



## II. FISCAL IMPACT ANALYSIS

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

Fiscal Years	2012	2013	2014	2015	2016
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u>-0-</u> <i>* See below</i>	=====	=====	=====	=====
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget: Yes \_\_\_\_\_ No \_\_\_\_\_

Budget Account No: Fund \_\_\_\_\_ Dept \_\_\_\_\_ Unit \_\_\_\_\_ Object \_\_\_\_\_  
Program \_\_\_\_\_

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

☒ This will facilitate privatization of the internal road system which will reduce the County's maintenance costs.

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

## III. REVIEW COMMENTS

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

*[Signature]* 5/23/2012 *[Signature]* 5/24/12  
OFMB Contract Development and Control

### B. Legal Sufficiency:

*[Signature]* 5/24/12  
Assistant County Attorney

### C. Other Department Review:

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

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

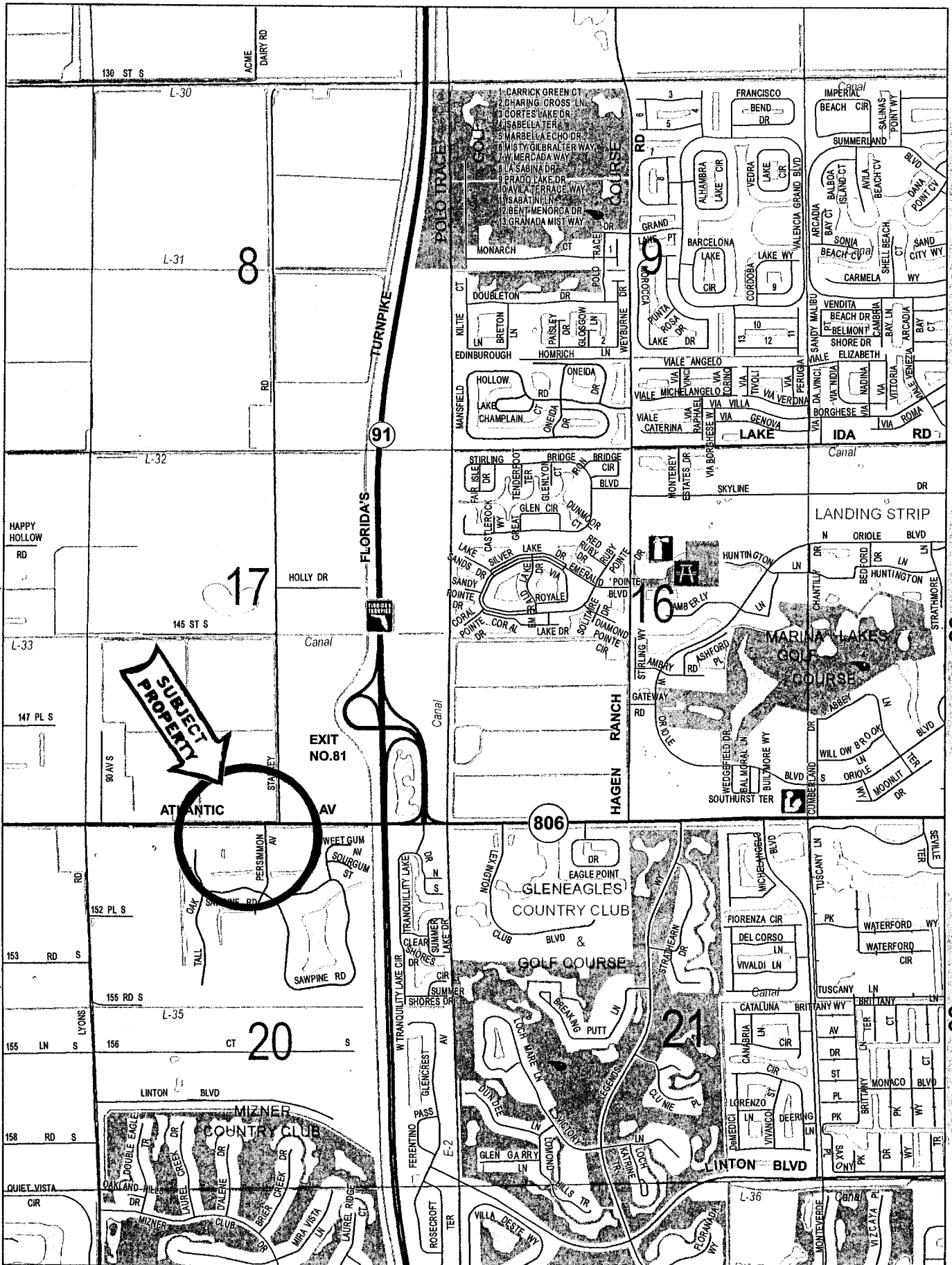
**Background and Justification (cont.):** only offer it received and sold the Tracts to the Delray Lakes Estates HOA for \$25,000. However, based on the lower than expected bid price, the County placed a restriction on the Deed requiring that both Tracts be used by the residents of Delray Lakes Estates exclusively as a park.

