



LETTER OF INTENT FINAL SUBMITTAL

DATE: October 7, 2024

TO: Town of Palm Beach, Planning, Zoning & Building Dept.

RE: SOCIETY OF THE FOUR ARTS

REQUEST

On behalf of the Society of the Four Arts, Inc. (“**Applicant**”), Shutts & Bowen LLP (“**Agent**”) submits this request for a Special Exception (“**SE**”), a Site Plan Review (“**SPR**”), a Variance, a Certificate of Appropriateness (“**COA**”) for design approval and demolition greater than 50% of a non-historic facade, and an easement abandonment of the Lake Trail right-of-way (“**Abandonment**”), for The Society of the Four Arts (“**Four Arts**”) located on a 7.68-acre site at 100, 101, 102, and 103 Four Arts Plaza, and 240 Coconut Row (“**Site**”).

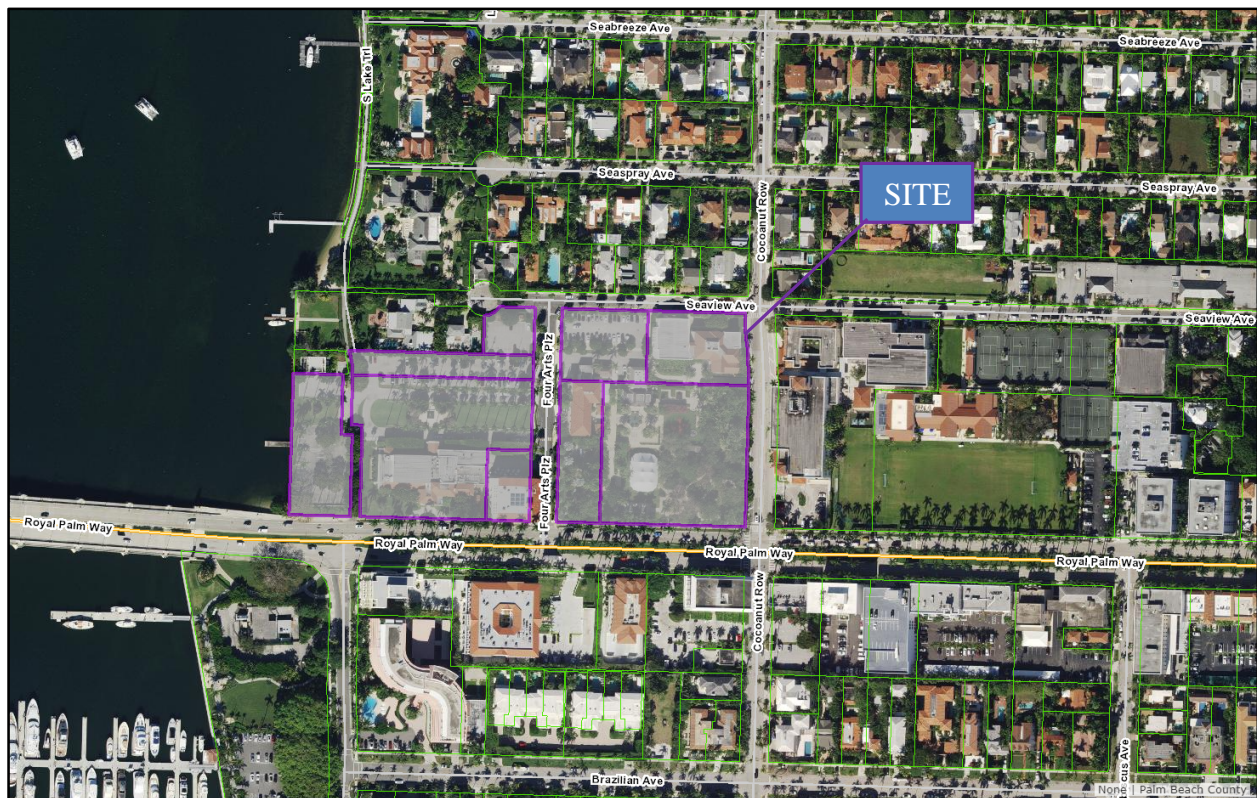


FIGURE 1 – Location map

Property Address:	100, 101, 102, and 103 Four Arts Plaza, and 240 Coconut Row (<i>Figure 1</i>)
Parcel Control Number (“PCN”):	50434323050210010; 50434322000030030; 50434322000030080; 50434323050210010; 50434323050210031; 50434322000030090; 50434322000030140; 50434323050210040; 50434323050210050
Current Zoning:	R-B Low Density Residential District (“ R-B District ”)
Proposed Zoning:	Cultural Institution District (“ CI District ”)
Existing Future Land Use (“FLU”)	Single-Family (“ SF ”), Recreation (“ REC ”), Public Use (“ PUB ”), and Private Group Use (“ PGU ”)
Proposed FLU	PGU
Municipality:	Town of Palm Beach (“ Town ”)

BACKGROUND

The Four Arts is a non-profit cultural organization founded in 1934. Its mission is “*to enrich, inspire and engage the community, enhancing the quality of our lives through educational and cultural programs in art, music, drama, literature, historical and current affairs.*”

The Site is bifurcated by the Four Arts Plaza and Lake Trail right-of-way. Four Arts Plaza effectively splits the Site into a 4.7-acre east side (“**East Campus**”) and an approximately a 2.98-acre west side (“**West Campus**”), and Lake Trail further splits the West Campus (see Figure 1). For the purposes of this application, Town staff has requested that the request be submitted with an East Campus and a West Campus.

The Site is currently operating under a Unity of Title (OR Bk. 5547 Pg. 315), a Unity of Control (OR Bk. 24887 Pg. 1925), and a Declaration of Use (OR Bk. 24762 Pg. 1457), copies of which are attached as **Exhibit “A”**.

The Site is currently developed with a theater, a museum, a sculpture garden, a botanical garden, a public library, a children’s library, offices, residential units above the first floor, classrooms, an auditorium, along with other ancillary uses (collectively the “**Existing Development**”):

East Campus:

- The Dixon Education Building (18,938 square feet (“**sq. ft.**”))
- The King Library (9,470 sq. ft.)
- The Philip Hulitar Sculpture and Botanical Garden.

West Campus:

- The Rovensky Building which includes the children’s library (18,750 sq. ft.)
- The Esther B. O’Keeffe Gallery Building (22,565 sq. ft.)

After the successful conversion of the Dixon Building and after the glowing restoration of the King Library, Four Arts has recognized what is plain for all to see—that the Rovensky and Esther B. O’Keeffe Gallery buildings, each approaching 100 years of age and neither designed for the functions it now tries to fulfill, poorly serve the needs of the Four Arts—are, in a phrase, *not fit for purpose*.

As such, the Applicant proposes to improve the Site as indicated below (collectively the “**Project**”). See the Applicant’s Narrative that explains the detailed background and project goals, a copy of which is attached as **Exhibit “B”**.

- To seek a new, safe location for the children’s library, currently on the second floor of the Rovensky Building, with the aid of a new building.
- To upgrade the Gubelmann auditorium in the Esther B. O’Keeffe Gallery building and create backstage and support areas that do not currently exist.
- To upgrade the exhibition galleries in the Esther B. O’Keeffe Gallery building and create support areas that do not currently exist.
- To enhance visitor experience in the Esther B. O’Keeffe Gallery building (access, circulation, lighting, air-conditioning, acoustics, box office, restrooms, etc.).
- To re-configure the interior of the Rovensky building better to accommodate offices and meeting rooms.
- To create an identity for the anonymous, dispersive, and difficult-to-navigate Site by means of landscaping, signage, wayfinding, and lighting.

REQUEST

A SE and SPR to modify the Four Arts Existing Development to:

- Expand the Rovensky Building from 18,750 sq. ft. to 29,488 sq. ft. (+ 10,738 sq. ft.), which includes an expansion to the existing third floor:
 - Increase the office component from 10,619 sq. ft. to 20,599 sq. ft. (+ 9,980 sq. ft.)
 - Decrease the residential from 2,091 sq. ft. to 1,089 sq. ft. (- 1,002 sq. ft.)
 - Decrease the museum from 1,228 sq. ft. to 0 sq. ft.
 - Increase the children’s library from 4,812 sq. ft. to 7,800 sq. ft. (+ 2,988 sq. ft.).
 - Add a new 1,671 sq. ft. third floor terrace.
- Expand the Esther B. O’Keeffe Gallery Building from 22,565 sq. ft. to 32,500 sq. ft. (+ 9,935 sq. ft.):
 - Increase the theater from 10,559 sq. ft. to 19,586 sq. ft. (+ 9,027 sq. ft.)
 - Increase the office from 6,416 sq. ft. to 7,728 sq. ft. (+ 1,312 sq. ft.)
 - Increase the museum from 4,297 sq. ft. to 5,186 sq. ft. (+ 889 sq. ft.)
 - Increase the outdoor covered area from 220 sq. ft. to 2,380 sq. ft. (+ 2,160 sq. ft.)
- Minor improvements within the East Campus:
 - Improvements to the shade house and storage building.
 - Renovate to provide a climate-controlled supply storage space.
 - Modify the parking spaces.
- Variance from the Town’s Zoning Code of Ordinances (“**Code**”):

Code Section	Variance
Sec. 134-2176	To allow a reduction from 294 to 233 in the number of required parking spaces <i>(Note that the final number of parking spaces is contingent on the outcome of the Abandonment).</i>

A COA for the following:

New construction

- As indicated above, the Project proposes to expand the Rovensky Building by adding 10,738 sq. ft., expand the Esther B. O’Keeffe Gallery Building by adding 9,935 sq. ft., and enclose the existing shade house and storage building to create a 1,241 sq. ft.
 - See **Exhibit “B”** for the details of the background and Project goals as outlined by the Applicant.

Partial demolition.

- See the demolition plan which indicates the details.

Rovensky Building				
Walls – Elevations	North	South	East	West
Total elevation exterior wall area (sq. ft.)	3,694	3,720	3,736	4,029
Exterior wall area to be removed (sq. ft.)	227	-	-	448
% of wall area to be removed (each elevation)	6.1%	-	-	11.1%
Area of exterior wall to be concealed by new construction (sq. ft.)	3,245	-	-	-
Rovensky Building Roof				
Total existing roof area (sq. ft.)	7,967			
Roof area to be removed, including structure (sq. ft.)	4,428			
% of roof area to be removed	55.6%			
Area of existing roof to be concealed by new construction	-			

Esther B. O’Keeffe Gallery Building				
Walls – Elevations	North	South	East	West
Total elevation exterior wall area (sq. ft.)	5,568	5,284	2,742	3,206
Exterior wall area to be removed (sq. ft.)	812	1,379	353	2,325
% of wall area to be removed (each elevation)	14.1%	26.1%	12.9%	72.5%
Area of exterior wall to be concealed by new construction (sq. ft.)	2,376	2,749	300	470
Esther B. O’Keeffe Gallery Building Roof				
Total existing roof area (sq. ft.)	20,786			
Roof area to be removed, including structure (sq. ft.)	9,894			
% of roof area to be removed	47.6%			
Area of existing roof to be concealed by new construction	2,590			

Abandonment of Lake Trail easement:

- Lake Trail is a public right-of-way used by pedestrians and located west of the Esther B. O’Keeffe Gallery Building. It currently connects to Royal Palm Way at the southwest end of the Site, but creates a safety hazard for pedestrians crossing Royal Palm Way since there is no crosswalk to cross at that location.
- At the time of the dedication of the Lake Trail right-of-way to the Town, the intended nature of the dedication was for use of the area as an easement rather than acting as a conveyance of fee simple title of the right-of-way. To resolve the issue, an Agreement Regarding Dedication of Right-Of-Way clarified the intended nature of the use as an easement and in furtherance (recorded in OR Bk. 34399 Pg. 1434), the Town quit claimed the right-of-way to the Applicant (see a copy of the Agreement Regarding Dedication Of Right-Of-Way attached as **Exhibit “C”**).
- Considering the Proposed Project, the Applicant proposes two options for the relocation of this pedestrian pathway:
 1. Abandon the existing easement and create a new pathway that connects to Seaside Avenue. This is the preferred and safer option since pedestrians can utilize the existing sidewalk network that connects to Town approved crosswalks.
 2. Provide and record a new easement for a pedestrian pathway along western property line adjacent to the Lake Worth Lagoon. Although the Applicant is proposing this as an option, it does not fix the safety issue when crossing Royal Palm Way since there is no proposal to add a crosswalk at the southwest corner of the Site to cross Royal Palm Way.

