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**CERTIFICATE OF RECORDATION
OF THE RULES AND REGULATIONS OF THE KEY MARCO CONCERNING
MARINA RULES, DOCKING FACILITIES, DOCKAGE SLIPS AND
MARINA HURRICANE PREPAREDNESS PLAN**

I HEREBY CERTIFY that the following Rules and Regulations of Key Marco Community Association, Inc. concerning its Marina, Docking Facilities, Dockage slips and Marina Hurricane Preparedness Plan were duly approved, adopted, and enacted, by the proper percentage of the Board of Directors of the Association at the duly noticed-board meeting of the Association called for that purpose, at which a quorum was present, held on the 17th day of February, 2023.

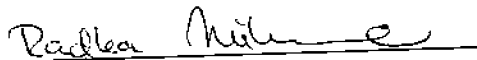
The original Declaration of Protective Covenants, Restrictions and Easements, including the legal description of the Collier County, Florida real property subject to this recording is recorded at Official Records Book 1570 at Page 1747, of the Public Records of Collier County, Florida. The Amended and Restated Declaration of Protective Covenants, Restrictions and Easements is recorded at Official Records Book 5414 at Page 1542, of the Public Records of Collier County, Florida.

WITNESSES:



Signature of First Witness

ROBERT DECRUZ
(Print Name of First Witness)

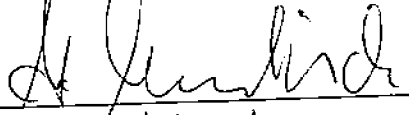


Signature of Second Witness

RADKA MIKULINEC
(Print Name of Second Witness)

**KEY MARCO COMMUNITY
ASSOCIATION, INC.,**

A Florida not for profit corporation

By: 

Title: President

**STATE OF FLORIDA
COUNTY OF COLLIER**

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgements, before me by means of physical presence or online notarization by HERBERT J. KRUTISCH as PRESIDENT of Key Marco Community Association, Inc. who is personally known to me or has produced DRIVER LIC. as identification and who executed the foregoing instrument and acknowledged before me that he/she executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 20 day of MARCH, 2023

(Notary Stamp/Seal)



A handwritten signature in cursive script, appearing to read 'Jiri Mikulínek', written over a horizontal line.

Notary Public for the State of Florida
My Commission Expires: 08/22/26

**RULES AND REGULATIONS OF THE KEY MARCO MARINA,
DOCKING FACILITIES AND DOCKAGE SLIPS**

The Key Marco Community Association, Inc. (hereinafter, "Association") is the property owners' association designated to provide governance to Key Marco and to maintain and own certain Common Areas of Key Marco a planned community in accordance with the Declaration of Protective Covenants, Restrictions, and Easements for Key Marco, as recorded in Official Records Book 1570, at Page 1747, *et seq.*, of the Public Records of Collier County, Florida (hereinafter "Key Marco Declaration"). The Association as the governing entity for the Key Marco, has certain rights, title and interest in Dockage Slips numbered 1 – 105 and maintained by the designated Dockmaster in accordance with the terms of the Key Marco Declaration.

1. The following Marina Rules are designed for the Safe Usage and Protection of the Marina Facility. Violation of these rules can result in a written warning, temporary revocation of Marina Usage Privileges or Permanent revocation of Marina Privileges.
2. The Dockmaster appointed by the Association, shall have the sole and exclusive authority to dock all Vessels in the Dockage Slips or to assign a Dockage Slip for a Vessel on a first come – first serve basis. The right of use of such Dockage Slip in which a Vessel has been docked shall be used only by a Homeowner, Lot Owner, or authorized individual. Notwithstanding the foregoing, a Lessee of a Key Marco resident shall have the right of use of the Dockage Slips. The Owner leasing his/her residence may not utilize a Dockage Slip while the lessee seeks to use the Docking Facilities and Dockage Slips.
3. The Key Marco Marina was built in 1994 with a life expectancy of 30 to 40 years. As of the adoption of these rules, we are financially planning to start to replace our Marina in 5 to 8 years. The project will involve the removal and replacement of all pilings and topside walkways and equipment. The timing of this could change in the event of a damaging storm. We are requiring anyone who is planning to install a new boat lift (or planning to replace an old lift) to install new pilings for the lift that are independent and freestanding of our current structures. This would ensure that when we start to replace our docks, the newer lift pilings would potentially not need to be removed. When the Marina replacement project begins, owners with lifts mounted on original Marina pilings will be required to remove their lift hardware at the owners' expense as all the old original pilings will be removed.
4. The Key Marco Marina consists of 5 piers. Each slip on each pier has an outer piling which marks the boundaries of that slip and determines the vessel size for that slip. No part of the vessel can protrude beyond the outer pilings when moored as per our Submerged Land Lease.
5. All new lift installations require prior written approval from Key Marco's Architectural Review Committee (ARC). No equipment of any kind can be attached or mounted to the Marina decking or pilings without written approval from the Architectural Review