Currently, the Delray Lakes Estates HOA is in the site planning process seeking County approval to build a security gatehouse along the PUD's entry road and abandon/privatize its internal residential streets. Construction of the security gatehouse and entry roadway will encroach into Tract R-1. The HOA has requested that the County provide partial relief from the requirement to use Tract R-1 exclusively for park purposes over the encroachment area depicted. Staff recommends allowing construction of the gatehouse and entry roadway into Tract R-1 as depicted on the site plan, since the County will be relieved of the perpetual maintenance responsibilities of Delray Lakes Estates internal roads once they are abandoned. The remainder of Tract R-1 will still contain the restriction that the site be used by the residents of Delray Lakes Estates for park purposes. The Modification of Deed Restriction will be recorded after a County resolution is approved and recorded abandoning the right of ways internal to the PUD.

T46

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T46



LOCATION MAP

II

Prepared By And Return To:  
Peter Banting, Real Estate Specialist  
Palm Beach County  
Property & Real Estate Management Division  
2633 Vista Parkway  
West Palm Beach, Florida 33411-5605

PCN: 00-42-46-20-02-018-0010

## **MODIFICATION OF DEED RESTRICTION**

**THIS MODIFICATION OF DEED RESTRICTION**, made \_\_\_\_\_,  
between **PALM BEACH COUNTY**, a political subdivision of the State of Florida  
("County"), whose address is 301 North Olive Avenue, West Palm Beach, Florida 33401,  
and the **DELRAY LAKES ESTATES HOMEOWNERS' ASSOCIATION, INC.**, a  
Florida not-for-profit corporation ("Grantee"), whose legal mailing address is c/o Phoenix  
Management, 4800 N. State Road 7, #105, Lauderdale Lakes, Florida 33319.

**WHEREAS**, County, by deed dated November 15, 1994, recorded in Official  
Record Book 8590, Page 762, of the Public Records of Palm Beach County, Florida,  
conveyed the following described land to Grantee:

TRACTS R-1 AND R-2, ACCORDING TO THE PLAT OF DELRAY  
LAKES ESTATES, AS RECORDED IN PLAT BOOK 41, PAGE 200,  
OF THE PALM BEACH COUNTY PUBLIC RECORDS; and

**WHEREAS**, the deed contains a restriction limiting the use of the property as a  
park serving the residents of the development; and

**WHEREAS**, Grantee has requested that the deed restriction be modified to allow a  
guardhouse, gate, associated entry features, and access road to be constructed on a portion  
of the property; and

**WHEREAS**, County has agreed to modify the deed restriction to allow the Grantee  
to utilize the property for the additional uses set forth herein as a benefit to the residents of  
the development; and

Now, therefore, for and in consideration of the sum of TEN and 00/100 (\$10.00)  
Dollars, and other good and valuable consideration to County in hand paid by Grantee, the  
receipt of which is hereby acknowledged, the parties hereby agree as follows:

1. The foregoing recitals are true and correct and incorporated herein by  
reference.

2. The existing deed restriction is hereby deleted and replaced with the following restriction:

This Deed is granted upon the express condition that the property be used solely and exclusively as a Park serving the residents of the Delray Lakes Estates, P.U.D., in accordance with the zoning requirements, with the exception that a guardhouse, gate, associated entry features, and access road within the area described in Exhibit "A" attached hereto and made a part hereof, shall be allowed on Tract R-1 provided that all regulatory approvals are obtained. In the event the property shall be used for any other purposes except as set forth herein, title shall automatically revert to the County.

3. The condition and restriction imposed herein shall constitute covenants running with the land and shall be binding upon and burden Grantee, its successors and assigns having or hereafter acquiring any right, title or interest in or to all or any portion of the property.