PARKING STATEMENT

The Four Arts is a unique Site within the Town that serves a function that is different from any other uses within the Town and, as such, does not directly match with the Code categories that have been applied in the initial determination of parking requirements. As such, the Site will require a variance from the Code. In support of the variance, the actual parking needs for the Site have been calculated using an alternate methodology. In this case, the parking needs for the Site were calculated using Code parking requirements in combination with shared parking principles, recognizing that different use components within the Site experience peak parking demands at different times of the day. Therefore, the evaluations that were undertaken included adjustments to reflect hourly variation in demand as well as differences in weekday and weekend parking demand needs. These adjustments were based upon data published by the Urban Land Institute (“**ULI**”) in Shared Parking, Third Edition. A complete Parking Requirements Evaluation report was completed by Kimley Horn, a copy of which is attached hereto as **Exhibit “D”**.

The Project proposes a total of 233 parking spaces.

- 150 spaces – west campus
- 41 parking spaces – east campus
- 42 parking spaces – stabilized surface grass parking

Accounting for variations in time-of-day demand for uses on site, the peak parking needs for the campus are anticipated to be approximately 232 spaces during the weekday peak period in which the theater is in use. Therefore, the parking needs for the site are anticipated to be met.

SUPPLEMENTAL APPLICATION REQUIREMENTS

- Exhibit A – Copies of the Unity of Title, Unity of Control, and Declaration of Use.
- Exhibit B – Four Arts Applicant’s Narrative.
- Exhibit C – Lake Trail Right-of-Way Dedication.
- Exhibit D – Parking Requirement Report
- Exhibit E – Special Exception review by Town Council Section 134-229.
- Exhibit F – Site Plan Review by Town Council Section 134-329.
- Exhibit G – Findings prior to authorization of a Variance Section 134-201.
- Exhibit H – Issuance of a Certificate of Appropriateness Section 54-122.
- Exhibit I – Property Info sheet with the Location Map
- Exhibit J – Legal Description.

EXHIBIT A

Copies of the Unity of Title, Unity of Control, and Declaration of Use.

EXHIBIT A

JOHNSTON, SASSER, RANDOLPH & WEAVER, P.A.

ATTORNEYS AND COUNSELORS AT LAW

310 OKEECHOBEE BOULEVARD

WEST PALM BEACH, FLORIDA 33402

P. O. BOX M

HARRY A. JOHNSTON II
DONALD J. SASSER
JOHN C. RANDOLPH
H. ADAMS WEAVER
ANN MARIE G. REZZONICO
JOYCE A. CONWAY

HENRY F. LILIENTHAL
1902-1962

HARRY ALLISON JOHNSTON
1898-1963

December 31, 1987

TELEPHONE
(305) 655-0106

TELECOPIER
(305) 655-1099

David Zimmerman
Building & Zoning Official
Town of Palm Beach
PO Box 2029
Palm Beach, Florida 33480

re: Unity of Title for Society of the Four Arts

Dear Dave,

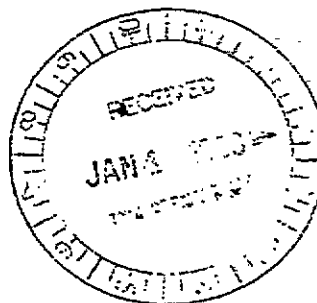
I have reviewed the above-referenced Unity of Title, and hereby approve same. If it meets with your approval, I will have this document recorded and send the bill for recording to the office of Coe and Broberg.

Very truly yours,



John C. Randolph

JCR/ajs
Enclosure
cc: Coe and Broberg





TOWN OF PALM BEACH

Building and Zoning Department

*cc'd
document
Principal
pk
3rd add*

January 7, 1988

Attorney John C. Randolph
310 Okeechobee Boulevard
West Palm Beach, Florida 33401

Re: Unity of Title - Society of the Four Arts

Dear Skip,

The Unity of Title meets with our approval. Please record
per your letter of December 31, 1987.

Sincerely,

David C. Zimmerman
Deputy Building and Zoning Official

DCZ:cmd

cc: Mr. Robert L. Moore, Building Official
pf

UNITY OF TITLE AGREEMENT

In consideration of the granting of Special Exception #15-87 by the Town of Palm Beach, Florida, to THE SOCIETY OF THE FOUR ARTS, a non-profit corporation organized and existing under the laws of the State of Florida, for the use of land described in Parcel #1 in Exhibit A attached hereto for purposes of vehicular parking for its guests, patrons and employees, THE SOCIETY OF THE FOUR ARTS, owner of the real properties described as Parcel #1 and Parcel #2 in Exhibit A attached hereto, agrees to restrict the use of said Parcels in the following manner:

1. Said Parcels shall be considered as one parcel of land, and that no portion of said parcel of land shall be sold, transferred, assigned, or mortgaged separately, but rather only in its entirety as one parcel of land.

2. The Owner further agrees that this condition, restriction and limitation shall be deemed a covenant running with the land, and shall remain in full force and effect, and be binding upon the Owner, its successors and assigns unless and until such time as the same may be released or modified in writing by the Town of Palm Beach, Florida.

3. The Owner further agrees that this instrument may be recorded in the public records of Palm Beach County, Florida, and shall constitute notice to all persons whomsoever of the terms and provisions herein set forth.

THIS AGREEMENT signed, sealed and acknowledged this 15TH day of December, 1987.

THE SOCIETY OF THE FOUR ARTS

By: Walter A. Gubelmann

President

(SEAL)

Signed, sealed and delivered
in the presence of:

Carol M. Young
WITNESS

Carol M. Young
WITNESS

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 15TH day of December, 1987 by WALTER S. GUBELMANN as President of THE SOCIETY OF THE FOUR ARTS, a non-profit corporation, on behalf of the Corporation.

Carol B. Meadows
NOTARY PUBLIC

My Commission Expires: 12/31/1991

PARCEL #1

- (a) The East 100 feet of the following described property:

A parcel of land in Section 22, Township 43 South, Range 43 East, particularly described as follows:

Beginning at a point in the westerly extension of the south line of a strip of land ten (10) feet in width, designated as "10' path for wheelchairs, bicycles and pedestrians only" on plat of POINCIANA PARK, 3rd Addition, as filed in plat book 8, page 72, Public Records of Palm Beach County, Florida; thence easterly along said westerly extension and along the south line of said 10' path a distance of 354 feet, more or less, to a point in a circular drive having a radius of 36 feet, as shown on said plat; thence southerly and easterly along the circumference of said circle to a point in the south line of Seaview Avenue, as shown on said plat; thence easterly along the south line of said Seaview Avenue to a point of intersection with the West line of Ceiba Avenue, as now laid out and in use; thence southerly along the West line of said Ceiba Avenue, a distance of 102.50 feet, more or less, to a point in a line parallel to and 125 feet south of, measured at right angles to, the south line of the said 10' path; thence westerly along said parallel line a distance of 493 feet, more or less, to the waters of Lake Worth; thence northerly along the waters of Lake Worth to the point of beginning, including all riparian rights belonging to said property, said property being commonly known and referred to as No. 15 South Lake Trail.

- (b) The East 4 feet of the property described as follows: A parcel of land in Section 22, Township 43 South, Range 43 East, described as follows: Commence at the intersection of the centerline of Seaview Avenue as shown on the plat of Poinciana Park, 3rd Addition as recorded in Plat Book 8, page 72, Public Records of Palm Beach County, Florida, and the centerline of Four Arts Plaza (Ceiba Avenue) as now laid out and in use; thence South along said centerline, a distance of 119.81 feet; thence westerly at an angle to the preceding course, a distance of 128.00 feet to the Point of Beginning; thence continue westerly along said course, a distance of 108.32 feet; thence northerly, parallel to said centerline of Four Arts Plaza, a distance of 107.00 feet; thence easterly, parallel to said centerline of Seaview Avenue a distance of 68.40 feet to the point of intersection with a curve concave to the northeast and having a central angle of 79 13'05" and a radius of 36.0 feet; thence southeasterly along the arc of said curve, a distance of 49.77 feet to the point of intersection with a line extending northerly from the point of beginning parallel to the said centerline of Four Arts Plaza; thence southerly along said line, a distance of 84.36 feet to the Point of Beginning. Said parcel being in the Town of Palm Beach, Palm Beach County, Florida.

PARCEL #2

- (a) The South 1/2 of Subdivision North of Government Lot 3, West of Ceiba Avenue (Four Arts Plaza), a parcel of land in Section 22, Township 43 South, Range 43 East.
- (b) Lot 1, the West 125 feet Lot 2 and the East 47 feet of the North 145 feet Lot 3, Block A, Royal Park Addition as in Plat Book 4, page 1.
- (c) The East 88.9 feet Lot 4, Lot 5, Lot 6, Lot 7 and the West 10 feet of Lot 47, Block A, Royal Park Addition as in Plat Book 4, page 1.

EXHIBIT "A"

RECORD VERIFIED
PALM BEACH COUNTY, FLA
JOHN B. DUNKLE
CLERK CIRCUIT COURT

RETURN TO
FREDERICK SASSER, RANDOLPH & WEAVER
P.O. BOX 14
PALM BEACH, FLA 33402



CFN 20110451564
OR BK 24887 PG 1925
RECORDED 12/06/2011 12:09:31
Palm Beach County, Florida
Sharon R. Bock, CLERK & COMPTROLLER
Pgs 1925 - 1934; (10pgs)

Prepared by, Record, and Return to:
Harvey E. Oyer III, Esq.
Shutts & Bowen LLP
525 Okeechobee Boulevard
Suite 1100
West Palm Beach, Florida 33401

UNITY OF CONTROL AGREEMENT

THIS UNITY OF CONTROL AGREEMENT ("Agreement") is made and entered into as of this 5 day of December, 2011, by and among THE SOCIETY OF THE FOUR ARTS, INC., a Florida not-for-profit corporation ("Four Arts"), EMBASSY CORPORATION, a Florida corporation ("Embassy") (Four Arts and Embassy are sometimes hereinafter referred to individually as an "Owner" or collectively as the "Owners") and the TOWN OF PALM BEACH, a municipal corporation existing under the laws of the State of Florida ("Town").

RECITALS:

WHEREAS, Owners are the fee simple title holders of the following described properties situated, lying and being in the Town of Palm Beach, Palm Beach County, Florida (each a "Property" and collectively the "Properties");

SEE EXHIBIT "A" ATTACHED HERETO

and

WHEREAS, Owners are seeking construction permits to renovate the old public school located at 240 Cocoanut Row in accordance with Special Exception No. 19-2011 with Site Plan Review and Variance, as approved by the Town Council on July 13, 2011 ("Approval"); and

WHEREAS, it is the desire of the Owners, in consideration for the receipt of said construction permits and as a condition of the Approval, to create this Unity of Control, unifying the above-described seven (7) parcels so that the requirements of the Town and the Approval will be satisfied.

AGREEMENT:

NOW, THEREFORE, in consideration of Ten and 00/100 (\$10.00) Dollars and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Owners and the Town agree as follows:

1. The above-described Recitals are true and correct and incorporated herein by this reference.

2. All of the above described Properties shall be considered as a single property for control purposes. Owners are related entities that are under the same ownership control.

2. No portion of said Properties shall be sold, transferred, devised, leased or assigned separately from the whole of the Property, except upon prior written approval of the Town.

3. In the event a request is made in the future that this Unity of Control be released, should the Properties otherwise be in compliance with the Town's comprehensive plan, zoning ordinance and the regulations of the Town, the Town shall, upon written request by the Owners, their successors or assigns, execute a recordable termination of this Unity of Control.

