



Mail original copy to:
Willie Swoope, Impact Fee Manager
Planning, Zoning & Building
2300 BUILDING
2300 N. Jog Road
West Palm Beach, FL 33411-2741
(561) 233-5025

**DECLARATION OF RESTRICTIVE COVENANT REGARDING REDUCED
ROAD IMPACT FEE FOR AGE RESTRICTED COMMUNITIES
(PLEASE READ CAREFULLY AND TYPE INFORMATION IN THE BLANK SPACES)**

This Declaration of Restrictive Covenant (hereinafter referred to as "Declaration"), is executed this ____ day of _____, 20____, by _____, its corporate successors and assigns (hereinafter referred to as "Owner"), and by Palm Beach County, a political subdivision of the State of Florida (hereinafter referred to as "County"). The legal address of this property is _____.

RECITALS

WHEREAS, County is empowered and authorized to adjust the amount of the Fair Share Road Impact Fee (hereinafter "Impact Fee") pursuant to Article 13 of the Unified Land Development Code and the laws of the State of Florida; and

WHEREAS, both the County and the Owner have determined that it is in their best interests to execute this Declaration, and that this Declaration will further the aims of the Fair Share Road Impact Fee Section 13H. of the Unified Land Development Code (hereinafter referred to as "Article 13"); and

WHEREAS, Owner is developing a certain parcel of land (hereinafter referred to as "Parcel"), a legal description of which is contained in Exhibit "A" attached hereto and incorporated herein by reference. NOW THEREFORE, in consideration of



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the County's adjusting the Impact Fee amount and the promises made by the parties hereto and other good and valuable consideration, the sufficiency of which is hereby acknowledged by the parties, the parties hereto do covenant and agree as follows:

1. The County computed the Impact Fee for the use of the Parcel based on the trip generation data for an age restricted community under the Fair Housing Amendments Act of 1988 (hereinafter the Fair Housing Act"), resulting in a traffic generation rate of 8 trips per unit as provided by qualified engineers. This traffic generation data has been submitted to and accepted by the County Engineer and the Impact Fee Manager pursuant to Article 13.

2. The County and Owner agree in the event the Parcel, or any portion thereof, no longer qualifies as an age restricted community, or otherwise converts to a use that generates more traffic, the Owner or its successors in interests or assigns, covenant and agree to pay any additional Impact Fee applicable. The Declaration of Covenants and Restrictions for the Parcel shall provide for such.

3. The County and Owner agree that no future building permits for additional development beyond that set forth on the certified site plans for the Parcel will be issued, and no change of use to more intensive use will be permitted, until a statement by the County Engineer verifies that any such changes will comply with Article 13.

4. Upon receipt of the County Engineer's statement and upon payment of the additional Impact Fees required by Article 13, as amended, the Planning, Zoning and Building Department of Palm Beach County will issue the



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necessary permits. Any Impact Fees originally paid by Owner will be credited to Owner towards the payment of these additional fees.

5. This Declaration may be amended or canceled in a properly executed and recorded document, indicating mutual consent of the parties to this Declaration or by their successors interest. The Impact Fee Manager must execute the document.

6. If a provision of this Declaration is rendered void or unenforceable by a court of competent jurisdiction or by any act of the Legislature, the remaining provisions shall remain in effect to the degree they can be given effect.

7. This Declaration shall be and constitute an obligation on the property of the Owner, running with and binding on the Parcel, regardless of the title or ownership thereof, and regardless of any changes which may take place therein.

8. The terms of this Declaration shall be effective on the date of recording, and shall be binding upon and shall inure to all successors in interest to the parties to the Declaration, and shall run with the Owner's land.

9. Within fourteen (14) days after the parties have approved and executed this Declaration, the Developer shall record this Declaration with the Clerk of the Circuit Court, Palm Beach County, Florida. No permit shall be issued or use commenced on the Parcel until a certified recorded copy of this is delivered to the Palm Beach County Impact Fee Manager.

IN WITNESS WHEREOF, the Owner has executed this Declaration the day and year first above written.



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WITNESSES

DEVELOPER/OWNER

Typed or Printed Name

Typed or Printed Name

Telephone #

Typed or Printed Name

Petition #

PR #

STATE OF _____

COUNTY OF _____

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and the County aforesaid to take acknowledgments, personally appeared _____, to me known to be the person described in and who executed the foregoing instrument and he acknowledged before me that he executed the same under the authority duly vested in him.

WITNESS my hand and official seal in the State and County last aforesaid this ____ day of _____, 20____.

NOTARY PUBLIC

My Commission Expires:



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The terms and conditions of the foregoing Declaration and Restrictive Covenant Regarding Road Impact Fee, to the extent the same are binding on Palm Beach County, are hereby accepted by the undersigned on behalf of Palm Beach County as its duly authorized representative this ____ day of _____, 20____.

WITNESSES

PALM BEACH COUNTY, FLORIDA

Willie M. Swoope
Impact Fee Manager
Telephone #: (561) 233-5025

Typed or Printed Name

Typed or Printed Name

STATE OF _____

COUNTY OF _____

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and the County aforesaid to take acknowledgments, personally appeared _____, to me known to be the person described in and who executed the foregoing instrument and he acknowledged before me that he executed the same under the authority duly vested in him.



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WITNESS my hand and official seal in the State and County last aforesaid

this ____ day of _____, 20____.

NOTARY PUBLIC

My Commission Expires:

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Leonard Berger
Assistant County Attorney



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**LEGAL DESCRIPTION
EXHIBIT "A"**