

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>
Capital Expenditures					
Operating Costs					
External Revenues					
Program Income (County)					
In-Kind Match (County)					

NET FISCAL IMPACT - 0 -

No. ADDITIONAL FTE POSITIONS (Cumulative)

Is Item Included In Current Budget? Yes _____ No _____
Budget Account No.: Fund _____ Department _____ Unit _____
Object _____, Reporting Category _____

B. Recommended Sources of Funds/Summary of Fiscal Impact:

C. Departmental Fiscal Review:

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Dev. and Control Comments:

No fiscal impact.

[Signature]
OFMB *3/10/09*
NO CN
3/10/9

[Signature]
Contract Dev. and Control
3/10/09
At the time of our review, the document was not executed.

B. Legal Sufficiency:

[Signature]
Assistant County Attorney

C. Other Department Review:

Department Director

Prepared by and Return to:

CHARLES A. LUBITZ, ESQ.
CASEY CIKLIN LUBITZ
MARTENS & O'CONNELL
515 North Flagler Drive, Suite 1700
West Palm Beach, Florida 33401

Will Call #69 CAL

DECLARATION OF UNITY OF CONTROL

KNOW ALL MEN BY THESE PRESENTS, that pursuant to the ordinances of the City of Palm Beach Gardens pertaining to the development of land within its boundaries, the undersigned, being the fee owners of the following described real property situated in the City of Palm Beach Gardens (the "City"), County of Palm Beach and State of Florida, to-wit (the "Development Parcel"):

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

do hereby make the following declarations of condition, limitation and restriction on said lands, hereinafter referred to as a DECLARATION OF UNITY OF CONTROL:

1. The aforesaid Development Parcel is hereby established and declared to be unified as a specific Planned Community Development site ("PCD"), as contemplated by Section 78-155, Code of Ordinances, City of Palm Beach Gardens, Florida committed in its entirety for the purpose of constructing and developing a planned community development thereon consisting of commercial, residential, professional office, and retail buildings (the "Building Sites") and related common areas servicing each such Building Site (the "Common Area"), which Development Parcel shall be developed and operated pursuant to a certain PCD Master Development Plan to be approved by the City Council of the City of Palm Beach Gardens (the "Council"), as may from time to time be amended and approved by Council, (the "Approved PCD Master Plan"). Such Development Parcel shall include all easements and rights appurtenant thereto.
2. The Development Parcel shall be developed according to the Approved PCD Master Plan for the purpose of providing unified control and unified development of same and all property within the Development Parcel shall be bound by the Approved PCD Master Plan and no portion of the Development Parcel may be severed from the whole.

The undersigned further agree that this Declaration of Unity of Control shall be recorded in the public records of Palm Beach County, Florida and shall constitute a covenant running with the land, as provided by law, and shall be binding upon the undersigned, their heirs, successors and assigns, and all parties claiming under them until such time as the same may be released in writing under the order of the City Council of the City of Palm Beach Gardens.

Signed, sealed, witnessed and acknowledged this _____ day of _____, 2009.

Signed, sealed and delivered in the presence of:

Lindsay Murphy
(Witness Signature)

Lindsay Murphy
(Print Witness Signature)

Susan M. Earle
(Witness Signature)

SUSAN M. EARLE
(Print Witness Signature)

Lindsay Murphy
(Witness Signature)

Lindsay Murphy
(Print Witness Signature)

Susan M. Earle
(Witness Signature)

SUSAN M. EARLE
(Print Witness Signature)

Lindsay Murphy
(Witness Signature)

Lindsay Murphy
(Print Witness Signature)

Susan M. Earle
(Witness Signature)

SUSAN M. EARLE
(Print Witness Signature)

THE LESTER FAMILY INVESTMENTS
L.P., a Delaware limited partnership

By: PHL Financing Consulting Co.,
Inc., as General Partner

By: [Signature]
(Signature)

Prescott Lester
(Print Signatory's Name)

Its: President

[Signature]
RICHARD THALL

[Signature]
ROBERT THALL

Lindsay Murphy
(Witness Signature)

Lindsay Murphy
(Print Witness Signature)

Susan M. Earle
(Witness Signature)

