floors of the building.
  - (iv) Building C shall be located along S. 10<sup>th</sup> Avenue and shall contain approximately twenty-one (21) residential units, all of which shall be located on the second, third, and fourth floors of the building.
  - (v) The ground floor of all three buildings shall be used as covered parking.

- (b) The buildings shall be elevated to meet current and anticipated revised minimum flood elevations.
- (c) The Project shall contain surface parking comprised of a semi-permeable paver system with sufficient parking spaces to satisfy, at a minimum, applicable building code, zoning, and land use regulations.
- (d) The Project buildings and structures shall contain approximately 94,393 conditioned gross square feet and approximately 131,100 total gross square feet, including conditioned square feet, covered parking, exterior corridors, and balconies. The outward appearance of the condominium buildings shall be substantially in accordance with the renderings presented to the Declaration at its September 12, 2022 meeting.
- (e) Landscaping shall include traditional streetscapes along S. 9<sup>th</sup> Avenue and Romana Street, unique urban garden areas fronting Admiral Mason Park, a mix of planted in-ground materials and materials set in architectural features such as planters, seating, and other urban elements.
- (f) The Project shall contain no less than fifty-four (54) residential units.
- (g) No material deviation shall be made from any of the foregoing requirements of paragraphs (a) through (f) hereinabove, except with prior written consent of the Declarant, which shall not be unreasonably withheld, conditioned, or delayed.

3. Ratification. Except as specifically set forth above, the Declaration is hereby ratified and confirmed. All terms and conditions of the Declaration and as previously amended shall continue to be of full force and effect.

*[End of text. Signature pages to follow.]*

IN WITNESS WHEREOF, Declarant has caused this Amendment to be executed the day and year first above written.

Witnesses:

\_\_\_\_\_  
Print Name: \_\_\_\_\_

COMMUNITY REDEVELOPMENT  
AGENCY OF THE CITY OF PENSACOLA,  
a public body, corporate and politic, of the  
State of Florida

\_\_\_\_\_  
Print Name: \_\_\_\_\_

By: \_\_\_\_\_  
Its: \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF ESCAMBIA

The foregoing instrument was acknowledged before me this \_\_\_\_ day of September 2022, by \_\_\_\_\_ as \_\_\_\_\_ of Community Redevelopment Agency of the City of Pensacola, a public body, corporate and politic, of the State of Florida.

\_\_\_\_\_  
NOTARY PUBLIC  
Print Name: \_\_\_\_\_

\_\_\_\_ Personally Known  
OR  
\_\_\_\_ Produced Identification  
Type of Identification Produced \_\_\_\_\_

IN WITNESS WHEREOF, Owner has caused this Amendment to be executed the day and year first above written.

Witnesses:

HAWKSHAW DEVELOPMENT GROUP,  
LLC, a Florida limited liability company

\_\_\_\_\_  
Print Name: \_\_\_\_\_

\_\_\_\_\_  
Print Name: \_\_\_\_\_

\_\_\_\_\_  
By: Robert Montgomery  
Its: Manager

STATE OF FLORIDA  
COUNTY OF ESCAMBIA

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of September 2022, by Robert B. Montgomery, as Manager of Hawkshaw Development Group, LLC, a Florida limited liability company, on behalf of the company.

\_\_\_\_\_  
NOTARY PUBLIC

Print Name: \_\_\_\_\_

\_\_\_\_\_  
Personally Known  
OR  
\_\_\_\_\_  
Produced Identification  
Type of Identification Produced \_\_\_\_\_