4. Except as set forth herein, the deed (and condition and restriction therein) remains unmodified and in full force and effect and the parties hereby ratify, confirm, and adopt the deed, as modified, in accordance with the terms thereof.

(REMAINDER OF PAGE INTENTIONALLY LEFT BLANK)

IN WITNESS WHEREOF, the parties have caused this Modification of Deed Restriction to be executed in their respective names, the day and year aforesaid.

ATTEST:

SHARON R. BOCK  
CLERK & COMPTROLLER

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

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

By: \_\_\_\_\_  
Shelley Vana, Chair

Signed and delivered  
in the presence of:

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

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

(OFFICIAL SEAL)

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

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

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

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

Signed and delivered  
in the presence of:

Laura Yellin  
Witness Signature

Laura Yellin  
Print Witness Name

Richard W. Carlson  
Witness Signature

Richard W. Carlson, Jr  
Print Witness Name

Grantee:

**DELRAY LAKES ESTATES  
HOMEOWNERS' ASSOCIATION, INC.,**  
a Florida not-for-profit corporation

By:

Mark Yellin, President

(Seal)

Corporation not-for-profit

STATE OF FLORIDA  
COUNTY OF PALM BEACH

I HEREBY CERTIFY that on this 16<sup>th</sup> day of April, 2012, before  
me personally appeared Mark Yellin, as President of Delray Lakes Estates  
Homeowners' Association, Inc., a Florida not-for profit corporation, on behalf of the  
corporation and acknowledged before me that he executed the foregoing instrument for the  
purposes therein. He is personally known to me ~~or~~ produced  
as identification and did ( ) did not (X) take an oath.



RICHARD W. CARLSON, JR  
NOTARY PUBLIC  
STATE OF FLORIDA  
Comm# DD956507  
Expires 1/27/2014

Richard W. Carlson Jr  
Notary Public, State of Florida  
Print Name Richard W. Carlson Jr  
Commission No. DD956507  
My Commission Expires: 1/27/14



EXHIBIT "A"



949A Clint Moore Road  
Boca Raton, Florida 33487

Tel: (561) 241-9988  
Fax: (561) 241-5182

EXHIBIT "A"  
SKETCH AND LEGAL DESCRIPTION (NOT A SURVEY)  
DELRAY LAKES ESTATES P.U.D. - DEED MODIFICATION AREA  
LEGAL DESCRIPTION

A PORTION OF TRACT R-1, "DELRAY LAKES ESTATES P.U.D.", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 41 AT PAGES 200 AND 201 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID TRACT R-1; THENCE SOUTH 89° 47' 53" WEST, ALONG THE SOUTH LINE OF SAID TRACT R-1, A DISTANCE OF 90.00 FEET; THENCE NORTH 01° 28' 36" WEST, A DISTANCE OF 250.00 FEET; THENCE NORTH 89° 47' 53" EAST, A DISTANCE OF 90.00 FEET; THENCE SOUTH 01° 28' 36" EAST, ALONG THE EAST LINE OF SAID TRACT R-1, A DISTANCE OF 250.00 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA, AND CONTAIN 0.516 ACRES, MORE OR LESS.

NOTES


1. REPRODUCTIONS OF THIS SKETCH ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
2. NO SEARCH OF THE PUBLIC RECORDS WAS MADE IN THE PREPARATION OF THIS SKETCH AND DESCRIPTION.
3. BEARINGS SHOWN HEREON ARE BASED ON THE WEST LINE OF SAID TRACT R-1 HAVING AN ASSUMED BEARING OF NORTH 01° 28' 24" WEST, ACCORDING TO SAID PLAT. THE STATE PLANE COORDINATES SHOWN HEREON ARE BASED ON SAID LINE HAVING A GRID BEARING OF NORTH 01° 54' 16" WEST, AS DETERMINED FROM STATE PLANE COORDINATES AS ESTABLISHED BY THE PALM BEACH COUNTY ENGINEERING DIVISION BASED ON THE FLORIDA COORDINATE SYSTEM, EAST ZONE, GRID NORTH, 1983 STATE PLANE TRANSVERSE MERCATOR PROJECTION, 1990 ADJUSTMENT. POSITIONAL ACCURACY MEETS OR EXCEEDS A 1:10,000 MINIMUM RELATIVE DISTANCE ACCURACY. ALL DISTANCES SHOWN ARE GROUND DISTANCES, UNLESS LABELED OTHERWISE. SCALE FACTOR USED FOR THIS PLAT IS 1.0000233.