SUSAN M. EARLE
(Print Witness Signature)

Lindsay Murphy
(Witness Signature)

Lindsay Murphy
(Print Witness Signature)

Susan M. Earle
(Witness Signature)

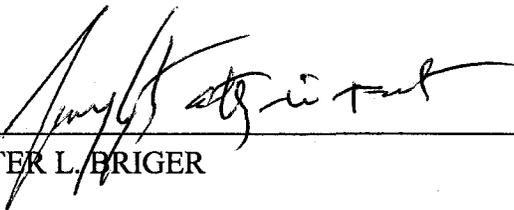
SUSAN M. EARLE
(Print Witness Signature)

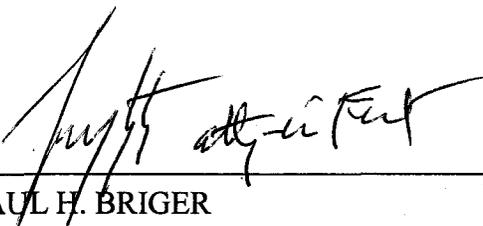
Lindsay Murphy
(Witness Signature)

Lindsay Murphy
(Print Witness Signature)

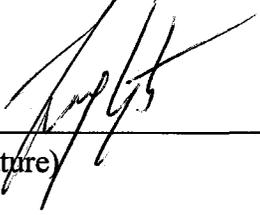
Susan M. Earle
(Witness Signature)

SUSAN M. EARLE
(Print Witness Signature)


PETER L. BRIGER


PAUL H. BRIGER

THE DAVID MINKIN FLORIDA REALTY TRUST

By: 
(Signature)

HOWARD LASTER
(Print Signatory's Name)

Its: Trustee

By: Patricia B. Leter
(Signature)

(Witness Signature)

Lindsay Murphy

(Print Witness Signature)

Lindsay Murphy

Susan M. Earle

(Witness Signature)

SUSAN M. EARLE

(Print Witness Signature)

Patricia B. Lester

(Print Signatory's Name)

Its:

Trustee

ATTEST:

Sharon R. Bock, Clerk & Comptroller

PALM BEACH COUNTY, a political
subdivision of the State of Florida

By:

Deputy Clerk

By:

John F. Koons, Chairman

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY:

By:

Assistant County Attorney

APPROVED AS TO TERMS AND
CONDITIONS:

By:

Sharon Bock
Assistant County Administrator

EXHIBIT "A"