4. This Agreement shall be a covenant running with the Properties and shall be binding upon the Owners, their successors and assigns, and shall constitute notice to all persons whomsoever of the terms and provisions herein set forth.

5. This Agreement shall be recorded in the public records of Palm Beach County, Florida.

IN WITNESS WHEREOF the parties have executed and entered into this Unity of Control Agreement as of the date set forth above.

As to Parcels 1 through 6:

Signed, sealed and delivered

in the presence of:

Witness

Print Name

Witness

Print Name

THE SOCIETY OF THE FOUR ARTS,
INC., a Florida not-for-profit corporation

By:

Name: Ervin S. Duggan

Its: President

[CORPORATE SEAL]



As to Parcel 7:

EMBASSY CORPORATION, a Florida corporation

By: [Signature]
Name: Ervin S. Duggan
Its: President

[CORPORATE SEAL]



TOWN:
TOWN OF PALM BEACH

By: [Signature]
Peter B. Elwell, Town Manager

ATTEST:

[Signature]
Susan Owens, Town Clerk



[Signature]
Witness
Heidi Roth
Print Name

[Signature]
Witness
Katie Edwards
Print Name

[Signature]
Witness
Chris Cortright
Print Name

[Signature]
Witness
Denise Carmona
Print Name

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 16th day of November, 2011, by Ervin S. Duggan, who is the President of The Society of the Four Arts, Inc., a Florida not-for-profit corporation, on behalf of the Corporation, who is personally known to me or who has produced _____ as identification.

Christina A. Lesick

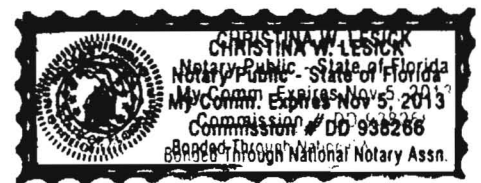
Signature of Notary Public

Christina W. Lesick

Printed name of Notary Public

DD 938266

Commission Number



STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 16th day of November, 2011, by Ervin S. Duggan, who is the President of Embassy Corporation, a Florida corporation, on behalf of the Corporation, who is personally known to me or who has produced _____ as identification.

Christina A. Lesick

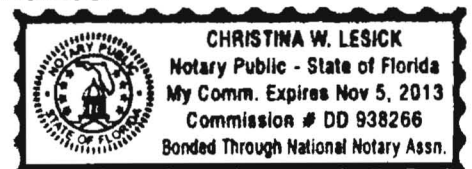
Signature of Notary Public

Christina W. Lesick

Printed name of Notary Public

DD 938266

Commission Number



STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 5 day of December, 2011, by PETER B. ELWELL and SUSAN OWENS the Town Manager and Town Clerk, respectively, of the TOWN OF PALM BEACH, a municipal corporation existing under the laws of the State of Florida, on behalf of the corporation, who are personally known to me or who have produced _____ as identification.



Denise Carmona
COMMISSION #DD809560
EXPIRES: JULY 29, 2012
WWW.AARONNOTARY.COM

Signature of Notary Public

Denise Carmona

Printed name of Notary Public

DD809560

Commission Number

Approved for legal form and sufficiency:

John Randolph, Town Attorney

RECOMMEND APPROVAL:

11/30/11

Paul Castro, AICP
Zoning Administrator

EXHIBIT "A"

LEGAL DESCRIPTIONS

PARCEL 1:

LEGAL DESCRIPTION FOR PCN 50-43-43-23-05-021-0050

(SCULPTURE GARDEN AREA)

LOTS 5 THROUGH 7, BLOCK "A" REVISED MAP OF ROYAL PARK ADDITION ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 4, PAGE 1 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS THAT PORTION CONVEYED IN OFFICIAL RECORDS BOOK 1901, PAGE 188 BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 7 AS THE POINT OF BEGINNING, RUN NORTHERLY ALONG THE EAST LINE OF SAID LOT 7 A DISTANCE OF 15 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 15 FEET AND A CENTRAL ANGLE OF 90°; THENCE RUN SOUTHERLY, SOUTHWESTERLY AND WESTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 23.56 FEET TO A POINT OF TANGENCY, SAID POINT OF TANGENCY BEING A POINT IN THE SOUTH LINE OF SAID LOT 7; THENCE RUN EASTERLY ALONG SAID SOUTH LINE OF SAID LOT 7 A DISTANCE OF 15 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

LEGAL DESCRIPTION FOR PCN 50-43-43-22-00-003-0140 O.R.B. 24286 PGS 1726-1728

(FORMER SCHOOL PARCEL)

BEGINNING AT THE SOUTHWEST CORNER OF SEAVIEW AVENUE AND COCOANUT ROW IN SECTION 22, TOWNSHIP 43 SOUTH, OF RANGE 43 EAST, AS SHOWN ON PLAT OF POINCIANA PARK, 3RD ADDITION, FILED IN PLAT BOOK 8 AT PAGE 72, IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID SEAVIEW AVENUE, A DISTANCE OF 200 FEET TO A POINT; THENCE SOUTHERLY MAKING AN ANGLE OF 90 DEGREES WITH THE SOUTH LINE OF SAID SEAVIEW AVENUE, A DISTANCE OF 147.62 FEET TO A POINT IN THE NORTH LINE OF BLOCK "A" OF ROYAL PARK, ACCORDING TO THE PLAT OF ROYAL PARK ON FILE IN PUBLIC RECORDS OF PALM BEACH COUNTY; THENCE EASTERLY ALONG THE NORTH LINE OF SAID BLOCK "A" OF ROYAL PARK, A DISTANCE OF 219.41 FEET, MORE OR LESS, TO A POINT IN THE WEST LINE OF SAID COCOANUT ROW, AS NOW LAID OUT AND IN USE; THENCE NORTHERLY ALONG THE WEST LINE OF SAID COCOANUT ROW AND MAKING AN ANGLE WITH THE NORTH LINE OF SAID BLOCK "A", OF 90 DEGREES, A DISTANCE OF ONE (1) FOOT TO A POINT, SAID POINT BEING THE BEGINNING OF A CURVE TO THE LEFT; THENCE CONTINUING NORTHERLY ALONG SAID CURVE TO THE LEFT, RADIUS OF WHICH IS 217.83 FEET, A DISTANCE OF 61.27 FEET TO A POINT, SAID POINT BEING THE BEGINNING OF A CURVE TO THE RIGHT; THENCE CONTINUING NORTHERLY ALONG SAID CURVE TO THE RIGHT, RADIUS OF WHICH IS 276.17 FEET, A DISTANCE OF 77.68 FEET TO A POINT, SAID POINT BEING THE POINT OF TANGENCY OF SAID CURVE; THENCE CONTINUE NORTHERLY ALONG TANGENT TO SAID CURVE, A DISTANCE OF 9.51 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THE FOLLOWING: BEING A TRACT OF LAND IN SECTION 22, TOWNSHIP 43

SOUTH, RANGE 43 EAST, TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, BOUNDED IN THE EAST BY THE WESTERLY RIGHT-OF-WAY OF COCOANUT ROW, AS NOW LAID OUT AND IN USE, BOUNDED IN THE SOUTH BY THE NORTH LINE OF BLOCK "A", REVISED MAP OF ROYAL PARK ADDITION TO PALM BEACH, AS RECORDED IN PLAT BOOK 4, PAGE 1, SHEET 1 OF 2, PALM BEACH COUNTY, PUBLIC RECORDS AND BOUNDED IN THE WEST BY A LINE DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF LOT 7, BLOCK "A", OF SAID ROYAL PARK ADDITION, TURN AN ANGLE OF 85 DEGREES 53 MINUTES 40 SECONDS MEASURED FROM WEST ALONG THE NORTH LINE OF SAID BLOCK A, TO THE NORTH AND RUN FOR A DISTANCE OF 128.20 FEET TO A POINT IN THE WESTERLY RIGHT-OF-WAY LINE OF SAID COCOANUT ROW.

PARCEL 3:

LEGAL DESCRIPTION FOR PCN 50-43-43-22-00-003-0090 DEED BOOK 626 PGS. 7-11

(PARKING LOT WEST OF THE FORMER SCHOOL PARCEL)

A TRACT OF LAND IN SECTION 22, TOWNSHIP 43 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE SOUTH LINE OF SEAVIEW AVENUE AT DISTANCE OF 200 FEET WEST OF THE WEST LINE OF COCOANUT ROW, AS SAID STREETS ARE SHOWN ON PLAT OF POINCIANA PARK THIRD ADDITION, ON FILE IN PLAT BOOK 8 AT PAGE 72, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTHERLY AT RIGHT ANGLES TO THE SOUTH LINE OF SAID SEAVIEW AVENUE A DISTANCE 147.81 FEET, MORE OR LESS, TO A POINT IN THE NORTH LINE OF LOT 5, BLOCK "A", ROYAL PARK ADDITION, AS SHOWN ON PLAT FILED IN PLAT BOOK 4 AT PAGE 1, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE WESTERLY ALONG THE NORTH LINE OF LOT 5 AND LOT 4, BLOCK "A" OF SAID ROYAL PARK ADDITION A DISTANCE OF 179.5 FEET, MORE OR LESS, TO A POINT IN THE EAST LINE OF THE WEST THREE FEET OF SAID LOT 4, BEING ALSO A POINT IN THE EAST LINE OF THE RIGHT OF WAY OF CEIBA AVENUE, AS NOW LAID OUT AND IN USE; THENCE NORTHERLY ALONG THE NORTHERLY EXTENSION OF THE EAST LINE OF THE WEST 3 FEET OF SAID LOT 4, AND ALONG THE EAST LINE OF THE RIGHT OF WAY OF SAID CEIBA AVENUE, AND AT RIGHT ANGLES TO THE PRECEDING COURSE A DISTANCE OF 147.81 FEET, MORE OR LESS, TO A POINT IN THE SOUTH LINE OF SAID SEAVIEW AVENUE; THENCE EASTERLY ALONG THE SOUTH LINE OF SAID SEAVIEW AVENUE A DISTANCE OF 179.5 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

PARCEL 4:

LEGAL DESCRIPTION FOR PCN 50-43-43-22-00-003-0030 O.R.B. 5272 PGS. 331-333

(PARKING LOT WEST OF 4 ARTS PLAZA ADJOINING SEAVIEW AVENUE)

THE EAST 100 FEET OF THE FOLLOWING DESCRIBED PROPERTY:

A PARCEL OF LAND IN SECTION 22, TOWNSHIP 43 SOUTH, RANGE 43 EAST, PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE WESTERLY EXTENSION OF THE SOUTH LINE OF A STRIP OF LAND TEN (10) FEET IN WIDTH, DESIGNATED AS "10' PATH FOR WHEELCHAIRS, BICYCLES AND PEDESTRIANS ONLY" ON PLAT OF POINCIANA PARK, 3RD ADDITION, AS FILED IN PLAT BOOK 8, PAGE 72, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE EASTERLY ALONG SAID WESTERLY EXTENSION AND ALONG THE

SOUTH LINE OF SAID 10' PATH A DISTANCE OF 354 FEET, MORE OR LESS, TO A POINT IN A CIRCULAR DRIVE HAVING A RADIUS OF 36 FEET, AS SHOWN ON SAID PLAT; THENCE SOUTHERLY AND EASTERLY ALONG THE CIRCUMFERENCE OF SAID CIRCLE TO A POINT IN THE SOUTH LINE OF SEAVIEW AVENUE, AS SHOWN ON SAID PLAT; THENCE EASTERLY ALONG THE SOUTH LINE OF SAID SEAVIEW AVENUE TO A POINT OF INTERSECTION WITH THE WEST LINE OF CEIBA AVENUE, AS NOW LAID OUT AND IN USE; THENCE SOUTHERLY ALONG THE WEST LINE OF SAID CEIBA AVENUE, A DISTANCE OF 102.50 FEET, MORE OR LESS, TO A POINT IN A LINE PARALLEL TO AND 125 FEET SOUTH OF, MEASURED AT RIGHT ANGLES TO, THE SOUTH LINE OF THE SAID 10' PATH; THENCE WESTERLY ALONG SAID PARALLEL LINE A DISTANCE OF 493 FEET, MORE OR LESS, TO THE WATERS OF LAKE WORTH; THENCE NORTHERLY ALONG THE WATERS OF LAKE WORTH TO THE POINT OF BEGINNING, INCLUDING ALL RIPARIAN RIGHTS BELONGING TO SAID PROPERTY, SAID PROPERTY BEING COMMONLY KNOWN AND REFERRED TO AS NO. 15 SOUTH LAKE TRAIL.

