

TWP 41

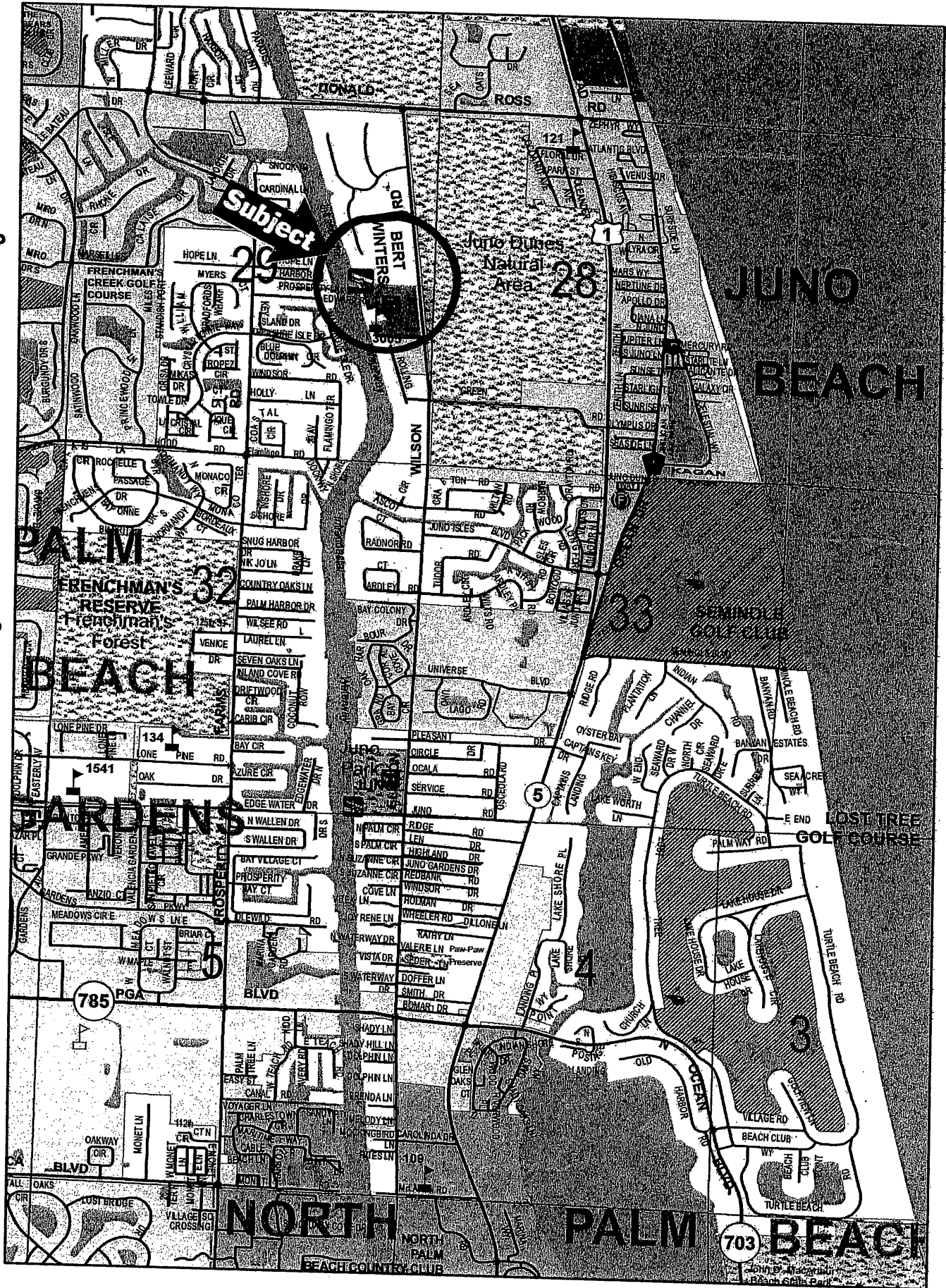
TWP 41

TWP 42

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RNG 43

See pg 35

RNG 43

LOCATION MAP



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

PCN: 00-43-41-29-00-000-5720

**DECLARATION
OF
RESTRICTIVE COVENANT**

THIS DECLARATION OF RESTRICTIVE COVENANT (“Restrictive Covenant”) is made as of this _____ day of _____, 2014, by PALM BEACH COUNTY, a political subdivision of the State of Florida (hereinafter “County”) to satisfy a grant funding condition by the FLORIDA INLAND NAVIGATION DISTRICT, a special state taxing district of the State of Florida (hereinafter “District”).