Committee. If an owner installs structures or equipment without prior written approval, the Association may require removal of any unapproved structures.

6. All floating lifts used for jet ski's and/or vessels must be installed on slides that allow the vessel lift to float up above our walkways in the event of storm surge. Boats and Jet skis must be moored in a way that does not allow the boat to drift under the dock or pull up on pilings. Mooring to the dock cleats during storms is not permitted. Vessels should be moored to boat lift I-Beams or to lift pilings to prevent damage to walkways.
7. Only leisure, recreational, or sport fishing motorboats, sailboats or watercraft which are self-propelled and in a seaworthy condition may be moored in the Dockage Slips. Owners, lessees and other authorized individuals are not permitted to lease their assigned slip(s) to any third party or conduct commercial activity from the marina. For purposes of this section, commercial activity includes, but is not limited to, mooring a vessel that is used for commercial or privately contracted fishing or leisure, where patrons ingress or egress through Key Marco.
8. No person shall be permitted to remain on any vessel moored within any Dockage Facilities overnight for any purpose without the prior written approval of the Association. Any vessel requiring shore power for running AC units or other high power consumption electrical equipment may be charged a monthly surcharge.
9. The Association shall have the right to inspect any Vessel in any Dockage Facilities to determine its seaworthiness, appearance, cleanliness and compliance with all applicable city, county, US Coast Guard, state and federal fire, safety and other regulations. The Association shall have the right (but not be required) to remove any vessel from any of the Dockage Facilities which fails to comply with said regulations. Notwithstanding the above, the Association is not an insurer of safety or seaworthiness and has no duty to ensure that vessels are safe or in good condition.
10. Fishing from any portion of the Dockage Facilities is permitted only within areas specifically designated by the Association. Anyone fishing from the Key Marco Marina and surrounding areas is responsible for cleaning up after themselves and their guests, which includes removing trash and placing in the appropriate trash receptacle. Do not put dead fish/bait in the trash receptacles. Remove all tackle, fishing lines, wash debris left from cast nets from the decks, fish blood and bait from the decks. Fishing at the marina is at the discretion of the Homeowner's Association. Any person causing a disturbance at the marina will not be allowed access.
11. Each Owner, approved Lessee and authorized individual acknowledges and agrees that the Association or any agent of the Association shall have the irrevocable right to have access to each Dockage Slip and any vessel moored therein, from time to time, as may be necessary for inspection, maintenance, repair, replacement of any part of the Dockage Facilities adjacent thereto or accessible therefrom, or at any time as may be necessary for

emergency repairs to prevent damage to such Dockage Facilities, Vessels moored within a Dockage Slip or to any other Vessel(s) moored within any Dockage Facilities or Dockage Slip. Notwithstanding anything to the contrary contained herein, Declarant and the Association are under no obligation to inspect, maintain, repair or take any of the foregoing emergency actions with regard to vessels moored within the Dockage Slips.