TOGETHER WITH

THE EAST 4 FEET OF THE PROPERTY DESCRIBED AS FOLLOWS: A PARCEL OF LAND IN SECTION 22, TOWNSHIP 43 SOUTH, RANGE 43 EAST, DESCRIBED AS FOLLOWS: COMMENCE AT THE INTERSECTION OF THE CENTERLINE OF SEAVIEW AVENUE AS SHOWN ON THE PLAT OF POINCIANA PARK, 3RD ADDITION AS RECORDED IN PLAT BOOK 8, PAGE 72, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND THE CENTERLINE OF FOUR ARTS PLAZA (CEIBA AVENUE) AS NOW LAID OUT AND IN USE; THENCE SOUTH ALONG SAID CENTERLINE, A DISTANCE OF 119.81 FEET; THENCE WESTERLY AT AN ANGLE TO THE PRECEDING COURSE, A DISTANCE OF 128.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE WESTERLY ALONG SAID COURSE, A DISTANCE OF 108.32 FEET; THENCE NORTHERLY, PARALLEL TO SAID CENTERLINE OF FOUR ARTS PLAZA, A DISTANCE OF 107.00 FEET; THENCE EASTERLY, PARALLEL TO SAID CENTERLINE OF SEA VIEW AVENUE A DISTANCE OF 68.40 FEET TO THE POINT OF INTERSECTION WITH A CURVE CONCAVE TO THE NORTHEAST AND HAVING A CENTRAL ANGLE OF 79°13'05" AND A RADIUS OF 36.0 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 49.77 FEET TO THE POINT OF INTERSECTION WITH A LINE EXTENDING NORTHERLY FROM THE POINT OF BEGINNING PARALLEL TO THE SAID CENTERLINE OF FOUR ARTS PLAZA; THENCE SOUTHERLY ALONG SAID LINE, A DISTANCE OF 84.36 FEET TO THE POINT OF BEGINNING.

SAID PARCEL BEING IN THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA.

PARCEL 5:

LEGAL DESCRIPTION FOR PCN 50-43-43-22-00-003-0080

A PORTION OF A PARCEL DESCRIBED IN DEED BOOK 809 PGS 524-529

REFERENCE O.R.B. 7151 PAGES 614-616 AND O.R.B. 7151 PAGES 617-619

(THE NORTH PARKING LOT AREA ADJOINING LAKE DRIVE, 4 ARTS PLAZA)

A RECTANGULAR PARCEL OF LAND NINETY (90) FEET FROM EAST TO WEST AND FORTY-FIVE AND TWELVE ONE-HUNDREDTHS (45.12) FEET FROM NORTH TO SOUTH, LYING IMMEDIATELY NORTH OF AND ADJOINING THE WEST FORTY-SEVEN (47) FEET OF LOT 3 AND EAST FORTY-THREE (43) FEET OF LOT 1, BLOCK "A", AS SHOWN ON THE REVISED MAP OF ROYAL PARK ADDITION TO PALM BEACH, FLORIDA, AS RECORDED AT PLAT BOOK 4, AT PAGE 1 IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, LYING AND BEING IN GOVERNMENT LOT 3, SECTION 22, TOWNSHIP 43 SOUTH, RANGE 43 EAST,

PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH

A PARCEL OF LAND BEING FORTY-FIVE AND TWELVE ONE-HUNDREDTHS (45.12) FEET FROM NORTH TO SOUTH IN GOVERNMENT LOT 3, SECTION 22, TOWNSHIP 43 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF WEST LINE OF 4 ARTS PLAZA (FORMERLY CEIBA AVENUE) AND THE NORTH LINE OF ROYAL PALM WAY; THENCE N90°00'00"W ALONG THE SOUTH LINES OF LOTS 3 AND 2, BLOCK "A", AS SHOWN ON THE REVISED MAP OF ROYAL PARK ADDITION TO PALM BEACH, FLORIDA, AS RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, A DISTANCE OF NINETY (90) FEET; THENCE N00°00'00"W PARALLEL TO THE WEST LINE OF SAID FOUR ARTS PLAZA, A DISTANCE OF THREE HUNDRED THIRTY- FIVE AND TWELVE ONE-HUNDREDTHS (335.12) FEET TO THE POINT OF BEGINNING; THENCE N90°00'00"W ALONG A LINE PARALLEL WITH THE NORTH LINE OF SAID ROYAL PALM WAY FOR A DISTANCE OF 289.31 FEET TO THE EAST LINE OF A 10 FOOT WIDE RIGHT OF WAY AS RECORDED IN OFFICIAL RECORDS BOOK 7151, PAGES 617 THROUGH 619 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE S14°35'41"E ALONG THE SAID EAST RIGHT OF WAY LINE FOR 19.16 FEET TO A POINT ON A TANGENT CURVE; THENCE SOUTHEASTERLY ALONG THE ARC OF A CIRCULAR CURVE TO THE RIGHT AND CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 115.00 FEET AND A CENTRAL ANGLE OF 13°23'57" FOR AN ARC DISTANCE OF 26.89 FEET; THENCE DEPARTING FROM SAID RIGHT OF WAY N90°00'00"E PARALLEL TO THE SAID NORTH LINE OF ROYAL PALM WAY FOR A DISTANCE OF 281.72 FEET TO THE POINT OF BEGINNING.

PARCEL 6:

LEGAL DESCRIPTION FOR PCN 50-43-43-23-05-021-0010

(THE WEST AREA ADJOINING LAKE DRIVE, 4 ARTS PLAZA AND ROYAL PALM WAY)

DEED BOOK 549 PGS 180-181

LOT NO. 4 BLOCK "A", ROYAL PARK ADDITION TO PALM BEACH, FLORIDA, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, IN BOOK 4 OF PLATS, PAGE 1, LESS THE WEST 3 FEET OF SAID LOT.

TOGETHER WITH

DEED BOOK 809 PG. 524-529

A RECTANGULAR PARCEL OF LAND NINETY (90) FEET WIDE FROM EAST TO WEST AND TWO HUNDRED NINETY (290) FEET LONG FROM NORTH TO SOUTH, LYING NORTH OF ROYAL PALM WAY AND WEST OF CEIBA AVENUE, PALM BEACH, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE WEST FORTY-SEVEN (47) FEET OF LOT 3 AND THE EAST FORTY-THREE (43) FEET OF LOTS 1 AND 2, BLOCK "A", AS SHOWN ON THE "REVISED MAP OF ROYAL PARK ADDITION TO PALM BEACH, FLORIDA," RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND

FOR PALM BEACH COUNTY, FLORIDA, IN PLAT BOOK 4 AT PAGE 1.

EXCEPTING FROM SAID PARCEL THE SOUTH ONE HUNDRED FORTY-FIVE (145) FEET THEREOF,
TOGETHER WITH

LOTS 1 AND 2, BLOCK "A" OF THE REVISED MAP OF ROYAL PARK ADDITION TO PALM BEACH,
FLORIDA, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 4, AT PAGE 1, OF
THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA,

TOGETHER WITH

A PORTION OF GOVERNMENT LOT 3 OF SECTION 22, TOWNSHIP 43 SOUTH, RANGE 43 EAST
LYING EAST OF THE WATERS OF LAKE WORTH AND WEST OF LAKE DRIVE, BEING MORE
PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF LOT 2, BLOCK "A" OF THE REVISED MAP OF
ROYAL PARK ADDITION TO PALM BEACH, FLORIDA ACCORDING TO THE PLAT THEREOF AS
RECORDED IN PLAT BOOK 4 AT PAGE 1 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY,
FLORIDA; THENCE N90°00'00"W ALONG THE WESTERLY EXTENSION OF SAID LOT 2 AND THE
NORTH RIGHT OF WAY LINE OF ROYAL PALM WAY 45.16 FEET TO THE POINT OF BEGINNING;
THENCE CONTINUE N90°00'00"W ALONG THE SAID NORTH RIGHT OF WAY LINE 110.63 FEET TO
THE WATERS OF LAKE WORTH; THENCE N00°12'38"E ALONG THE WATERS OF LAKE WORTH
FOR A DISTANCE OF 285.13 FEET; THENCE N90°00'00"E 104.17 FEET TO THE WEST RIGHT OF
WAY LINE OF LAKE DRIVE AS DESCRIBED IN OFFICIAL RECORDS BOOK 7151 AT PAGES 617
THROUGH 619, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. THENCE
S00°00'53"E ALONG SAID WEST RIGHT OF WAY LINE FOR A DISTANCE OF 122.36 FEET; THENCE
N89°59'13"E FOR 7.85 FEET TO THE EAST RIGHT OF WAY LINE OF LAKE DRIVE AS DESCRIBED
IN OFFICIAL RECORDS BOOK 469 AT PAGES 230 THROUGH 235 OF THE PUBLIC RECORDS OF
PALM BEACH COUNTY, FLORIDA; THENCE S00°53'16"W FOR 162.79 FEET TO THE POINT OF
BEGINNING.

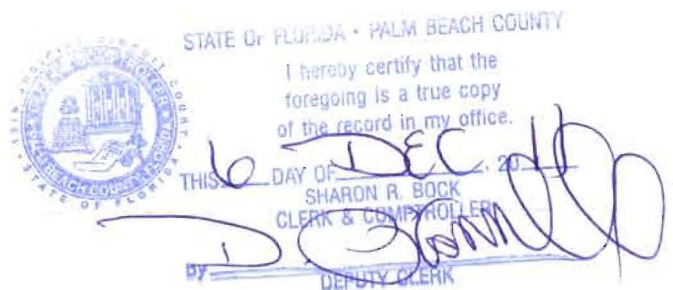
SAID PARCEL BEING IN THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA.


PARCEL 7:

LEGAL DESCRIPTION FOR PCN 50-43-43-23-05-021-0031

(THE JOHN E. ROVENSKY BUILDING)

THE SOUTH 145 FEET OF THE WEST 47 FEET OF LOT 3 AND THE EAST 43 FEET OF LOT 2,
BLOCK "A", REVISED MAP OF ROYAL PARK ADDITION ACCORDING TO THE PLAT THEREOF, AS
RECORDED IN PLAT BOOK 4, PAGE 1 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY,
FLORIDA.




CFN 20110358424
OR BK 24762 PG 1457
RECORDED 09/26/2011 16:11:50
Palm Beach County, Florida
Sharon R. Rock, CLERK & COMPTROLLER
Pgs 1457 - 1467; (11pgs)

DECLARATION OF USE AGREEMENT

by

THE TOWN OF PALM BEACH

and

THE SOCIETY OF THE FOUR ARTS, INC.

August 2011

**Prepared by and return to:
Harvey E. Oyer III, Esq.
Shutts & Bowen LLP
Okeechobee Blvd., Suite 1500
West Palm Beach, FL 33401
(561) 650-8517**

WPBDOCS 7945313 5

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DECLARATION OF USE AGREEMENT

THIS DECLARATION OF USE AGREEMENT ("Agreement") is made and entered into this 16 day of September, 2011 by and between the TOWN OF PALM BEACH, a Florida municipal corporation, whose address is 360 South County Road, Palm Beach, Florida 33480 (hereinafter called the "Town"); and THE SOCIETY OF THE FOURS ARTS, INC. a Florida corporation, whose address is 2 Four Arts Plaza, Palm Beach, Florida 33480 (hereinafter called "Owner"), which terms "Town" and "Owner" will include and bind the successors and assigns of the parties, wherever the context so requires.