RECITALS

WHEREAS, the County purchased a parcel of land together with certain property rights from AMIkids, Inc. (“AMIkids”) located within the County’s Bert Winters Park (“Park”) at 13425 Ellison Wilson Road, Juno Beach, Florida, as more particularly described in Exhibit “A”, attached hereto and made a part hereof (“Property”); and

WHEREAS, the County is the sole owner of said Property pursuant to that certain Warranty Deed from AMIkids to County as recorded in ORB 26063, Page 77 in the public records of Palm Beach County; and

WHEREAS, the District approved a Waterway Assistance Program grant for the Park (District Project No. PB-13-169) which provides for the District to contribute up to \$250,000 towards the County’s acquisition costs of the Property and requires the Property be dedicated for public use as a boating access facility for a minimum period of 25 years.

NOW THEREFORE, in consideration of the premises herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the undersigned County does hereby establish and agree to be bound by this Restrictive Covenant upon the Property, which shall run with the land and be binding on County as follows:

1. The recitals and findings set forth in the preamble of this Restrictive Covenant are hereby adopted by reference thereto and incorporated herein as if fully set forth in this Section.

2. The Property shall be for public use primarily as a boating access facility.

3. In the event that construction of the boating access facility as set forth in District Project No. PB-13-169 (the "Project") is not completed by April 25, 2020, the District shall have the right to require the County to reimburse the District's Funds in full.

4. This Restrictive Covenant shall be effective and remain in full force and effect upon recordation in the Palm Beach County public records and shall be binding on the County. Upon completion of the County's construction of the project as set forth in District Project No. PB-13-169 (the "Project"), the County shall execute and record in the Palm Beach County public records an amendment to this Restrictive Covenant to document the completion date of the Project and the commencement of a twenty-five (25) year limitation of this restriction ("Retention Period").

5. County shall notify the District, whose mailing address is 1314 Marcinski Road, Jupiter, Florida 33477-9498 upon any sale, refinancing, foreclosure, conveyance by deed in lieu of foreclosure, change in ownership or change in use of the Property occurring prior to the end of the Retention Period. Prior to any improvements to the Property, County shall coordinate with the District to evaluate whether the proposed improvements are consistent with the District's assistance program rules and/or will impair the primary use of the Property for public boating access. In the event of a change of ownership or change in use of the Property in violation of this Restrictive Covenant, the District shall have the right to require the County to reimburse the District's Funds in full.

6. Invalidation of one of the provisions of this Restrictive Covenant by judgment of the County shall not affect any of the other provisions of the Restrictive Covenant, which shall remain in full force and effect.

7. This Restrictive Covenant shall be filed of record among the Public Records of Palm Beach County, Florida, at the sole cost and expense of the County.

8. This Restrictive Covenant is a covenant running with the Property. On the expiration of the Retention Period, this Restrictive Covenant shall lapse and be of no further force and effect.

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IN WITNESS WHEREOF, the County has caused this Restrictive Covenant to be executed as of the day and year first above written.

ATTEST:

COUNTY:

SHARON R. BOCK
CLERK & COMPTRROLLER

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

By: _____
Deputy Clerk

By: _____
Priscilla A. Taylor, Mayor

Signed and delivered
in the presence of:

Witness Signature

Print Witness Name

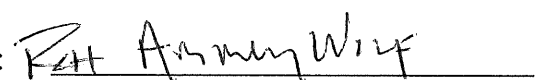
Witness Signature

Print Witness Name

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

APPROVED AS TO TERMS AND
CONDITIONS

By: 
Assistant County Attorney

By: 
Audrey Wolf, Director
Facilities Development & Operations


By: 
Eric Call, Director
Parks & Recreation Department

Exhibit "A"

A PARCEL OF LAND LYING IN THE EAST ONE-HALF (E 1/2) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF SECTION 29, TOWNSHIP 41 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE INTERSECTION OF THE SOUTH LINE OF THE NORTH 800.00 FEET OF THE SAID EAST ONE-HALF (E 1/2) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF SECTION 29 WITH THE EASTERLY BOUNDARY OF THE 500.00 FOOT RIGHT-OF-WAY OF THE INTRACOASTAL WATERWAY AS RECORDED IN PLAT BOOK 17, PAGE 7, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 16° 14' 11" WEST ALONG THE SAID EASTERLY BOUNDARY OF THE 500.00 FOOT RIGHT-OF-WAY OF THE INTRACOASTAL WATERWAY, A DISTANCE OF 221.72 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 16° 14' 11" WEST ALONG THE SAID EASTERLY BOUNDARY OF THE 500.00 FOOT RIGHT-OF-WAY OF THE INTRACOASTAL WATERWAY, A DISTANCE OF 211.62 FEET, THENCE NORTH 77° 12' 45" EAST, A DISTANCE OF 171.89 FEET; THENCE SOUTH 33° 51' 15" EAST, A DISTANCE OF 226.37 FEET; THENCE SOUTH 77° 12' 45" WEST, A DISTANCE OF 240.53 FEET TO THE POINT OF BEGINNING.