



**II. FISCAL IMPACT ANALYSIS**

**A. Five Year Summary of Fiscal Impact:**

Fiscal Years	2011	2012	2013	2014	2015
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
<b>NET FISCAL IMPACT</b>	0 <i>see below</i>	_____	_____	_____	_____
<b># ADDITIONAL FTE POSITIONS (Cumulative)</b>	_____	_____	_____	_____	_____
<b>Is Item Included in Current Budget:</b>	Yes _____	No _____			
Budget Account No:	Fund _____	Dept _____	Unit _____	Object _____	
	Program _____				

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

*✓* No fiscal impact.

**C. Departmental Fiscal Review:** \_\_\_\_\_

**III. REVIEW COMMENTS**

**A. OFMB Fiscal and/or Contract Development Comments:**

*Contractor is responsible for the first two years of maintenance and cannot determine at this time.*

*[Signature]* 3/7/11  
 OFMB  
 3/1/11

*[Signature]* 3/8/11  
 Contract Development and Control  
 E. Jones 3/8/11

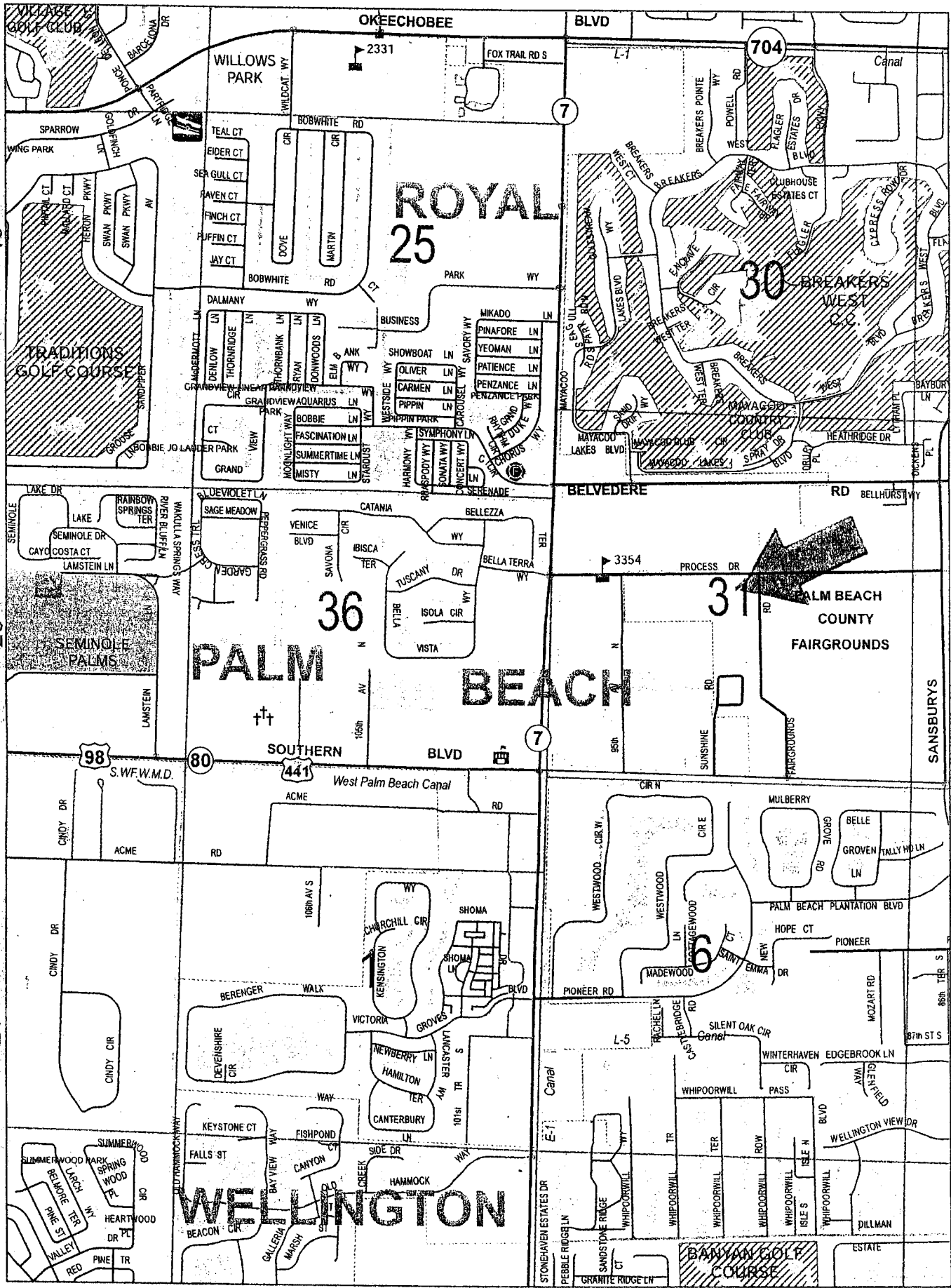
**B. Legal Sufficiency:**

*[Signature]* 3/9/11  
 Assistant County Attorney

**C. Other Department Review:**

\_\_\_\_\_  
 Department Director

**This summary is not to be used as a basis for payment.**



19

20

21

T43

43

T44

# LOCATION MAP

# ATTACHMENT # 1



Prepared by and Return to:  
Margaret Jackson, Real Estate Specialist  
Property & Real Estate Management Division  
2633 Vista Parkway  
West Palm Beach, FL 33411-5605  
PCNs: 00-42-43-27-05-008-0072 and 00-42-43-27-05-008-0081

## RESTRICTIVE COVENANT

**THIS RESTRICTIVE COVENANT**, made and executed this \_\_\_\_ day of \_\_\_\_\_, 2011, by Palm Beach County, a political subdivision of the State of Florida ("County").

### WITNESSETH:

**WHEREAS**, the County is the owner of that water management tract with designated planted littoral shelf areas as legally described in Exhibits "A-1" and "A-2", attached hereto and made a part hereof; and

**WHEREAS**, the Site Plan is set forth in Exhibit "B", attached hereto and made a part hereof; and

**WHEREAS**, there are two littoral planting areas that are required to be planted in accordance with an associated littoral