WITNESSETH:

WHEREAS, the land described in Exhibit "A" attached hereto and all improvements located thereon (hereinafter referred to as the "Property") is located within the municipal limits of the Town; and

WHEREAS, title to the Property is held by Owner; and

WHEREAS, the Property is located in the R-B zoning district; and

WHEREAS, the use of the Property for non-profit cultural purposes is a special exception use in the R-B zoning district and all necessary approvals have been granted by the Town for the Owner to use the Property for non-profit cultural purposes; and

WHEREAS, the Town Council approved Special Exception No. 19-2011 with Site Plan Review and Variance on July 13, 2011 (collectively hereinafter referred to as the "Site Plan"), which approved the re-development of the Property, which is commonly known as the old public school site and the surface parking lot adjacent thereto, for use as the Fitz Eugene Dixon Education Building subject to the conditions set forth herein and the approval of this Agreement, and on the basis of the Owner's application, the testimony on behalf of the Owner, and the specific finding of the Town Council that the approval of the Site Plan is in compliance with said conditions and upon a finding of the Town Council that the applicable provisions of the Town Code governing the use of the Property and the Site Plan criteria have been met; and

WHEREAS, in approving the Site Plan, the conditions of approval reflected herein are imposed in order to regulate the use, mitigate any adverse impacts of the use, as well as to insure that said use shall not be adverse to the public interest; and

WHEREAS, all of the representations made herein are true and accurate and the approval of the Site Plan is conditioned upon the representations made herein and all of the conditions herein imposed.

AGREEMENT:

NOW, THEREFORE, in consideration of the mutual promises set forth herein and other good and valuable consideration, the receipt and sufficiency of which are acknowledged by both parties, the parties agree as follows:

ARTICLE I
RECITALS

The Recitals set forth above are true and correct and are incorporated herein and made a part hereof by this reference.

ARTICLE II
REPRESENTATION OF OWNERSHIP

Owner has full right to enter into this Agreement and to bind the Property and itself to the terms hereof. There are no covenants, restrictions, or reservations of record that will prevent the use of the Property in accordance with the terms and conditions of this Agreement. No consent to execution, delivery and performance hereunder is required from any person, partner, limited partner, creditor, investor, judicial or administrative body, governmental authority or other party other than any such consent which already has been unconditionally given or referenced herein. Neither the execution of this Agreement nor the consummation of the transactions contemplated hereby will violate any restriction, court order or agreement to which Owner or the Property are subject.

ARTICLE III
NON-PROFIT CULTURAL USE

The use of the Property shall be for non-profit cultural purposes in compliance with all of the information and exhibits, and not inconsistent with the terms and conditions set forth herein, as set forth in the application submitted to the Town in the Site Plan as approved by Town Council on July 13, 2011 (hereinafter referred to as the "Approval"). The Approval is subject to that provision of the Town Code which provides that no subsequent deviation may be made from the application as approved by the Town Council except upon an application to and approval by the Town Council. Any additional or different uses of the Property than permitted by the Approval shall be subject to approval by the applicable governmental authority including, but not limited to, the Town Council of the Town and the Landmarks Preservation Commission of the Town.

ARTICLE IV
CONDITIONS

1. Owner shall not schedule any event in the theater (the old school gymnasium) or in the 700 seat auditorium located in the Esther O'Keefe Building to either begin or end at the same time as the normal drop-off or pick-up times of the Palm Beach Public Elementary School located at 239 Coconut Row.
2. Owner shall not schedule events in the theater (the old school gymnasium) and in the 700 seat auditorium located in the Esther O'Keefe Building to occur at the same time.
3. Owner shall only be permitted to use valet parking twice per calendar year at the Property.

4. Owner shall use its best efforts to underground all of the east-west overhead utility lines located between the old public school building and the existing sculpture garden.

5. For any event held at the Property with more than two hundred fifty (250) people in attendance, Owner shall provide a sufficient number of trained personnel to direct traffic both prior to and after said event.

6. The proposed south side driveway on the Property shall normally function as one-way, westbound. Owner shall be required to reverse traffic flow to one-way, eastbound at the conclusion of events held on the Property with greater than two hundred fifty (250) people in attendance. At least one trained traffic person shall be stationed at the corner of the south side driveway and Coconut Row to direct traffic at such times when the traffic flow is reversed to one-way, eastbound.

7. Owner shall maintain in perpetuity the new landscaping to be placed on the north side of the new courtyard on the north side of the proposed education building.

8. Owner shall provide to the Town a certificate of compliance on or before October 1st of each year.

ARTICLE V VOLUNTARY AGREEMENT

Owner agrees to be bound by the terms and conditions in this Agreement, and Owner waives any legal objection it might otherwise have to said terms and conditions or parts thereof.

ARTICLE VI REMEDIES FOR VIOLATION

1. Upon determination by the Director of the Planning, Zoning and Building Department ("Director") of a violation of any of the terms or conditions of this Agreement or any other provision in the Town Code of Ordinances, and upon notice in writing from the Town to Owner or Owner's representative of said violation(s) and the date by which said violations(s) shall be corrected, Owner or Owner's successor or assigns shall pay to the Town a liquidated amount of \$2,000 per violation. Said liquidated amount shall accrue on a per day basis for each day a violation of this Agreement exists. In addition, in the event a violation remains uncorrected beyond the date noticed for correction by the Director, this Agreement may be reconsidered by the Town Council at a future meeting upon thirty (30) days notification to the Owner. The Town Council may, upon a finding of violation, alter this Agreement or rescind the approval of the use.

2. In the event Owner disputes the determination of the Director of the violation of the conditions of this Agreement, or in the event the Owner disputes any code violation, Owner may appeal the determination of the Director to the Town Council, said appeal to be filed no later than fifteen (15) days after the written notice of determination by the Director.

3. In addition to the above, the Town shall have all remedies available at law and equity in order to enforce the terms of this Agreement including but not limited to (a) the Town's

code enforcement procedures; (b) all remedies otherwise offered in the Town's Code of Ordinances; and (c) injunction, specific performance, and any and all other equitable relief through the civil courts in and for Palm Beach County for the State of Florida. In the event the Town is required to seek injunctive relief, it shall not be required to post bond and it shall not be required to demonstrate irreparable harm or injury to secure an injunction to enforce the terms of this Agreement. Additionally, in the event of any breach, default or non performance of this Agreement, or any of its covenants, agreements, terms or conditions, the Town shall be entitled to recover its costs, expenses and reasonable attorney's fees insofar as the Town prevails, either before or as a result of litigation, including appeals.

ARTICLE VII
PROVISIONS TO RUN WITH PROPERTY/RECORDING

This Agreement shall run with the Property and shall be binding upon the Owner and its successors and assigns. This Agreement shall be recorded by the Town in the Official Records of Palm Beach County, Florida upon full execution by the parties hereto.

ARTICLE VIII
ENTIRE AGREEMENT

This Agreement represents the entire agreement between the parties as to its subject matter and it may not be amended except by written agreement executed by both parties.

ARTICLE IX
EFFECTIVE DATE

The Effective Date of this Agreement shall be the day upon which this Agreement is executed by the last party to sign the Agreement.

ARTICLE X
MISCELLANEOUS

Wherever the word "laws" appears in this Agreement, it shall be deemed to include all ordinances, rules and regulations as well as laws of the appropriate governmental authorities.

This Agreement may not be amended except by written instrument signed by all parties hereto.

Paragraph headings are inserted for convenience only and shall not be read to enlarge, construe, restrict or modify the provisions hereof. All references to numbered or lettered paragraphs, subparagraphs and exhibits refer (unless the context indicates otherwise) to paragraphs and subparagraphs of this Agreement and to exhibits attached hereto, which exhibits are by this reference made a part hereof.

In the event of the invalidity of any provision of this Agreement, same shall be deemed stricken herefrom and this Agreement shall continue in full force and effect as if such invalid provision were never a part hereof.

This Agreement shall be governed by and construed in accordance with the laws of the State of Florida.

IN WITNESS WHEREOF the parties have hereunto set their hands and seals the day and year first above.

Signed, sealed and delivered
in the presence of:

Ceryl Bleen
Anne Doyle

Pat [unclear]
John [unclear]

Ceryl Bleen
Anne Doyle

TOWN OF PALM BEACH

By: Gail L. Coniglio
Gail Coniglio, Mayor

By: David Rosow
David Rosow, President
Town Council

By: Peter B. Elwell
Peter B. Elwell
Town Manager

The Society of the Four Arts, Inc.,
a Florida not-for-profit corporation

Heather L. Henry
Chairman

By: Patrick Henry
Name: PATRICK HENRY
Its: CHAIRMAN

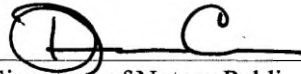
STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 16th day of September 2011, by Gail Coniglio, the Mayor of the Town of Palm Beach, a Florida municipal corporation, on behalf of the corporation. She is personally known to me and she did not take an oath.



Denise Carmona
COMMISSION #DD809560
EXPIRES: JULY 29, 2012
WWW.AARONNOTARY.COM



Signature of Notary Public

Denise Carmona

Printed Name of Notary Public

Commission Expires: July 29, 2012

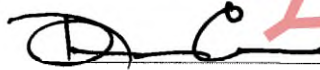
STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 14th day of September 2011, by David Rosow, the President of the Town of Palm Beach, a Florida municipal corporation, on behalf of the corporation. He is personally known to me and he did not take an oath.



Denise Carmona
COMMISSION #DD809560
EXPIRES: JULY 29, 2012
WWW.AARONNOTARY.COM



Signature of Notary Public

Denise Carmona

Printed Name of Notary Public

Commission Expires: July 29, 2012

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 16th day of September 2011, by Peter B. Elwell, the Town Manager of the Town of Palm Beach, a Florida municipal corporation, on behalf of the corporation. He is personally known to me and he did not take an oath.



Signature of Notary Public



Denise Carmona
COMMISSION #DD809560
EXPIRES: JULY 29, 2012
WWW.AARONNOTARY.COM

Denise Carmona

Printed Name of Notary Public

Commission Expires: July 29, 2012

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 26th day of AUGUST 2011, by PATRICK HENRY, the CHAIRMAN of The Society of The Four Arts, Inc., a Florida not-for-profit corporation, on behalf of the corporation, who is personally known to me or produced _____ as identification and did not take an oath.



Signature of Notary Public



Printed Name of Notary Public

Commission Expires: _____

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY FOR THE TOWN OF
PALM BEACH

By: 

John C. Randolph, Esquire

RECOMMEND APPROVAL:

9/14/11



Paul Castro, AICP
Zoning Administrator

EXHIBIT "A"

LEGAL DESCRIPTION

A PORTION OF GOVERNMENT LOT 3, LYING WITHIN SECTION 22, TOWNSHIP 43 SOUTH, RANGE 43 EAST, LOTS 1, 2, 5, 6, A PORTION OF LOTS 3, 4, AND 7, BLOCK "A", REVISED MAP OF ROYAL PARK ADDITION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 4, PAGE 1, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

(PART ONE)

BEGIN AT THE NORTHEAST CORNER OF LOT 7 BLOCK "A", REVISED MAP OF ROYAL PARK ADDITION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 4, PAGE 1, THENCE S00°00'00"W ALONG THE EAST LINE OF SAID LOT 7, SAID EAST LINE BEING COINCIDENT WITH THE WEST RIGHT OF WAY LINE OF COCOANUT ROW FOR A DISTANCE OF 275.00 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHWEST, SAID CURVE DESCRIBED IN OFFICIAL RECORDS BOOK 1901, PAGE 188; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 15.00 FEET AND A CENTRAL ANGLE OF 90°00'00" FOR A DISTANCE OF 23.56 FEET; THENCE N90°00'00"W ALONG THE NORTH RIGHT OF WAY LINE OF ROYAL PALM WAY AS SHOWN ON THE SAID PLAT OF REVISED MAP OF ROYAL PARK ADDITION FOR A DISTANCE OF 373.90 FEET; THENCE N00°00'00"E ALONG THE EAST RIGHT OF WAY LINE OF FOUR ARTS PLAZA (FORMERLY CEIBA AVENUE), SAID EAST RIGHT OF WAY LINE BEING PARALLEL WITH AND 3.00 FEET EAST OF AS MEASURED AT RIGHT ANGLES TO THE WEST LINE OF LOT 4 OF SAID BLOCK "A" FOR A DISTANCE OF 437.81 FEET; THENCE S90°00'00"E ALONG THE SOUTH RIGHT OF WAY LINE OF SEA VIEW AVENUE AS SHOWN ON THE PLAT OF POINCIANA PARK 3RD ADDITION ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 8, PAGE 73 FOR A DISTANCE OF 179.53 FEET; THENCE S00°00'00"W FOR A DISTANCE OF 147.81 FEET TO A POINT ON THE NORTH LINE OF SAID BLOCK "A"; THENCE S90°00'00"E ALONG THE NORTH LINE OF SAID BLOCK "A" FOR A DISTANCE OF 209.40 FEET TO THE POINT OF BEGINNING;

