

PREPARED BY AND RETURN TO:

DECLARATION OF UNITY OF CONTROL

THIS DECLARATION of Unity of Control ("Declaration") is made this ____ day of _____, 202_, by _____, a _____ (the "Declarant").

RECITALS:

A. The Declarant is the owner of that certain property in Palm Beach County, Florida, more particularly described by the legal description as contained on Exhibit A, attached hereto (collectively the "Property"), which Property is intended to be developed in accordance with the following zoning approval: (Fill in Application No. and Resolution No.), with a site plan approved by Palm Beach County, Florida, a copy of which is attached hereto as Exhibit B. (Exhibit "B" as may be amended from time to time with the approval of Palm Beach County, is referred to herein as the "Site Plan").

B. The Declarant has agreed with Palm Beach County that, for the proper development of the Property, the Declarant shall provide for mutual and reciprocal right-of-way for the purpose of ingress and egress, parking, drainage and utilities of whatsoever nature located within the Property, the enjoyment of which cross easements shall be shared by the respective parties owning any portion of the Property and their respective heirs, successors, assigns and successors in title to all or part of the Property and to the tenants, lessees, agents, employees, guests and invitees of any owner of the Property or any portion thereof and guests and invitees of tenants and lessees legally occupying the Property or any portion thereof.

C. Palm Beach County has a health, safety and welfare interest in safe and efficient traffic circulation on the road and driveway system and the establishment of common drainage and utilities through the establishment of this Declaration that covers the Property.

D. Palm Beach County is a direct, third party beneficiary to this Declaration.

NOW, THEREFORE, in consideration of the grants and agreements herein made and in consideration of \$10.00 in hand paid, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Declarant hereby subjects the Property to the following restrictions:

1. Recitals. The foregoing recitals are incorporated herein by reference as though set forth in detail in this place.
2. Unified Control. All structures, uses and parking areas on the Property are and will be part of a single unified planned development, regardless of ownership. In furtherance of the foregoing, the Property shall be developed in accordance with the Site Plan attached to this Declaration as Exhibit B and shall meet the land development requirements as if they are one lot.
3. Easements. The Declarant hereby dedicates, grants and establishes for the benefit of the Property, and the owner of any portion thereof (as well as their employees, agents, guests, invitees, mortgages, tenants, lessees, subtenants, licensees, heirs, successors and assigns) the following easements:
 - a. A non-exclusive easement for the right-of-way of pedestrians and vehicular ingress and egress over on and across the areas within the Property constituting driveways and roadways, as shown on the Site Plan.
 - b. A non-exclusive easement for the parking of vehicles over, on and across areas within the Property constituting parking areas.
 - c. A non-exclusive easement for the installation, operation and maintenance of utilities necessary to serve all portions of the Property, including, but not limited to, the right to install, maintain, use, repair and replace underground pipes, ducts, conduits and cables as necessary to transmit and distribute electricity, gas, water, sewer, cable television, drainage, telephone, lighting and other utilities and common public services under such present and future areas of the Property constituting parking areas, driveways and roadways, as shown on the Site Plan, and through the other portions of the Property which specifically provide for and contain such utility lines, provided the same does not materially interfere with the use and enjoyment of any portion of the Property.
 - d. A non-exclusive easement for surface water management and drainage necessary to serve all portions of the Property over, under and across such areas within the Property constituting parking areas, driveways and roadways, as shown on the Site Plan which specifically provide for and contain surface water management and drainage facilities, provided the same does not materially interfere with the use and enjoyment of any portion of the Property.
 - e. The owner of the Property shall provide for the perpetual operation and maintenance of all shared/common facilities, and improvements, which are not provided, operated or maintained at public expense.

- e. Third Party Beneficiary Palm Beach County has the right but not the obligation to enforce the Declaration through legal, equitable or administrative proceedings.
- f. The venue for any legal action regarding this covenant shall be in Palm Beach County Florida.

IN WITNESS WHEREOF, this instrument is executed on the day and year first above written.

Signed, sealed, executed and acknowledged on this ___ day of _____, 2022.

DECLARANT:

Witnesseth:

Name: _____

By: _____

Name: _____

STATE OF FLORIDA)

COUNTY OF _____)

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this ___ day of _____, 2022 by, _____ as _____ of _____, on behalf of the _____, who is personally known to me or has produced (type of identification) as identification.

Notary Public
My Commission Expires: _____