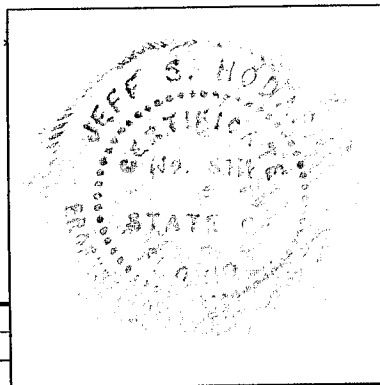
ABBREVIATIONS

CONC.	=	CONCRETE	P.B.C.R.	=	PALM BEACH COUNTY RECORDS
COR.	=	CORNER	PG.	=	PAGE
D.E.	=	DRAINAGE EASEMENT	P.S.M.	=	PROFESSIONAL SURVEYOR
L.B.	=	LICENSED BUSINESS		=	& MAPPER
L.S.	=	LICENSED SURVEYOR	R/W	=	RIGHT-OF-WAY
MON.	=	MONUMENT			
O.R.B.	=	OFFICIAL RECORDS BOOK			
P.O.B.	=	POINT OF BEGINNING			
P.B.	=	PLAT BOOK			

CERTIFICATION

I HEREBY CERTIFY THAT THE SKETCH AND DESCRIPTION SHOWN HEREON COMPLIES WITH MINIMUM TECHNICAL STANDARDS AS CONTAINED IN CHAPTER 5J-17.051, FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.027, FLORIDA STATUTES, AND THAT SAID SKETCH AND DESCRIPTION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS PREPARED UNDER MY DIRECTION.

  
JEFF S. HODAPP  
SURVEYOR AND MAPPER  
FLORIDA LICENSE NO. LS5111



Project Name:	BALMORAL	DATE:	02/04/2012
JOB NO.	05135	DWG BY:	JSH
		CK'D BY:	JSH
			SHEET 1 OF 2



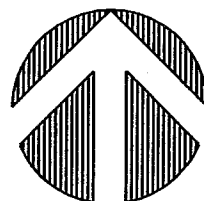
949A Clint Moore Road  
Boca Raton, Florida 33487

SURVEYING & MAPPING  
Certificate of Authorization No. LB7264

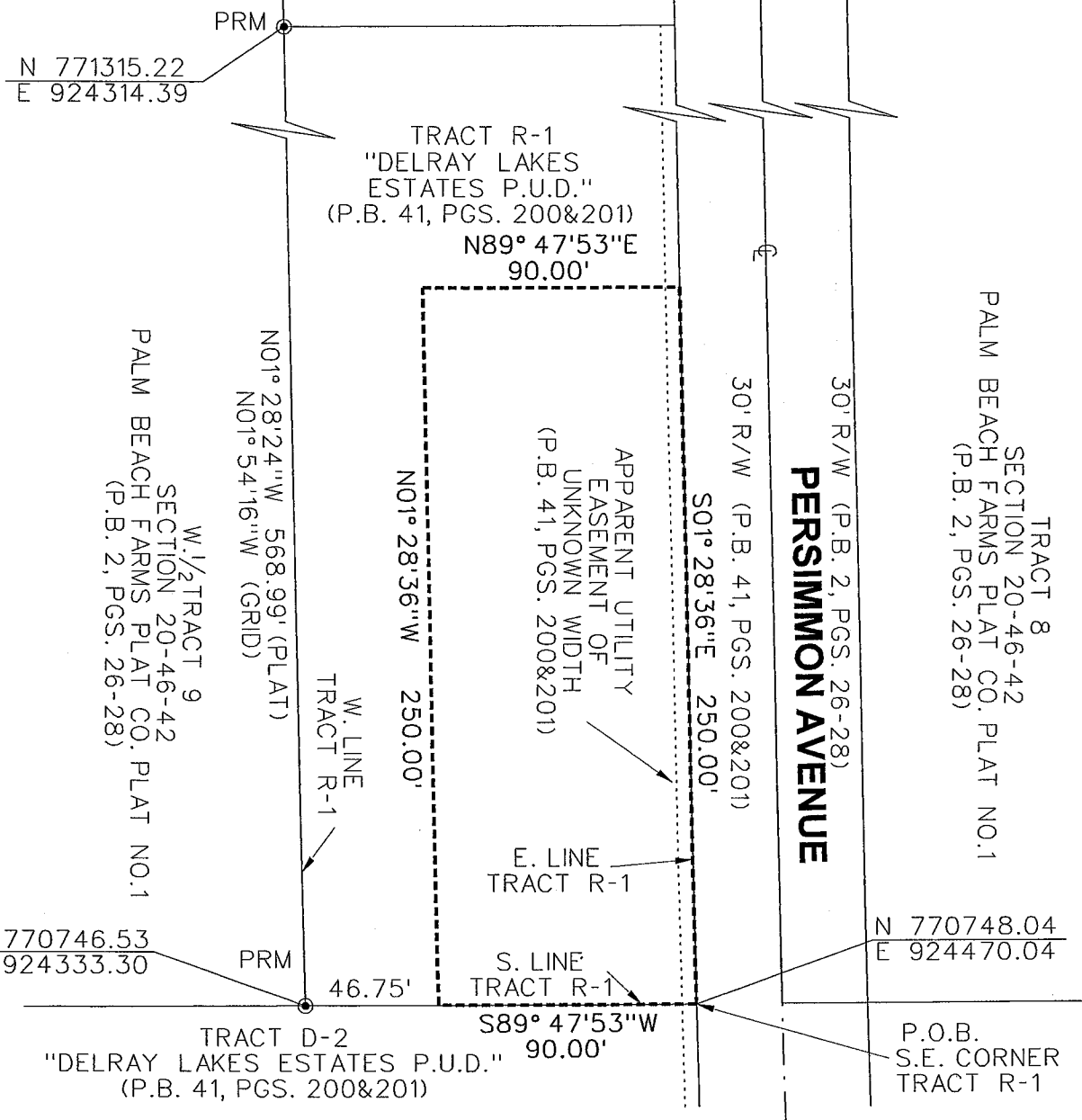
Tel: (561) 241-9988  
Fax: (561) 241-5182

