

AMENDED AGREEMENT FOR UNITY OF TITLE AND OTHER RESTRICTIONS

THIS AGREEMENT, dated this _____ day of _____, 2022, by and between BILTMORE GALLERIA, LIMITED, and TOWN OF PALM BEACH.

W I T N E S S E T H:

In consideration of the granting of the Zoning Variance and Site Plan Request Number ZON 22-132 as modified, (the “Request”), to BILTMORE GALLERIA LLC on November 9, 2022 approving a private academic school use and a variance for a reduction in the number of required parking spaces, and for other good and valuable consideration received from the TOWN OF PALM BEACH, the Developer, which as used herein shall mean the BILTMORE GALLERIA LLC, its successors and/or assigns, (the “Developer”), agrees to restrict the use of the real property described in Exhibit “A” attached hereto by the conditions listed below which shall be covenants running with the land unless and until such time as the same shall be released or modified in writing by the TOWN OF PALM BEACH, Florida:

1. Said property shall be considered as one plot and parcel of land and no portion of said plot or parcel of land shall be sold, transferred, assigned or mortgaged separately but rather only in its entirety as one plot and parcel of land.
2. The Developer shall record this Agreement at its own expense in the Records of Palm Beach County and shall thereafter file this Agreement in the Office of the Town Clerk in and for the TOWN OF PALM BEACH.

IN WITNESS WHEREOF, the parties hereto have subscribed their names the day and year first aforesaid.

Witnesses:

BILTMORE GALLERIA, LLC
A Florida Limited Partnership

By: _____
Name: _____
Title: _____

STATE OF FLORIDA)
) SS.
COUNTY OF PALM BEACH)

The foregoing instrument was acknowledged before me this ____ day of November, 2022, by _____, General Partner of BILTMORE GALLERIA, LLC, a Florida limited partnership on behalf of said partnership.

(NOTARY SEAL)

Notary Public

My Commission Expires:

Witnesses:

TOWN OF PALM BEACH

By: _____
Name: _____
Title: _____

ATTEST: _____

APPROVED:

STATE OF FLORIDA)
) SS.
COUNTY OF PALM BEACH)

The foregoing instrument was acknowledged before me this ____ day of November, 2022,
by _____, the _____ of THE TOWN OF PALM BEACH,
Florida, a Florida municipality, on behalf of the Town of Palm Beach.

(NOTARY SEAL)

Notary Public

My Commission Expires:

EXHIBIT A

That property located on Lots 46 through 55 inclusive, SUNRISE AVENUE ADDITION, Number 2, on addition to the Town of Palm Beach, Palm Beach County, Florida, according to the Plat thereof on file, in Plat Book B, Page 69, in the Office of the Clerk of the Circuit Court of Palm Beach County, Florida, and that property located at the southeast corner of the intersection of Bradley Place and Park Avenue, and Lots 35, 36 and 37, BUNGALOW PARK ADDITION, an addition to the Town of Palm Beach, Palm Beach County, Florida, according to the Plat thereof on file in Plat Book 7, Page 26, in the Office of the Clerk of the Circuit Court of Palm Beach County, Florida.

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