12. Dockage Slips will be assigned by a document executed by the Dockmaster (on behalf of the Association).
13. Dockage Slips will be assigned to Owners only, and the Association will transfer the rights to Dockage Slips upon the sale of the Residence to the purchaser(s). An Owner who has previously obtained a Dockage Slip may request a new Docking Slip from the Dockmaster. Any transfer of an existing Docking Slip under this paragraph will be accommodated on a first come – first serve basis.
14. An Owner is entitled to one slip per Home or Lot owned (whichever is greater). An Owner with a constructed Home on the Lot may be permanently assigned a slip whether they possess a vessel or not. The Owner with a constructed Home may transfer the Boat Slip in connection with the sale of a Lot and Home. If the Lot Owner has not completed the construction of a Home on the Lot, the Lot Owner must own a current Florida registered vessel or a current US Coast Guard Documented vessel that is intended to be moored at the Key Marco Marina in order to request a Dockage Slip assignment. If the Lot Owner builds a Home on his/her lot the temporary Assignment of Dockage Slip will become permanent and transferable to a future purchaser of the Residence. If the Lot Owner improves his/her Dockage Slip and does not abandon it, upon application to the Dockmaster, the Dockage Slip can be transferred by the Lot Owner to the Purchaser of his/her lot. The Purchaser of a Lot from a Lot Owner must moor a Florida registered Vessel at the Dockage Slip within ninety (90) days from the closing of the sale of the Lot. Should the purchaser of a Lot from a Lot Owner fail or refuse to moor a Florida registered Vessel in an unimproved Dockage Slip within ninety (90) days from the closing of the sale of the Lot, the unimproved Dockage Slip will revert to the Association and the Lot Purchaser will no longer have any right to use the Dockage Slip.
15. A Homeowner or Lot Owner in possession of only one Lot may request an additional Dockage Slip for temporary use if they own a second Florida registered Vessel that they intend to moor at the Key Marco Marina. The Dockage Slip will be assigned on a ninety (90) day automatically renewable basis, unless the renewal is cancelled by the Dockmaster.
16. If a Lot Owner Dockage Slip is not occupied for a period of 90 days or more, the Designation of Assigned Dockage Slip will automatically expire and the Lot Owner will have to reapply for a Dockage Slip.

17. Dockage Slips may only be used by Owners and Lessees of Homes (whose Lessors have applied for an obtained a Dockage Slip from the Dockmaster). Owners who lease their Home may not maintain their Vessel at their assigned Docking Slip during the period of the lease without first obtaining written consent from the Association and the Dockmaster, which may be withheld in the Association's discretion.

18. No Homeowner or Lot Owner shall erect or maintain any fence or other barrier or other structure or improvement on any portion of the Docking Facilities as defined in the Declaration, other than on the Vessel located within a Docking Slip, without the prior written approval of the Association (through its Board or ARC) and the Dockmaster. Includes, but not limited to, deck boxes, awnings, canopies, Further, all improvements or other structures which are approved by the Association and the Dockmaster must be constructed and remain in compliance with all governmental regulations, including, but not limited to: licensing, permitting and inspections.

19. Prior to docking a Vessel in one of the designated Docking Slips, the Homeowner or Lot Owner shall provide the Association and Dockmaster adequate proof of insurance for the Vessel which they intend to have docked in the Docking Slip. Further, the Homeowner or Lot Owner must include the Association as an additional insured on the policy of insurance which covers their Vessel for any injury (bodily injury and/or property) or other damage caused by the Homeowner, Lot Owner, or their Vessel. Each Homeowner, Lot Owner, or other authorized individual shall be deemed to automatically agree to indemnify and hold harmless the Association, its agents, employees and designees from and against any and all loss, expense damage incurred in connection with the exercise or non-exercise of the Association's right hereunder.

20. These Rules and Regulations of the Key Marco Marina, Docking Facilities and Dockage Slips are Subject to change, modification, replacement and amendment.

**THE KEY MARCO COMMUNITY ASSOCIATION, INC.,
a Florida Not-for-Profit Corporation**

Key Marco Marina

HURRICANE PREPAREDNESS PLAN

EFFECTIVE DATE: February 17, 2023

I. GENERAL

A. Objective:

To provide clear and concise procedures for Key Marco Marina vessel owners to follow in the event of a Hurricane or severe storm. To manage, maintain security, and control the operation of Key Marco Marina facilities during an announced emergency.

B. Background:

Marinas are not safe locations for vessels during a Hurricane or Tropical Storm – their proximity to the water and coastal regions generally place these facilities either close to or directly in the path of these storms. It is highly recommended that vessels be relocated well in advance to safer locations to protect both the vessel and the Marina. The following procedures will enhance Key Marco’s ability to protect the property of our marina customers and safeguard our facilities.