TOGETHER WITH THE PARCEL OF LAND:

BEGINNING AT THE SOUTHWEST CORNER OF SEAVIEW AVENUE AND COCOANUT ROW IN SECTION 22, TOWNSHIP 43 SOUTH, OF RANGE 43 EAST, AS SHOWN ON PLAT OF POINCIANA PARK, 3RD ADDITION, FILED IN PLAT BOOK 8 AT PAGE 72, IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID SEAVIEW AVENUE, A DISTANCE OF 200 FEET TO A POINT; THENCE SOUTHERLY MAKING AN ANGLE OF 90 DEGREES WITH THE SOUTH LINE OF SAID SEAVIEW AVENUE, A DISTANCE OF 147.62 FEET TO A POINT IN THE NORTH LINE OF BLOCK "A" OF ROYAL PARK, ACCORDING TO THE PLAT OF ROYAL PARK ON FILE IN

PUBLIC RECORDS OF PALM BEACH COUNTY; THENCE EASTERLY ALONG THE NORTH LINE OF SAID BLOCK "A" OF ROYAL PARK, A DISTANCE OF 219.41 FEET, MORE OR LESS, TO A POINT IN THE WEST LINE OF SAID COCOANUT ROW, AS NOW LAID OUT AND IN USE; THENCE NORTHERLY ALONG THE WEST LINE OF SAID COCOANUT ROW AND MAKING AN ANGLE WITH THE NORTH LINE OF SAID BLOCK "A", OF 90 DEGREES, A DISTANCE OF ONE (1) FOOT TO A POINT, SAID POINT BEING THE BEGINNING OF A CURVE TO THE LEFT; THENCE CONTINUING NORTHERLY ALONG SAID CURVE TO THE LEFT, RADIUS OF WHICH IS 217.83 FEET, A DISTANCE OF 61.27 FEET TO A POINT, SAID POINT BEING THE BEGINNING OF A CURVE TO THE RIGHT; THENCE CONTINUING NORTHERLY ALONG SAID CURVE TO THE RIGHT, RADIUS OF WHICH IS 276.17 FEET, A DISTANCE OF 77.68 FEET TO A POINT, SAID POINT BEING THE POINT OF TANGENCY OF SAID CURVE; THENCE CONTINUE NORTHERLY ALONG TANGENT TO SAID CURVE, A DISTANCE OF 9.51 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THE FOLLOWING: BEING A TRACT OF LAND IN SECTION 22, TOWNSHIP 43 SOUTH, RANGE 43 EAST, TOWN OF PALM BEACH, PALM BEACH COUNTY FLORIDA, BOUNDED IN THE EAST BY THE WESTERLY RIGHT-OF-WAY OF COCOANUT ROW, AS NOW LAID OUT AND IN USE, BOUNDED IN THE SOUTH BY THE NORTH LINE OF BLOCK "A", ROYAL PARK ADDITION TO PALM BEACH, AS RECORDED IN PLAT BOOK 4, PAGE 1, SHEET 1 OF 2, PALM BEACH COUNTY, PUBLIC RECORDS AND BOUNDED IN THE WEST BY A LINE DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF LOT 7, BLOCK "A", OF SAID ROYAL PARK ADDITION, TURN AN ANGLE OF 85 DEGREES 53 MINUTES 40 SECONDS MEASURED FROM WEST ALONG THE NORTH LINE OF SAID BLOCK A, TO THE NORTH AND RUN FOR A DISTANCE OF 128.20 FEET TO A POINT IN THE WESTERLY RIGHT-OF-WAY LINE OF SAID COCOANUT ROW.

EXHIBIT B

Society of the Four Arts Narrative



BACKGROUND

The Society of the Four Arts is a non-profit cultural organization founded in 1934 (as the Civic Arts Association, renamed in January 1936 as The Society of the Four Arts).

Its mission is “to enrich, inspire and engage the Palm Beach County community, enhancing the quality of our lives through educational and cultural programs in art, music, drama, literature, historical and current affairs.”

Each year, The Four Arts offers several hundred lectures, concerts, art exhibits, workshops and life-learning classes, films, documentaries, and HD screenings (opera, theater), children’s activities, book discussions and presentations, life-learning classes and seminars from November through April. Library programs are year-round.

The 10-acre campus along the Intracoastal Waterway in Palm Beach includes two performance halls, an exhibition gallery, an education center, the Town library, a children’s library, and sculpture and botanical gardens.

The Esther B. O’Keeffe Gallery Building, designed by Addison Mizner in the 1920s as the Embassy Club, and remodeled as a venue for The Four Arts in the 1940s by John Volk, is home to an exhibition gallery and to the 710-seat Gubelmann Auditorium. The auditorium hosts the O’Keeffe Speaker series and other lectures, live music performances, feature films, and live broadcasts of the Metropolitan Opera and of the National Theatre of London.

The Four Arts’ newest facility, the Dixon Education Building, is home to ‘Campus on the Lake’ cultural education programs. The building dates from the 1920s and was part of Palm Beach’s public school. In 2013 the building was renovated and revitalized by The Four Arts, preserving the facility’s landmarked exterior while modernizing the interior for 21st-century learning. With classrooms, a 240-seat auditorium, an art studio and an apartment for visiting artists, the Dixon Education Building serves as Palm Beach’s home for lifelong learning.

The Four Arts’ King Library houses more than 70,000 publications, periodicals, DVDs and other media. Book discussion groups take place several times a month and are open to the public at no charge. The library serves as the town library for Palm Beach.

Located in the Rovensky Building, the Children’s Library invites children and families to borrow books and use computers free of charge. A story time program is offered twice weekly, and special events for children of all ages are offered throughout the year. Children participate in games and crafts to complement the story-time theme of the day. All Children’s Library programs are free.

The Four Arts’ Demonstration Garden was designed in 1938 by The Garden Club of Palm Beach to assist new arrivals to the town struggling with gardening in the state’s sub-tropical climate. The seven gardens illustrate different styles of landscaping. They are maintained by the Garden Club to this day.

Adjacent to the Demonstration Garden is the Philip Hultar Sculpture Garden, which showcases modern sculpture in an architect-designed park. With welcoming pergolas and the Pannill Pavilion, the Sculpture Garden has become a destination for visitors to South Florida.

The Rovensky Administration Building (once the Embassy Apartments), like the O’Keeffe Building, was designed by Addison Mizner in the 1920s and radically altered by John Volk in the 1940s. It was adapted for The Four Arts in the mid 1990s and houses staff offices, the Garden Club office, two committee rooms as well as the Children’s Library.

THE PROJECT GOALS – SUMMARY

After the successful conversion of the Fitz Eugene Dixon Building as a home to ‘Campus on the Lake’ (2012) and after the glowing restoration of the Gioconda and Joseph King Library (2018), The Four Arts has recognized what is plain for all to see—that the Rovensky and O’Keeffe buildings, each approaching 100 years of age and neither designed for the functions it now tries to fulfill, poorly serve the needs of The Four Arts—are, in a phrase, *not fit for purpose*.

The wishes of the Trustees of The Four Arts are:

- To seek a new, safe location for the **Children’s Library**, currently on the second floor of the **Rovensky Building**, with the aid of a new building.
- To upgrade the **Gubelmann auditorium** in the O’Keeffe building and create backstage and support areas that do not currently exist.
- To upgrade the **exhibition galleries** in the O’Keeffe building and create support areas that do not currently exist.
- To enhance the **visitor experience** in the O’Keeffe building (access, circulation, lighting, air-conditioning, acoustics, box office, restrooms, etc.).
- To re-configure the interior of the Rovensky Building better to accommodate **offices and meeting rooms**.
- To create an identity for the anonymous, dispersive and difficult-to-navigate **10-acre Campus** by means of landscaping, signage, wayfinding and lighting.

THE PROJECT GOALS – IN MORE DETAIL

The **Children’s Library** is not a safe place. Occupying apartments that once filled the second floor of the Rovensky Building, it is up steep stairs in an old building made largely of dry wood covered by plaster. It is, in the event of a fire, a scenario for tragedy.

Furthermore, access to the Library is shared with all visitors to the building. It is possible to use the elevator unseen by the receptionist and enter the Library directly.

These two unnerving risks are the principal motives for seeking a new Children’s Library.

A third flaw consists in the fact that crowded children’s programs fill the main reading room and render the Library itself, including the Circulation Desk, virtually inaccessible to other users.

An expanded ground floor Children’s Library, with dedicated spaces for programs (readings, crafts, book discussions) and with its own secure entrance, solves all three considerations, and provides Palm Beach with a modernized, first-class facility.

The Gubelmann Auditorium lacks a backstage. John Volk himself was aware of this and made efforts to rectify it in the 1950s. Almost comically, this means that to exit the stage from one side and re-enter from the other requires leaving the building altogether – unpleasant in the event of rain.

There are no changing rooms nor showers for performers; only one inadequate green room; no permanent place for the acoustic shell for concerts (mounted manually and hazardously for each performance), nor for instruments, music stands and technology (sound and lighting equipment); nowhere for artists to eat between rehearsal and performance, no editing room and no loading dock (heavy instruments must be struggled in, up the stairs and around corners).

The auditorium itself has good acoustics. They can nevertheless be enhanced by 21st-century technology (including assisted listening) and rendered adaptable for the varied uses of the auditorium: lecture, film, live music.

The hall is compromised by background noise from air-conditioning and by the lack of light and sound locks to prevent noise and light pollution from the adjacent lobby—its noisy box office and bathrooms.

The seating is on a too-shallow rake that inhibits the view of the stage, and even of sub-titles.

The audience can cross from one side to the other only by exiting and re-entering from the lobby.

The auditorium has a musty 1940s appearance, including (according to the more sensitive noses) a pervasive odor of mold.

The goal is to create a first-class performing arts center, with enhanced conditions for the audience and proper facilities for performers.

The haphazard adaptation in the past of the Club to concert and lecture hall means that the production staff, in order to journey from the project room high at the back of the auditorium to the stage at the west end, negotiate several times a day a sequence of narrow stairs, a catwalk, an office, the lobby and the full length of the exterior building. The project creates, on the second floor, a direct passage from one end of the auditorium to the other, flanked by duct work to deliver silent air-conditioning to the hall.

This necessity has provoked the design of covered exterior colonnades on the ground floor on the north side, which alleviate a different problem: the over-crowded **Lobby**. Participants in events will be able to spill into the colonnade, sheltered from rain and sun, at those times when the lobby, which serves both the auditorium and the exhibition galleries, is crowded.

This purpose, that of alleviating the pressure of people, is also served by relocating the box office to its own space as part of *a general improvement of public services*, the most obvious of which is to double the number of restrooms—currently too few and antiquated.

The **Exhibition galleries** are four in number. Two small ones are on a lower level, with different floors and walls, and require that visitors retrace their steps to the main galleries. This is not as it should be.

The main galleries have shabby and old fabric coverings.

Two former galleries now serve for exhibition storage (crates, vitrines).

The lighting, climate control, security and fire safety systems are clumsily conspicuous and inadequate.

There are no receiving, preparation and conservation areas. Embarrassingly, works of art are delivered through the Buildings and Grounds workshop and storage facility, where a small improvised and insecure picture storage room is also located.

Two apartments (one still in use), with active plumbing, are located on the second story, with corresponding risk of flooding of the galleries below.