# SKETCH AND LEGAL DESCRIPTION (NOT A SURVEY)

## ATLANTIC AVENUE



### LWDD L-34 CANAL



**Richard W. Carlson, Jr., Esq.**  
2377 Crawford Court  
Lantana, FL 33462-2511  
Phone 561-433-0172  
Cell Phone 561-632-5832  
Email richard.chip.carlson@usa.net

February 27, 2012

Peter K Banting, Real Estate Specialist  
Palm Beach County Property and Real Estate Management  
2633 Vista Parkway  
West Palm Beach, FL 33411

Re: Delray Lakes Estates - Modification of Reverter on Tract R-1

Peter:

I represent Delray Lakes Estates Homeowners Association, Inc., relative to an abandonment of roads and construction of a guardhouse in the Delray Lakes Estates community ("Private Road Effort"). As requested, I write a short request so that you may include it in the Board of County Commission ("BCC") agenda package.

This item is tied to that public hearing to abandon the roads in Delray Lakes Estates, PUD, Plat Book 41, Pages 200-201 ("Plat"). The Private Road Effort will involve the construction of a guardhouse, gate, and entrance features ("Entrance Features") common to gated communities. Because of the layout and location of the entrance road being abandoned, it is necessary to construct the Entrance Features in Tract R-1 of the Plat.

Tract R-1 is owned by the Delray Lakes Homeowners Association ("DLEHOA") pursuant to a County Deed which contains a reverter providing that:

... the property be used solely and exclusively as a Park serving the residents of Delray Lakes Estates, P.U.D., in accordance with the Plat dedication and zoning requirements.

To ensure that we don't run afoul of the reverter, DLEHOA requests that the reverter be modified so as to allow Entrance Features.

Sincerely,

  
Richard W. Carlson, Jr., Esq.

c: Delray Lakes Estates Homeowners Association, Inc.

**ENTITY INFORMATION**

Full Legal Name of Entity: DELRAY LAKES ESTATES HOMEOWNERS ASSOCIATION, INC.  
Entity Address: C/O PHOENIX MGMT., 4800 N. STATE RD. 7,  
#105, LAUDERDALE LAKES, FL 33319  
State of Incorporation/Formation: FLORIDA  
Type of Entity (Corp., Gen. or Ltd. Partnership, etc.): CORPORATION  
Date Incorporated/Formed/Qualified to do Business: 8/8/1980  
President: MARK YELLIN Vice President: MIKE SKENIAN  
Secretary: DREW KISLIN Treasurer: SAM BITTON  
Directors/General Partner/Partners/Members: ANGELO INCORVAIL  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Active:

YES ☒  
NO ☐

Florida Corporation:

YES ☒  
NO ☐

Qualified to do Business in Florida:  
(only applicable to Non-Florida Entities)

YES ☐  
NO ☐

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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## Detail by Entity Name

### Florida Non Profit Corporation

DELRAY LAKES ESTATES HOMEOWNERS' ASSOCIATION, INC.