C. Preparation:

Every vessel owner should have an individual Hurricane Plan, designed specifically for their vessel. This Plan should include the location of alternate berthing / storage for their vessel; a checklist of key procedures to be followed to ready the vessel for a storm; necessary gear and supplies on board to help secure the vessel on short notice; and the name and phone number of a friend or family member who will act on behalf of the vessel owner should they be out of town or unable to reach the vessel. Marina customers should regularly provide their facilities with current contact information, including emergency telephone numbers. Vessel insurance is a mandatory requirement for berthing / storing a vessel at Key Marco Marina – customers should make sure that their vessel insurance is current and that coverages are sufficient protection for vessel liability, damage, or loss.

D. Adhere to the Key Marco Marina Rules and Regulations

II. KEY MARCO MARINA ACTION PLAN

A. Hurricane Watch

- 1.) All Key Marco personnel are required to know the status of a weather emergency as differentiated between a Hurricane Advisory, Watch, Warning, etc.
- 2.) To Marina Patrons – directly, by voice announcement, electronic mail, by phone, by passing the word the proposed order of an evacuation plan will be announced.
 - a.) All trash and debris are removed from containers to prepare those containers for receiving additional trash. Parking Lots, common areas, and docks are checked for removal of unnecessary equipment and materials.
 - b.) Key Marco staff shall ascertain that vessel owners are prepared for an emergency evacuation.
 - c.) Notification is made to other personnel/Contractors if there is need to relocate any vehicles, equipment, or property.
- 3.) Commence securing buildings, docks, vessels, and upland property. Only basic facility accesses are left open.

B. Hurricane Warning

- 1.) All Marina personnel on duty shall alert the boating public of any Hurricane Advisory Update and Warning information.
- 2.) Complete securing buildings, piers, and docks; finish safeguarding property from flood areas; secure areas once completed.

C. Facility Evacuation

- 1.) Upon local directive, facilities are secured and evacuated. Key Marco Marina will be shut down for the duration of the emergency. Begin planning for “after the storm” action. At 24 hours before projected storm impact, power to the Key Marco Marina will be turned off.

III. VESSEL OWNER ACTION PLAN –

- A. Precautionary Measures (Should be initiated at beginning of each Hurricane Season, and on an ongoing basis)
- 1.) Have your vessel Hurricane Plan established. Know in advance **where** you are going to, **what** you are going to do, and **when** you are going to do it.
 - 2.) Involve a friend or family member(s) in your vessel Hurricane Plan so that they may assist you if you are out of town or unable to get to your vessel in the event of an approaching storm. Initiate a “dry run” to ensure that you are ready for the real thing.
 - 3.) Make sure that your vessel’s operating systems are in good working order. Replace fuel filters, inspect batteries/charging system, and keep fuel tanks topped off. Inspect all bilge pumps/connections. Inspect fire-fighting equipment for readiness.
 - 4.) Inspect all working and spare dock lines and ground tackle (check chain and shackles). Ensure that all extra line is in good condition and in an accessible location. Have sufficient chafing gear for all working lines (neoprene hose works well).
 - 5.) **Do not tie vessels to dock cleats.** Floating lifts must be secured to slides. Vessels on cable lifts may tie off to lift pilings or cable lift I-Beams.
- B. Active Measures (To be initiated at least 72 hours before Hurricane expected landfall)
- 1.) All vessels should be evacuated from the Marina at this time.
 - 2.) If relocating your vessel from the Marina, **do it now and do it early.** The longer you wait, the more difficult it will be getting to where you are going. Vessels remaining in the Marina, that require relocation to other slips (for purposes of vessel safety and cleat/piling stress reduction) will be moved at this time.
 - 3.) Strip as much as you can from the vessel topsides. Bimini tops, dinghies, motors, sails, roller furling, outriggers, chairs, should be stowed.
 - 4.) Make sure that the vessel bilge is free from sludge, debris and obstruction so that rainwater can freely exit your boat.

- 5.) Enhance watertight integrity above and below the waterline – seal windows, doors, hatches (duct tape will work). Shut seacocks, cap off or plug unvalved through-hull fittings such as sink drains. Clear cockpit drains.
- 6.) Hoses, loose materials, and everything else off piers and docks. Dock boxes emptied.
- 7.) Key Marco Marina will shut down operations to the public upon the issuance of a Hurricane Warning or 24 hours prior to expected landfall (whichever comes first). At this time vessels requiring special berthing arrangements within the Marina will have to be moved. All vessel owners should be off their vessels at this time. If a significant storm surge is expected, electrical service and water to the piers will be shut down.