

AMENDED AGREEMENT FOR UNITY OF TITLE AND OTHER RESTRICTIONS
("AGREEMENT")

This Agreement, dated this _____ day of _____, 2022, by and between BILTMORE GALLERIA, LLC, a Florida limited liability company ("Property Owner"), and the TOWN OF PALM BEACH, a Florida municipality ("Town").

W I T N E S S E T H:

In consideration of Town Council granting to Property Owner the approval of Application Number ZON-22-132 for a Special Exception with Site Plan Review to allow a 3,038 square foot private preschool in the Commercial-Town Serving (C-TS) zoning district, together with a Variance from the off-street parking requirements to eliminate required surface parking spaces and convert it into a playground area (the "Request"), on November 15, 2022, and for other good and valuable consideration received from the Town, the Property Owner agrees to restrict the use of the real property described in Exhibit "A" attached hereto ("Property") 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:

1. The 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 Property Owner 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.

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

Witnesses:

BILTMORE GALLERIA, LLC
A Florida Limited Liability Company

By: _____
Name: _____
Title: _____

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

The foregoing instrument was acknowledged before me this ____ day of November, 2022, by _____, President 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 8, 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.