A fundamental and crucial goal of the project is to locate both the Buildings and Grounds facility and the residence elsewhere on the Campus.

The overall goal is to create for the first time a museum standard facility for the exhibition and stewardship of art (both that of The Four Arts' own collection and of incoming loans).

The **Rovensky Administration building**, in addition to hosting the expanded Children's Library on its first floor, requires a 3rd floor apartment for the use of the Buildings and Grounds director (thus resolving one of the issues of the exhibition gallery) whose 24-hour presence on Campus benefits security.

The 3rd floor is planned to host a sorely needed and capacious meeting room for **the Garden Club**, as well as a more commodious office.

Four Arts Board of Trustee meetings currently necessitate the closure of the 2nd floor of the King Library. A dedicated Board Room on the 3rd floor of the new building would eliminate this anomaly.

The **administration offices** (executive, development/membership, finance, marketing and programming) are currently dispersed over three floors (1st, 3rd and a mezzanine) and have no meeting rooms, with a consequent effect of dysfunctionality in internal communications. By unifying the offices and meeting rooms on a single floor, the Four Arts can streamline the efficiency of its operations.

The Campus may be compared to a citadel. It is hard to know where the entry points are. Each building is facing in a different direction from every other; signage is minimal; the Children's Library is concealed behind a corporate style façade; the two main venues for programs are at remote ends of the Campus. To travel from the O'Keeffe building to the Dixon building involves a sequence of curbstones, lawns, sidewalks, parking lots, roads and even puddles. Newcomers do not know where to go and the Campus has no distinguishing marks as a cultural hub.

The introduction of distinctive landscaping, wayfinding and other signage, added to the O'Keeffe colonnades and a conspicuous Mall-facing entrance to the Children's Library, will create an identity, with an aura of culture and education, for the first time for The Society of the Four Arts.

October 2023

EXHIBIT C

Lake Trail Right-of-Way Dedication.

Prepared by and return to:

Harvey E. Oyer III, Esq.
Shutts & Bowen, LLP
525 Okeechobee Boulevard, Suite 1100
West Palm Beach, FL 33401

AGREEMENT REGARDING DEDICATION OF RIGHT-OF-WAY

THIS AGREEMENT REGARDING DEDICATION OF RIGHT-OF-WAY (this “**Agreement**”) is made as of JUNE 14, 2023 by and between **THE SOCIETY OF THE FOUR ARTS, INC.**, a Florida not-for-profit corporation (“**Four Arts**”) with an address at 100 Four Arts Plaza, Palm Beach, FL 33480, and the **TOWN OF PALM BEACH**, a municipality of the State of Florida (the “**Town**”), with an address at 360 South County Road, Palm Beach, Florida 33480.

WHEREAS, Four Arts previously recorded that certain Dedication and Grant of Road Right-of-Way in Official Records Book 7151, Page 617, of the Public Records of Palm Beach County, Florida (the “**Original Dedication**”), for the intended purpose of granting the Town an easement over the real property legally described therein (the “**Property**”) for the purpose of establishing a road right-of-way easement with respect to Lake Trail; and

WHEREAS, Four Arts and the Town wish to enter into and record this Agreement for the purposes of clarifying the intended nature of the rights granted to the Town under of the Original Dedication, and to give legal effect to the same to the extent necessary.

NOW THEREFORE, in consideration of the sum of Ten Dollars (\$10.00), the mutual covenants contained herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

1. **Recitals.** The foregoing recitals are true and correct and incorporated herein by reference.
2. **Intended Nature of Dedication.** Four Arts and the Town acknowledge and agree that the rights intended to be conveyed to, and accepted by, the Town under the Original Dedication were intended to create an easement rather than acting as a conveyance of fee simple title to the Property. Accordingly, and for avoidance of doubt, the Original Dedication shall be construed to operate as the grant of an easement by Four Arts to the Town over the Property for the purpose of a road right-of-way easement for Lake Trail (the “**Easement**”), with Four Arts remaining as the fee simple owner of the Property. In furtherance of the foregoing, the Town hereby quit claims unto Four Arts and its heirs, successors, and assigns forever, all of the right, title, interest, claim, and demand which the Town has in and to the Property (if any) except for the Easement as described herein, and abandons and disclaims any and all dedications or other interests it may have in and to the Property except for the Easement.
3. **Modifications to Easement.** The Easement over the Property shall not be relocated or otherwise modified without the express written consent of both the Four Arts and the Town, or their respective successors or assigns.

4. **Covenants Running with the Land.** The provisions of this Agreement and the rights and covenants contained herein shall run with the land, and shall inure to the benefit of, and be binding upon, the parties hereto and their respective successors and assigns.

5. **Counterparts.** This Agreement may be executed in any number of counterparts, each of which shall be deemed an original and all of which, when taken together, shall constitute one and the same instrument.

6. **Entire Agreement.** This Agreement contains the entire agreement between Four Arts and the Town relating to the matters addressed herein.

7. **Severability.** If any clause, sentence, or other portion of this Agreement shall become illegal, null, or void for any reason, or shall be held by any court of competent jurisdiction to be so, the remaining portions thereof shall remain in full force and effect.

8. **Amendment.** This Agreement may only be amended by written agreement of the parties hereto, or their respective successors or assigns.

[Remainder of Page Intentionally Left Blank]

IN WITNESS WHEREOF, the Four Arts and the Town have executed this Agreement as of the date set forth above.

Signed, sealed and delivered in
the presence of:

THE SOCIETY OF THE FOUR ARTS, INC.,
a Florida not-for-profit corporation

Witness: Tricia Laino
Print Name: Tricia Laino

By: [Signature]
Name: RANDOLPH GUTHRIE
Title: CHAIRMAN

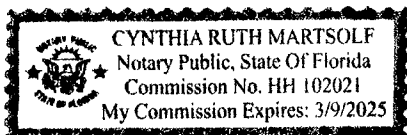
Witness: [Signature]
Print Name: Erin Paisley

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 14 day of JUNE, 2023, by RANDOLPH GUTHRIE, as CHAIRMAN of **THE SOCIETY OF THE FOUR ARTS, INC.**, a Florida not-for-profit corporation, on behalf of the corporation, who ☒ is personally known to me or ☐ has produced as identification.

[OFFICIAL NOTARIAL SEAL]



By: [Signature]
Print Name: CYNTHIA MARTSOLF
Notary Public, State of FLORIDA
My Commission Number: HH102021
My Commission Expires: 03/09/2025

Signed, sealed, and delivered in the
presence of:

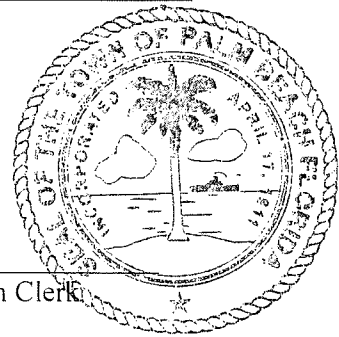
TOWN OF PALM BEACH,
a municipality of the State of Florida

Witness: Jess Sledge
Print Name: Jess Sledge

Witness: [Signature]
Print Name: Deborah Jones

[Signature]
Kirk Blouin, Town Manager

ATTEST:
[Signature]
Pat Gayle-Gordon, Deputy Town Clerk



STATE OF Florida
COUNTY OF Palm Beach

The foregoing instrument was acknowledged before me by means of ☒ physical presence or
☐ online notarization, this 16 day of June, 2023, by Kirk Blouin, the Town Manager, and
Pat Gayle-Gordon, as Deputy Town Clerk, respectively, of the TOWN OF PALM BEACH, a
municipality of the State of Florida, on behalf of such municipality, who ☒ is personally known to me or
☐ has produced _____ as identification.

[OFFICIAL NOTARIAL SEAL]



By: [Signature]
Print Name: Katherine Declaire
Notary Public, State of Florida
My Commission Number: HH 394026
My Commission Expires: May 3, 2027

APPROVED AS TO LEGAL FORM AND SUFFICIENCY

[Signature]
John C. Randolph, Town Attorney

EXHIBIT D

Parking Requirement Report

MEMORANDUM

To: Dr. Phillip Rylands
From: Christopher W. Heggen, P.E.
Kimley-Horn and Associates, Inc.
Date: August 7, 2024
Revised September 20, 2024
**Subject: Society of the Four Arts – Parking Requirements Evaluation
Palm Beach, FL
Kimley-Horn #245350000**

Kimley-Horn and Associates, Inc. has prepared evaluations to review anticipated parking supply needs for potential changes to the Society of the Four Arts campus, located north of Royal Palm Way and west of Cocoanut Row in the Town of Palm Beach, Florida. **Figure 1** illustrates the campus boundary. The general location and configuration of existing parking is shown in **Figure 2**.

The parking requirements for the site were calculated using the requirements listed in the Town of Palm Beach Code of Ordinances. In this Code of Ordinances, the information for parking requirements can be found in Chapter 134- Zoning, Article IX- Off-Street Parking and Loading. **Table 1** below summarizes this information.

Existing and Proposed Campus Uses

Multiple land uses are included on the Society of the Four Arts campus. These land uses include a theater, professional offices, a museum, and a library. **Table 1** below lists the existing and proposed land uses within the site and the related Town of Palm Beach parking requirements for each use.

Table 1 – Use and Town Code Requirements

Land Use	Spaces Required Per Unit
Theater	One per four permanent seats in the main auditorium
Professional Office	One per 250 square feet of gross leasable area (GLA)
Museum	One per 500 square feet
Library	One per 500 square feet

Information sourced from *Palm Beach Code of Ordinances, Chapter 134, Article IX.*

Table 2 below identifies the existing land uses within the Society of the Four Arts site and the code requirements as stated in the Town of Palm Beach Code of Ordinances, Chapter 134, Article IX. This table also lists the existing intensity for each land use and the total overall parking needed for each individual land use and the entire site. Overall, a total of 268 parking spaces would be needed for the existing intensity.