Development Parcel

THAT PORTION OF SECTIONS 26 AND 35, TOWNSHIP 41 SOUTH, RANGE 42 EAST, IN PALM BEACH COUNTY, FLORIDA, DESCRIBED IN PARCELS AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 26; THENCE SOUTH 01°20'36" WEST ALONG THE EAST LINE OF SAID SECTION, A DISTANCE OF 75.02 FEET TO A POINT ON A LINE PARALLEL WITH AND SOUTHERLY 75.00 FEET FROM THE NORTH LINE OF SAID SECTION, SAID POINT BEING THE POINT OF BEGINNING, SAID POINT ALSO BEING ON THE SOUTH LINE OF DONALD ROSS ROAD; THENCE SOUTH 01°20'36" WEST ALONG SAID EAST LINE, A DISTANCE OF 2544.53 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 26; THENCE SOUTH 01°17'32" WEST ALONG SAID EAST LINE, A DISTANCE OF 2619.91 FEET TO THE NORTHEAST CORNER OF SAID SECTION 35; THENCE SOUTH 00°48'03" WEST ALONG THE EAST LINE OF SAID SECTION 35, A DISTANCE OF 1373.03 FEET TO THE NORTH RIGHT-OF-WAY LINE OF HOOD ROAD, AS DESCRIBED IN DEED BOOK 1146, PAGE 639, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 08°06'56" WEST ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 639.65 FEET TO THE EAST LINE OF THE LAND DESCRIBED PARCEL 280 B(2) IN THE ORDER OF TAKING RECORDED IN OFFICIAL RECORD BOOK 4296, PAGE 1151 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY; THENCE ALONG THE BOUNDARY OF SAID PARCEL 280 B(2), NORTH 01°53'04" EAST, A DISTANCE OF 70.00 FEET; THENCE NORTH 88°06'56" WEST, A DISTANCE OF 32.20 FEET; THENCE NORTH 83°32'30" WEST, A DISTANCE OF 52.96 FEET; THENCE NORTH 01°53'04" EAST, A DISTANCE OF 15.00 FEET; THENCE NORTH 83°32'30" WEST, A DISTANCE OF 140.45 FEET; THENCE SOUTH 01°53'04" WEST, A DISTANCE OF 15.00 FEET; THENCE NORTH 83°32'30" WEST, A DISTANCE OF 308.19 FEET; THENCE NORTH 88°06'56" WEST, A DISTANCE OF 117.31 FEET; THENCE NORTH 00°49'08" EAST, A DISTANCE OF 291.34 FEET; THENCE NORTH 89°10'53" WEST, A DISTANCE OF 70.00 FEET TO THE NORTHWEST CORNER OF SAID PARCEL 280 B(2), BEING ALSO ON THE WEST LINE OF THE EAST 40.00 FEET OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SAID SECTION 35; THENCE NORTH 00°49'08" EAST ALONG SAID WEST LINE, A DISTANCE OF 942.23 FEET TO THE NORTH LINE OF SAID SECTION 35; THENCE NORTH 89°24'49" WEST ALONG SAID NORTH LINE, A DISTANCE OF 658.23 FEET TO THE WEST LINE OF THE EAST 40.00 FEET OF THE WEST HALF (W 1/2) OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SAID SECTION 35; THENCE SOUTH 00°49'41" WEST ALONG SAID WEST LINE, A DISTANCE OF 549.73 FEET TO THE NORTHEAST LINE OF THE LAND DESCRIBED IN PARCEL 280 A(1) IN SAID ORDER OF TAKING RECORDED IN SAID OFFICIAL RECORD BOOK 4296, PAGE 1151; THENCE ALONG THE BOUNDARY OF SAID PARCEL 280 A(1), NORTH 28°00'09" WEST, A DISTANCE OF 626.06 FEET TO THE NORTH LINE OF SAID SECTION 35; THENCE CONTINUE NORTH 28°00'09" WEST ALONG SAID BOUNDARY, A DISTANCE OF 3541.88 FEET; THENCE NORTH 24°00'09"

WEST ALONG SAID BOUNDARY, A DISTANCE OF 546.72 FEET TO THE BEGINNING OF A CURVE THEREIN, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 5635.58 FEET; THENCE NORTHWESTERLY, A DISTANCE OF 544.09 FEET ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 05°31'54" TO A POINT OF TANGENCY; THENCE CONTINUE ALONG SAID BOUNDARY, NORTH 18°28'15" WEST, A DISTANCE OF 543.08 FEET; THENCE NORTH 14°39'25" WEST, A DISTANCE OF 177.27 FEET; THENCE NORTH 11°29'21" EAST, A DISTANCE OF 190.36 FEET; THENCE NORTH 63°46'51" EAST, A DISTANCE OF 190.36 FEET; THENCE NORTH 89°55'36" EAST, A DISTANCE OF 301.88 FEET; THENCE NORTH 87°37'27" EAST, A DISTANCE OF 296.35 FEET; THENCE NORTH 89°55'45" EAST, A DISTANCE OF 302.02 FEET; THENCE NORTH 00°04'15" WEST, A DISTANCE OF 6.00 FEET TO THE SOUTHWESTERLY CORNER OF THE LAND DESCRIBED IN PARCEL 280 B(3) IN SAID ORDER OF TAKING; THENCE ALONG THE SOUTHERLY LINE OF SAID PARCEL 280 B(3) AND THE SOUTHERLY RIGHT-OF-WAY LINE OF ADDITIONAL RIGHT-OF-WAY FOR DONALD ROSS ROAD AS DESCRIBED IN OFFICIAL RECORD BOOK 21129, PAGE 118, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, NORTH 89°55'45" EAST, A DISTANCE OF 1216.68 FEET; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, SOUTH 45°04'14" EAST, A DISTANCE OF 56.57 FEET; THENCE ALONG THE EAST LINE OF SAID ADDITIONAL RIGHT-OF-WAY, NORTH 00°04'14" WEST, A DISTANCE OF 65.00 FEET TO SAID LINE PARALLEL WITH AND SOUTHERLY 75.00 FEET FROM THE NORTH LINE OF SAID SECTION 26; THENCE NORTH 89°55'46" EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 2369.16 FEET TO THE POINT OF BEGINNING.

