



TOWN OF LOXAHATCHEE GROVES

TOWN COUNCIL MEETING

TUESDAY, NOVEMBER 18, 2014 @ 7:00 P.M.

ADDENDUM #2:

Add to 7.a. RESOLUTIONS: Declaration of Restrictive Covenants / backup for Resolution No. 2014-18 (Day Property)

Mayor David Browning (Seat 4)

Vice Mayor Ron Jarriel (Seat 1)

Councilman Tom Goltzené (Seat 5)

Councilman Ryan Liang (Seat 3)

Councilman Jim Rockett (Seat 2)

This instrument prepared by and return to:

Michael D. Cirullo, Jr., Esq.
GOREN, CHEROF, DOODY & EZROL, P.A.
3099 E. Commercial Blvd., Suite 200
Ft. Lauderdale, FL 33308

DECLARATION OF RESTRICTIVE COVENANTS

THIS DECLARATION OF RESTRICTIVE COVENANTS (“Declaration”) made this _____ day of _____, 2014, by WILLIE H. DAY and FRANKIE J. DAY, as owners of the property located at 12900 Okeechobee Boulevard, Loxahatchee Groves, Florida, and having a mailing address of 119 Meadowlark Drive, West Palm Beach, Florida 33411 (“Declarants”), shall be for the benefit of the TOWN OF LOXAHATCHEE GROVES, a Florida municipal corporation, with an address of 14579 Southern Boulevard, Suite 2, Loxahatchee Groves, Florida 33470 (“Town”).

WITNESSETH:

WHEREAS, Declarants are the fee simple owners of approximately 9.31. acres of land, located at the intersection of Okeechobee Boulevard and Folsom Road in the Town of Loxahatchee Groves, and more particularly described in **Exhibit “A”** attached hereto and made a part hereof (“Property”); and

WHEREAS, Declarants’ intended development of the Property is for commercial development of a maximum of 30,000 sq. ft. of commercial space; and

WHEREAS, Declarants have submitted an application to the Town to amend the land use designation of the property to the Commercial Low (CL) Land Use Designation; and

WHEREAS, Declarants have offered to enter into this Declaration with the Town to place certain restrictions on the development of the Property; and

NOW, THEREFORE, in consideration of the promises and covenants herein contained, Declarants hereby declare that the Property shall be owned, held, used, transferred, sold, conveyed, demised and occupied subject to the covenants, restrictions, and regulations hereinafter set forth, all of which shall run with such Property and any part thereof and which shall be binding upon all parties having any right, title or interest in such Property or any part thereof, their heirs, successors and assigns.

1. Recitations. The recitations set forth above are true and correct and are incorporated into this Declaration by this reference.
2. Property Development. Declarants hereby declare the following:
 - a. All development on the Property shall not exceed a maximum of thirty thousand (30,000) square feet of commercial floor area, which equates to a floor area ratio of 0.074.
 - b. Notwithstanding the provision set forth above in 2a., in the event the Town Council subsequently approves a future project to be located on property having frontage on Okeechobee Boulevard and the future project is approved with a land use designation of Commercial-Low (CL) and a floor area ratio which exceeds the floor area ratio as established for the Property (0.074), then in that event, the Town Council shall approve and re-establish the permitted maximum floor area ratio for the Property to be equal to and consistent with a future project subsequently approved by the Town Council for development with frontage on Okeechobee Boulevard. The re-establishment of the floor area ratio for the Property shall be accomplished through an amendment to this Restrictive Covenant. Any subsequent development on the Property shall be subject to full compliance with Town zoning requirements and to obtaining all the necessary approvals from the Town for any additional development.
3. Limitation of Rights. The Restrictive Covenant applies solely to the Property as legally described in Exhibit "A." It is specifically not intended to convey, provide, or create any development rights, land use, or zoning, to any other Parcel or property that may be adjoined to the Property through a Unity of Title or similar instrument.
4. Amendments. This Declaration shall not be modified, amended or released, except by written instrument, executed by the then owner or owners of the Property as to the restrictions set forth in paragraph 2(b) above, unless previously approved by the Town Council as evidenced by a duly adopted Resolution.
5. Recordation and Effective Date. This instrument shall not become effective until recorded in the Public Records of Palm Beach County, Florida. Once recorded, this Declaration shall run with the Property for the sole benefit of Town and shall bind all successors and assigns to the title of the Property.
6. Severability. If any court of competent jurisdiction shall declare any section, paragraph or part thereof invalid or unenforceable, then such judgment or decree shall have no effect on the enforcement or validity of any other section, paragraph or part hereof, and the same shall remain in full force and effect.
7. Captions, Headings and Titles. Articles and paragraph captions, headings and titles inserted throughout this Declaration are intended as a matter of convenience only and in no way shall such captions, headings or titles define, limit or in any way affect the

subject matter or any of the terms and provisions thereunder or the terms and provisions of this Declaration.

8. Context. Whenever the context requires or admits, any pronoun used herein may be deemed to mean the corresponding masculine, feminine or neuter form thereof, and the singular form of any nouns or pronouns herein may be deemed to mean the corresponding plural form thereof and vice versa.

IN WITNESS WHEREOF, Declarants have executed this Declaration of Restrictive Covenants on the day first above written.

WITNESSES:

Printed Name

Printed Name

Printed Name

Printed Name

WILLIE H. DAY
119 Meadowlark Drive
West Palm Beach, Florida 33411

FRANKIE J. DAY
119 Meadowlark Drive
West Palm Beach, Florida 33411

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this ____ day of _____, 2014, by WILLIE H. DAY and FRANKIE J. DAY.

NOTARY PUBLIC

____ Personally Known OR
____ Produced Identification

Type of Identification Produced

EXHIBIT "A"

LEGAL DESCRIPTION

LOXAHATCHEE GROVES TR 33 (LESS W 1158.6 FT, E 50.02 FT & NELY TRGLR PAR
ADDL FOLSOM RD R/W) BLK F

Parcel Control Number 41-41-43-17-01-633-0010