planting plan and maintained at a minimum of 80% as approved by the Palm Beach County Department of Environmental Resources Management ("ERM") in the approved Notice of Intent to Construct for Excavation (NIC), Excavation No. E200906 and Notice of Intent to Construct for Excavation (NIC) Excavation No. E201008, respectively, which can be found at ERM. The two littoral planting areas contain 9,105 and 3,883 square feet respectively, for a total coverage area of 12,988 square feet.

**NOW, THEREFORE**, in accordance with the Palm Beach County Unified Land Development Code ("ULDC"), Article 4, Chapter D, Excavation, County, its successors and assigns, must provide for and perpetually maintain the planted littoral shelves as more specifically provided for in Exhibits "A-1" and "A-2", as attached hereto, and the respective NIC approvals. Furthermore, it is a punishable violation of Palm Beach

County laws, ordinances, codes, regulations and approvals to alter the approved slopes, contours or cross sections or to chemically, mechanically or manually remove, damage or destroy any plants in the reclaimed areas and planted littoral zone as set forth in Exhibits "A-1" and "A-2", as attached hereto, and the NIC approvals, except, upon the express, written approval from the Director of ERM or the Palm Beach County Zoning Division, as applicable. It is the responsibility of the County, its successors, and assigns, to maintain the required survivorship and coverage of the reclaimed upland and planted littoral areas as set forth in Exhibits "A-1" and "A-2", as attached hereto, and the respective NIC approvals and to insure ongoing removal of prohibited and invasive non-native plant species from these areas. The littoral areas shall be constructed and perpetually maintained in compliance with the planting plan requirements of the ULDC, Article 4, Chapter D, Excavation, and planting plans as approved by ERM and set forth in Exhibits "A-1" and "A-2", as attached hereto, and the respective NIC approvals.

These restrictions shall be deemed covenants running with the land.