### Filing Information

Document Number 753696  
FEI/EIN Number 592674063  
Date Filed 08/08/1980  
State FL  
Status ACTIVE  
Last Event CANCEL ADM DISS/REV  
Event Date Filed 12/18/2003  
Event Effective Date NONE

### Principal Address

C/O PHOENIX MGNT  
4800 N. STATE ROAD 7 #105  
LAUDERDALE LAKES FL 33319 US

Changed 04/14/2008

### Mailing Address

C/O PHOENIX MGNT  
4800 N. STATE ROAD 7 #105  
LAUDERDALE LAKES FL 33319 US

Changed 04/14/2008

### Registered Agent Name & Address

GOLDBERG, SHELDON  
4800 N. STATE ROAD 7 #105  
LAUDERDALE LAKES FL 33319 US

Name Changed: 03/23/2007

Address Changed: 03/23/2007

### Officer/Director Detail

#### Name & Address

Title TD

BITTON, SAM  
15464 TALL OAK AVE  
DELRAY BEACH FL 33446

Title VPD

SKENIAN, MICHAEL

8619 SAWPINE RD  
DELRAY BEACH FL 33446

Title D

INCORVAIL, ANGELO  
8554 SAWPINE ROAD  
DELRAY BEACH FL 33446

Title PD

YELLIN, MARK  
8379 SAWPINE ROAD  
DELRAY BEACH FL 33446

Title SD

KISLIN, DREW  
8685 SAWPINE RD  
DELRAY BEACH FL 33446

**Annual Reports**

**Report Year Filed Date**

2009	03/04/2009
2010	04/27/2010
2011	04/24/2011

**Document Images**

<a href="#">04/24/2011 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">04/27/2010 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">03/04/2009 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">04/14/2008 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">03/23/2007 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
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<a href="#">12/18/2003 -- REINSTATEMENT</a>	<a href="#">View image in PDF format</a>
<a href="#">03/27/2002 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">02/28/2001 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">06/23/2000 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">05/06/1998 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">05/07/1997 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">04/15/1996 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">04/17/1995 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>

**Note:** This is not official record. See documents if question or conflict.

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Entity Name Search

[Events](#)   **No Name History**

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State of Florida, Department of State

**EXHIBIT "A"**

**PROPERTY**

The plat of Delray Lakes Estates, PUD, as recorded at Plat Book 41, Pages 200 - 201, inclusive of both, Official Records of the Clerk of the Circuit Court in and for Palm Beach County, Florida.



**EXHIBIT "B"**

**SCHEDULE TO BENEFICIAL  
INTERESTS IN PROPERTY**

Seller is only required to identify five percent (5%) or greater beneficial interest holders. If none, so state. Seller must identify individual owners. If, by way of example, Seller is wholly or partially owned by another entity, such as a corporation, Seller must identify such other entity, its address and percentage interest, as well as such information for the individual owners of such other entity.

NAME	ADDRESS	PERCENTAGE OF INTEREST
------	---------	---------------------------

There are no owners of the Delray Lakes Estates Homeowners' Association, Inc. It is a not-for-profit Florida corporation created for the sole purpose of administering the Declaration of Covenants and Restrictions of Delray Lakes Estates, PUD, ORBook 4549, Page 001, et seq, as amended ("Declaration"). The Delray Lakes Estates Homeowners' Association, Inc., operates pursuant to Florida Statutes Chapters 607 and 720.

Pursuant to the Declaration, membership in the corporation is established by virtue of owning a lot in Delray Lakes Estates, PUD. Membership is not severable from the ownership of the lot. There are 96 lots in Delray Lakes Estates. The beneficial interest of each lot is, in effect, an undivided One-ninety-sixth (1/96<sup>th</sup>) of the corporation.

Hence, based upon the foregoing facts and law, there is no person who owns, has a membership interest of, or a beneficial interest of, more than Five Percent (5%) of the corporation.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_