CONTAINING 475.31 ACRES, MORE OR LESS.

TOGETHER WITH THE FOLLOWING DESCRIBED PARCEL:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 26; THENCE NORTH 00°36'37" EAST ALONG THE WEST LINE OF SAID SECTION, A DISTANCE OF 4365.67 FEET TO THE SOUTHWESTERLY BOUNDARY OF THE LAND DESCRIBED AS PARCEL 280 A(1) IN THE ORDER OF TAKING RECORDED IN OFFICIAL RECORD BOOK 4296, PAGE 1151 OF THE PUBLIC RECORDS OF SAID PALM BEACH COUNTY; THENCE ALONG SAID BOUNDARY SOUTH 34°23'37" EAST, A DISTANCE OF 112.80 FEET; THENCE SOUTH 33°14'52" EAST, A DISTANCE OF 493.78 FEET ALONG SAID BOUNDARY TO THE BEGINNING OF A CURVE THEREIN, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 11365.16 FEET; THENCE SOUTHEASTERLY, A DISTANCE OF 813.16 FEET ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 04°05'58" TO A POINT OF TANGENCY; THENCE SOUTH 29°08'54" EAST, A DISTANCE OF 1199.30 FEET; THENCE SOUTH 28°00'09" EAST ALONG SAID BOUNDARY, A DISTANCE OF 2426.49 FEET TO THE SOUTH LINE OF SAID SECTION 26; THENCE CONTINUE SOUTH 28°00'09" EAST ALONG SAID BOUNDARY, A DISTANCE OF 1464.87 FEET; THENCE NORTH 89°04'14" WEST ALONG SAID BOUNDARY AND ALONG THE NORTH LINE OF THE LAND DESCRIBED IN PARCEL 280 B(1) OF SAID ORDER OF TAKING, A DISTANCE OF 339.10 FEET; THENCE SOUTH 86°53'01" WEST ALONG SAID NORTH LINE, A DISTANCE OF 401.53

FEET TO THE NORTHERLY LINE OF HOOD ROAD; THENCE NORTH 88°06'56" WEST ALONG SAID NORTHERLY LINE, A DISTANCE OF 518.05 FEET TO THE EAST LINE OF THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 35; THENCE NORTH 00°50'35" EAST ALONG SAID EAST LINE, A DISTANCE OF 628.52 FEET TO THE NORTHEAST CORNER OF SAID SOUTHWEST QUARTER (SW 1/4); THENCE NORTH 89°02'37" WEST, A DISTANCE OF 658.29 FEET TO THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER (SW 1/4); THENCE SOUTH 00°50'56" WEST ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER (SW 1/4), A DISTANCE OF 617.85 FEET TO SAID NORTH LINE OF HOOD ROAD; THENCE NORTH 88°06'56" WEST ALONG SAID NORTH LINE, A DISTANCE OF 392.92 FEET TO A POINT ON THE NORTH LINE OF THE FLORIDA'S TURNPIKE RIGHT-OF-WAY AS DESCRIBED IN MINUTES OF THE CIRCUIT COURT BOOK 70, PAGE 443, PALM BEACH COUNTY, FLORIDA; THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE FOR THE FOLLOWING FOUR [4] COURSES: NORTH 01°53'04" EAST, A DISTANCE OF 10.00 FEET; NORTH 88°06'56" WEST, A DISTANCE OF 350.00 FEET; THENCE NORTH 83°28'53" WEST, A DISTANCE OF 503.22 FEET; THENCE NORTH 89°02'28" WEST, A DISTANCE OF 73.33 FEET TO THE WEST LINE OF SAID SECTION 35; THENCE NORTH 00°51'38" EAST ALONG SAID WEST LINE, A DISTANCE OF 1204.18 FEET TO THE POINT OF BEGINNING.

CONTAINING 206.38 ACRES, MORE OR LESS.