**(REMAINDER OF PAGE INTENTIONALLY LEFT BLANK)**

IN WITNESS WHEREOF, County hereunder executes this Restrictive Covenant  
the day and year first written above.

**ATTEST:**

**COUNTY:**

**SHARON R. BOCK  
CLERK & COMPTROLLER**

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

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Karen T. Marcus, Chair

Signed and delivered  
in the presence of:

\_\_\_\_\_  
Witness Signature

\_\_\_\_\_  
Print Witness Name

\_\_\_\_\_  
Witness Signature

\_\_\_\_\_  
Print Witness Name

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY**

**APPROVED AS TO TERMS  
AND CONDITIONS**

By: \_\_\_\_\_  
Assistant County Attorney

By: *Audrey Wolf*  
Audrey Wolf, Director  
Facilities Development and Operations

G:\Development\Open Projects\Stockade Expansion\Restrictive Covenant\Restrictive Covenant.002.HF  
app.020711.doc

**EXHIBIT "A-1"**  
**LEGAL DESCRIPTION**

EXHIBIT "A-1"

LITTORAL SHELF  
PALM BEACH COUNTY STOCKADE

A PARCEL OF LAND LYING IN SECTION 31, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING A PORTION OF THE EAST HALF OF TRACT 8, BLOCK 8, PALM BEACH FARMS COMPANY PLAT NO. 3 AS RECORDED IN PLAT BOOK 2, PAGE 45 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID TRACT 8;  
THENCE ALONG THE NORTH LINE OF TRACT 8, S89°01'09"W FOR 660.23 FEET TO THE WEST LINE OF THE EAST HALF (E 1/2) OF SAID TRACT 8;  
THENCE ALONG SAID WEST LINE, S01°00'38"E FOR 367.00 FEET;  
THENCE DEPARTING SAID WEST LINE, N89°01'09"E FOR 62.01 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUE N89°01'09"E FOR 29.49 FEET;  
THENCE S01°00'38"E FOR 211.25 FEET;  
THENCE S89°01'41"W FOR 29.51 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 14.00 FEET;  
THENCE NORTHWESTERLY ALONG SAID CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 89°57'41" FOR 21.98 FEET TO A POINT OF TANGENCY;  
THENCE N01°00'38"W FOR 183.25 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 14.00 FEET;  
THENCE NORTHEASTERLY ALONG SAID CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 90°01'47" FOR 22.00 FEET TO THE POINT OF BEGINNING.

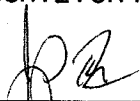
CONTAINING 9,105 SQUARE FEET (0.2 ACRES), MORE OR LESS.

BEARING BASIS: S89°01'09"W (GRID, NAD 83, 1990 ADJUSTMENT) ALONG THE NORTH LINE OF TRACT 8, BLOCK 8.

THE DESCRIPTION SKETCH AND THE DESCRIPTION TEXT COMPRISE THE COMPLETE LEGAL DESCRIPTION. THE LEGAL DESCRIPTION IS NOT VALID UNLESS BOTH ACCOMPANY EACH OTHER. REPRODUCTIONS OF THIS DOCUMENT ARE NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND THE ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER NOTED BELOW.

ABBREVIATIONS

- P.O.B. - POINT OF BEGINNING
- P.O.C. - POINT OF COMMENCEMENT
- R/W - RIGHT-OF-WAY
- P.B. - PLAT BOOK
- C.M. - CONCRETE MONUMENT
- ORB - OFFICIAL RECORD BOOK
- PRM - PERMANENT REFERENCE MONUMENT

  
 \_\_\_\_\_  
 JOHN E. PHILLIPS III  
 PROFESSIONAL LAND SURVEYOR  
 STATE OF FLORIDA No. 4826  
 DATE: 12/21/10

**B**  
**BROWN & PHILLIPS, INC.**  
PROFESSIONAL SURVEYING SERVICES  
CERTIFICATE OF AUTHORIZATION # LB 6473  
901 NORTHPOINT PKWY, SUITE 119, W.P.B. FLORIDA 33407  
(561) 615-3988, (561) 615-3986 FAX

