

**RESTRICTIVE COVENANT**

This Restrictive Covenant, made and executed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_ (“Owner”).

**WITNESSETH:**

Whereas, the Owner is the owner of that water management tract with designated planted littoral shelves, as legally described in Exhibit “A” attached hereto and made a part hereof; and

Whereas, the final site plan certified by the Palm Beach County Development Review Officer under Petition No. \_\_\_\_\_ (or another appropriate site plan) is set forth in Exhibit “B” attached hereto and made a part hereof; and

Whereas, there is a required \_\_\_\_\_ square foot coverage to be planted in accordance with an associated littoral planting plan and maintained at a minimum of 80% as approved by the County Department of Environmental Resources Management (“ERM”) in the approved Notice of Intent to Construct for Excavation (NIC) \_\_\_\_\_(number) which can be found at ERM.

NOW, THEREFORE, in accordance with the Palm Beach County Unified Land Development Code (“ULDC”), Article 4, Chapter B, Section 10, Excavation Uses, Owner, its successors, heirs and assigns, must provide for and perpetually maintain the planted littoral shelves as more specifically provided for in Exhibit A attached hereto and NIC approval. 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 attached hereto and NIC approval, 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 Owner, its successors, heirs and assigns, to maintain the required survivorship and coverage of the reclaimed upland and planted littoral areas as set forth in Exhibits A attached hereto and NIC approval 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 B, Section 10, Excavation Uses, and planting plans as approved by ERM and set forth in Exhibits A attached hereto and NIC approval. These restrictions shall be deemed covenants running with the land. This restrictive covenant may be amended upon written request by an applicant and approval by ERM. This restrictive covenant may terminate if the site plan in Exhibit “B” is no longer in effect unless a water management tract is excavated. A written request to terminate this restrictive covenant must be submitted to ERM for approval. A copy of the termination of restrictive covenant shall be provided to ERM.

In witness, Owner hereunder executes this Restrictive Covenant the day and year first written above.

ATTEST:  
SHARON R. BOCK, Clerk & Comptroller

PALM BEACH COUNTY, a  
Political Subdivision of the State of Florida

Board of County Commissioners

By: \_\_\_\_\_  
(Deputy Clerk)

By: \_\_\_\_\_  
(Mayor)

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

\_\_\_\_\_  
(Assistant County Attorney)

**STATE OF FLORIDA  
COUNTY OF PALM BEACH**

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by \_\_\_\_\_ (name of person acknowledging). He/she is personally known to me or has produced \_\_\_\_\_ (type of identification) as identification and did/did not take an oath (circle correct response).

\_\_\_\_\_  
(Name – type, stamp or print clearly)

\_\_\_\_\_  
(Signature)

My Commission Expires: \_\_\_\_\_