LEGAL DESCRIPTION

DRAWN: DKN/MB	PROJ. No. 07-073
CHECKED: TB	SCALE: NONE
LITTORAL SHELF PBC STOCKADE	DATE: 12/16/10
	SHEET 1 OF 2



25' ADDITIONAL RIGHT-OF-WAY (ORB 6331, PAGE 573 and ORB 6411 PAGE 436)

25' RIGHT-OF-WAY (ORB 2428, PAGE 1209)

**PROCESS DRIVE**

30' RIGHT-OF-WAY (PLAT BOOK 2, PAGE 45)

S89°01'09"W 660.23'  
NORTH LINE OF TRACT 8

PRM  
LB6473

614.75'

P.O.C.  
NE CORNER  
OF TRACT 8  
4"x4" C.M. STAMPED  
"PALM BEACH COUNTY"

45.48'

30' RIGHT-OF-WAY (PLAT BOOK 2, PAGE 45) ABANDONED PER ORB 5084 PG.866

WEST LINE OF TRACT 8

EAST BOUNDARY OF P.B. 83 PAGE 120

THE WEST HALF OF  
TRACT 8, BLOCK 8  
P.B. 2 PG. 45

THE EAST HALF OF  
TRACT 8, BLOCK 8  
P.B. 2 PG. 45

S01°00'38"E 367.00'  
WEST LINE OF EAST HALF OF TRACT 8

EAST LINE OF TRACT 8

PARCEL "A"  
CORAL SKY PLAZA  
PLAT BOOK 83 PAGE 120

N89°01'09"E  
62.01'

P.O.B.

N89°01'09"E 29.49'

N

R=14.00'  
A=90°01'47"  
L=22.00'

R=14.00'  
A=89°57'41"  
L=21.98'

N01°00'38"W  
183.25'

S01°00'38"E 211.25'

S89°01'41"W 29.51'

SOUTH LINE OF TRACT 8



**BROWN & PHILLIPS, INC.**

PROFESSIONAL SURVEYING SERVICES  
CERTIFICATE OF AUTHORIZATION # LB 6473  
901 NORTHPOINT PKWY, SUITE 119, W.P.B. FLORIDA 33407  
(561) 615-3988, (561) 615-3986 FAX

SKETCH TO ACCOMPANY  
LEGAL DESCRIPTION

THIS SKETCH IS NOT A SURVEY

DRAWN: DKN/MB	PROJ. No. 07-073
CHECKED: TB	SCALE: 1" = 100'
LITTORAL SHELF PBC STOCKADE	DATE: 12/16/10
	SHEET 2 OF 2

**EXHIBIT "A-2"**  
**LEGAL DESCRIPTION**

EXHIBIT "A-2"

PALM BEACH COUNTY STOCKADE  
LITTORAL ZONE

A PARCEL OF LAND IN IN SECTION 31, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, LYING IN THE WEST ONE-HALF OF TRACT 7, BLOCK 8, PALM BEACH FARMS Co. PLAT No.3, RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID TRACT 7;  
THENCE ALONG THE NORTH LINE OF SAID TRACT 7, N89°01'09"E FOR 567.55 FEET;  
THENCE S00°58'51"E FOR 41.87 FEET TO THE POINT OF BEGINNING;  
THENCE N89°01'09"E FOR 47.52 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 3.00 FEET;  
THENCE SOUTHEASTERLY, ALONG SAID CURVE TO TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 89°39'30" FOR 4.69 FEET TO A POINT OF TANGENCY;  
THENCE S01°19'21"E FOR 70.96 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 3.00 FEET;  
THENCE SOUTHWESTERLY, ALONG SAID CURVE TO TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 90°20'30" FOR 4.73 FEET TO A POINT OF TANGENCY;  
THENCE S89°01'09"W FOR 47.48 FEET;  
THENCE N01°19'21"W FOR 76.96 FEET TO THE POINT OF BEGINNING.

CONTAINING 3,883 SQUARE FEET, MORE OR LESS.

BEARING BASIS: N89°01'09"E (GRID, NAD 83, 1990 ADJUSTMENT)  
ALONG THE NORTH LINE OF TRACT 7, BLOCK 8.

ABBREVIATIONS

- P.O.B.— POINT OF BEGINNING
- P.O.C.— POINT OF COMMENCEMENT
- R/W — RIGHT-OF-WAY
- O.R.B.— OFFICIAL RECORD BOOK
- P.B.— PLAT BOOK
- R — RADIUS
- Δ — CENTRAL ANGLE
- A — ARC LENGTH
- C.M. — 4"x4" CONCRETE MONUMENT

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REPRODUCTIONS OF THIS DOCUMENT ARE NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND THE ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER NOTED HEREON.

  
\_\_\_\_\_  
JOHN E. PHILLIPS III  
PROFESSIONAL LAND SURVEYOR  
STATE OF FLORIDA No. 4826  
DATE: 1/13/11

**BP**  
**BROWN & PHILLIPS, INC.**  
PROFESSIONAL SURVEYING SERVICES  
CERTIFICATE OF AUTHORIZATION # LB 6473  
901 NORTHPOINT PKWY, SUITE 119, W.P.B. FLORIDA 33407  
(561) 615-3988, (561) 615-3986 FAX

PALM BEACH COUNTY STOCKADE LITTORAL ZONE	
PROJ. No. 10-037	DRAWN: MB
LEGAL DESCRIPTION	SCALE: 1" = 50'
	DATE: 1/13/11
	SHEET 1 OF 2

EAST LINE OF TRACT 8

WEST LINE OF TRACT 7

N.W. CORNER TRACT 7-P.O.C.  
C.M. "PALM BEACH COUNTY"

PALM BEACH FARMS COMPANY PLAT No.3  
PLAT BOOK 2 PAGE 45  
THE WEST HALF OF  
TRACT 7, BLOCK 8

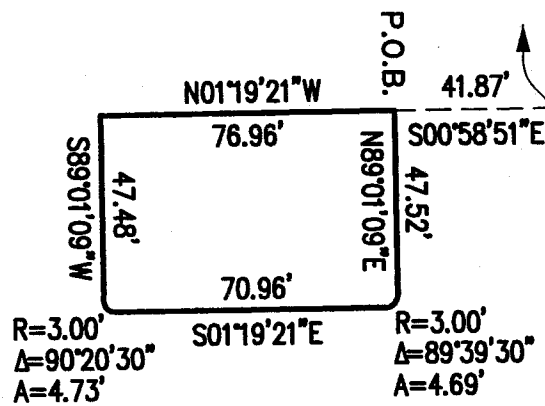
25' ADDITIONAL RIGHT-OF-WAY  
(ORB 6331, PAGE 573 and ORB 6411 PAGE 436)

25' RIGHT-OF-WAY (ORB 2428, PAGE 1209)

PALM BEACH FARMS COMPANY PLAT No.3  
PLAT BOOK 2 PAGE 45  
TRACT 6, BLOCK 8

30' RIGHT-OF-WAY (PLAT BOOK 2, PAGE 45)  
N89°01'09"E 660.23'  
(BEARING BASIS) 567.55'

PROCESS DRIVE



S00°59'30"E

EAST LINE OF THE WEST 1/2 OF TRACT 7

PRM "LB6473"

BRASS DISK IN  
PAVEMENT CUT-OUT  
STAMPED "PALM BEACH COUNTY"

WEST FAIRGROUNDS ROAD  
(ORB 2749, PAGE 1880)

80'



**B**  
**BROWN & PHILLIPS, INC.**

PROFESSIONAL SURVEYING SERVICES  
CERTIFICATE OF AUTHORIZATION # LB 6473  
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(561) 615-3988, (561) 615-3986 FAX

PALM BEACH COUNTY STOCKADE  
LITTORAL ZONE

PROJ. No. 10-037

DRAWN: MB

SKETCH TO ACCOMPANY  
LEGAL DESCRIPTION

SCALE: 1" = 50'

DATE: 1/13/11

(THIS SKETCH IS NOT A SURVEY)

SHEET 2 OF 2

**EXHIBIT "B"**  
**SITE PLAN**