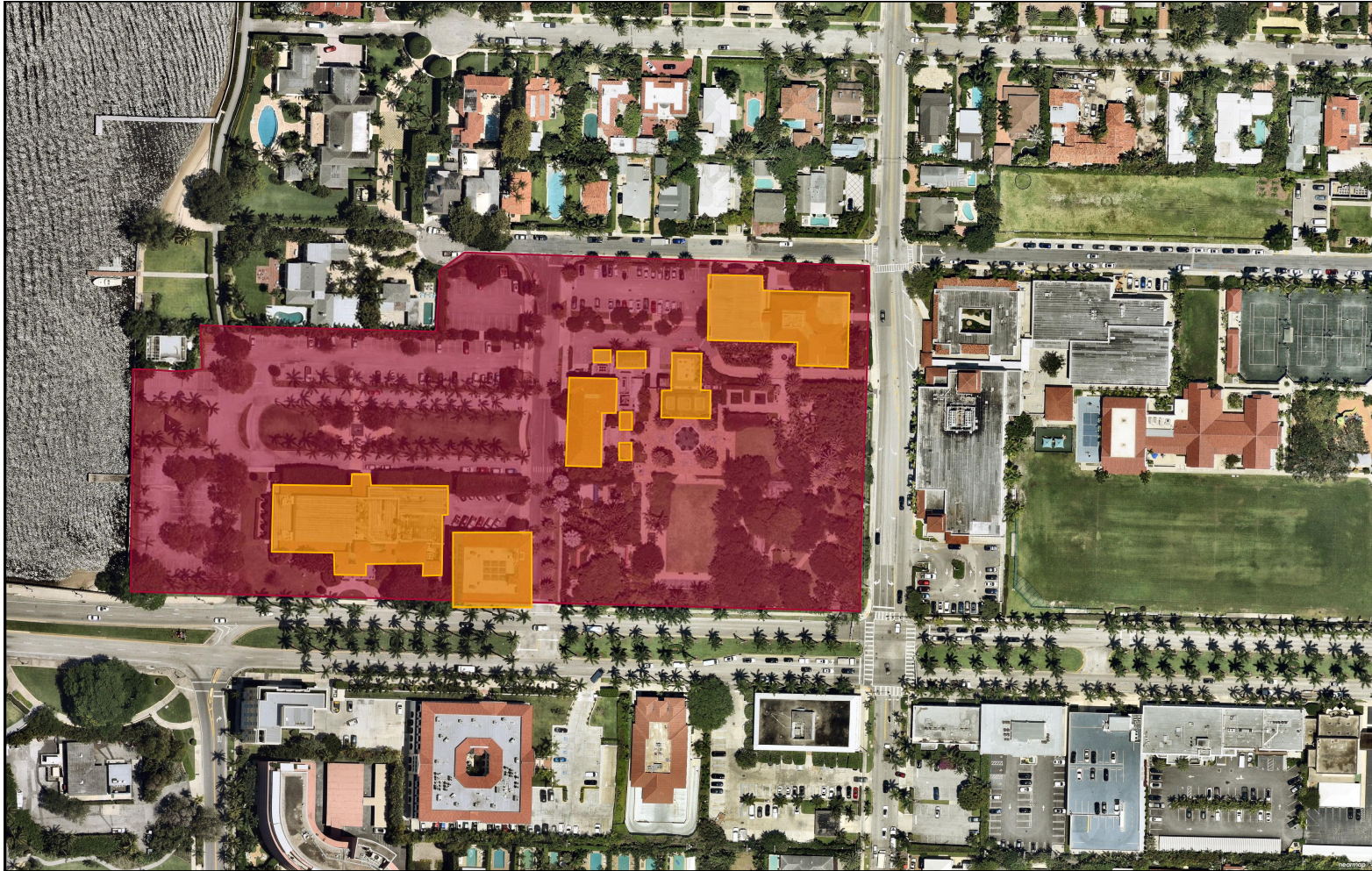
Table 2 – Existing Parking

Land Use	Code Requirements	Existing Intensity	Total Parking Spaces
Theater	1 per 4 seats	714 seats	179 parking spaces
Professional Office	4 per 1,000 SF	17,035 SF	68 parking spaces
Museum	2 per 1,000 SF	5,525 SF	11 parking spaces
Library	2 per 1,000 SF	4,812 SF	10 parking spaces
Total			268 parking spaces

Table 3 below evaluates the proposed updated development program for the Society of the Four Arts site and the code requirements as stated in the Town of Palm Beach Code of Ordinances, Chapter 134, Article IX. Overall, with the new proposed development program for the campus, an overall total of 316 parking spaces would be needed for the site only based upon code requirements.

Table 3 – Proposed Parking

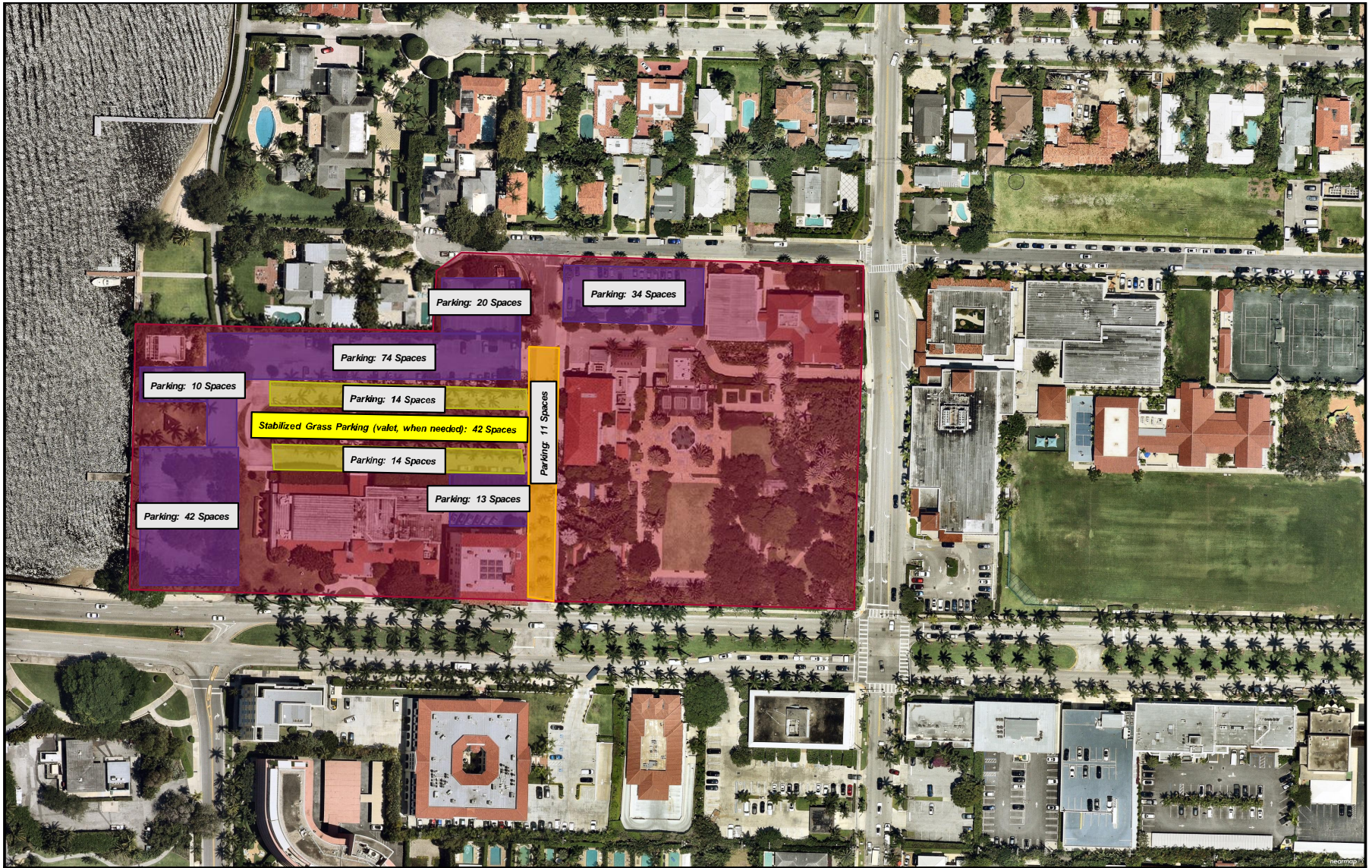
Land Use	Code Requirements	Proposed Intensity	Total Parking Spaces
Theater	1 per 4 seats	656 seats	164 parking spaces
Professional Office	4 per 1,000 SF	31,562 SF	126 parking spaces
Museum	2 per 1,000 SF	5,186 SF	10 parking spaces
Library	2 per 1,000 SF	7,800 SF	16 parking spaces
Total			316 parking spaces



LEGEND

 Site Location	 Proposed Crosswalks
 Existing Buildings	 Bridge Connection
 Existing Crosswalks	 Crosswalks to be Removed

FIGURE 1
 Society For The Four Arts
 KH #245350000
 Existing Buildings



Site Location



Existing Surface Parking



Existing Private On-Street Parking



Existing Public On-Street Parking

LEGEND

FIGURE 2

Society For The Four Arts

KH #245350000

Existing Parking

Kimley»Horn

Variance from Town Code Parking Requirements

The Society of the Four Arts campus is a unique site within the Town of Palm Beach that serves a function that is different from any other uses within the Town and, as such, does not directly match with the Town Code categories that have been applied in the initial determination of parking requirements. As such, the site will require a variance from Town Code standards. In support of that variance, the actual parking needs for the site have been calculated using an alternate methodology. In this case, the parking needs for the site were calculated using Town of Palm Beach Code parking requirements in combination with shared parking principles, recognizing that different use components within the campus experience their peak parking demands at different times of the day. Therefore, the evaluations that were undertaken included adjustments to reflect hourly variation in demand as well as differences in weekday and weekend parking demand needs. These adjustments were based upon data published by the Urban Land Institute (ULI) in *Shared Parking, Third Edition*. Following is a summary of the results of this evaluation.

Table 4 provides a summary of the ULI-published data to determine the percent of total parking needs represented by visitor parking demand and by employee parking demand. These factors are published in Table 2-2 of ULI's *Shared Parking, Third Edition*. This is used in subsequent calculations to determine the specific parking ratios needed for employees and for visitors.

Table 4 – Percent of Parking Demand for Visitors vs. Employees, by Use

Land Use	Component	Weekday		Weekend	
		Parking Ratio	Percentage	Parking Ratio	Percentage
Theater	Visitor	0.30 per seat	81%	0.33 per seat	83%
	Employee	0.07 per seat	19%	0.07 per seat	18%
	Total	0.37 per seat		0.40 per seat	
Professional Office	Visitor	0.30 per 1000 SF	8%	0.03 per 1000 SF	8%
	Employee	3.50 per 1000 SF	92%	0.35 per 1000 SF	92%
	Total	3.80 per 1000 SF		0.38 per 1000 SF	
Museum	Visitor	4.00 per 1000 SF	91%	4.50 per 1000 SF	90%
	Employee	0.40 per 1000 SF	9%	0.50 per 1000 SF	10%
	Total	4.40 per 1000 SF		5.00 per 1000 SF	
Library	Visitor	2.00 per 1000 SF	89%	1.90 per 1000 SF	49%
	Employee	0.25 per 1000 SF	11%	2.00 per 1000 SF	51%
	Total	2.25 per 1000 SF		3.90 per 1000 SF	

Note that there are two residential units on the campus; these are assumed to have dedicated parking and are not included in the analysis undertaken.

Existing Campus Parking Needs

Baseline parking needs calculations were then undertaken for the existing uses on campus for both weekday and weekend conditions. **Table 5** determines the parking requirements for visitors and employees for each use by applying the visitor/employee ratios identified in **Table 4** above to the parking ratios defined in Section 134-2176 of the Town's Code of Ordinances. Using the Town's Code and applying ULI adjustments in demand for weekday vs. weekend conditions, as shown in **Table 5**, a total of 247.7 parking spaces would be required on a weekday and 213.0 parking spaces would be required on a weekend if no consideration is made for time-of-day variations in parking needs.



**TABLE 5 - Baseline Parking Determination Based on the Parking for the Existing Land Uses
Parking Ratios, Town of Palm Beach Code Of Ordinances**

Land Use	Intensity	Weekday				Weekend			
		Total Parking Ratio	Component	Parking Ratio ³	Supply Required	Total Parking Ratio	Component	Parking Ratio ³	Supply Required
Theater	714 seats	0.23 per seat ¹	Visitor Employee	0.19 per 1000 SF 0.04 per 1000 SF	135.7 spaces 28.6 spaces	0.25 per 1000 SF	Visitor Employee	0.21 per 1000 SF 0.05 per 1000 SF	149.9 spaces 35.7 spaces
Professional Office	17,035 SF	4.00 per 1000 SF	Visitor Employee	0.32 per 1000 SF 3.68 per 1000 SF	5.5 spaces ⁵ 62.7 spaces ⁵	0.40 per 1000 SF ²	Visitor Employee	0.03 per 1000 SF 0.37 per 1000 SF	0.5 spaces 6.3 spaces
Museum	5,525 SF	1.76 per 1000 SF	Visitor Employee	1.60 per 1000 SF 0.16 per 1000 SF	8.8 spaces 0.9 spaces	2.00 per 1000 SF	Visitor Employee	1.80 per 1000 SF 0.20 per 1000 SF	9.9 spaces 1.1 spaces
Library	4,812 SF	1.15 per 1000 SF	Visitor Employee	1.02 per 1000 SF 0.13 per 1000 SF	4.9 spaces 0.6 spaces	2.00 per 1000 SF ³	Visitor Employee	0.98 per 1000 SF 1.02 per 1000 SF	4.7 spaces 4.9 spaces
Total					247.7 spaces				213.0 spaces

NOTES

- ¹ adjusted based on weekday / weekend ratio of 0.925 based upon ULI-published data for parking ratios
- ² adjusted based on weekend / weekday ratio of 0.1 based upon ULI-published data for parking ratios
- ³ adjusted based on weekday / weekend ratio of 0.88 based upon ULI-published data for parking ratios
- ⁴ adjusted based on weekday / weekend ratio of 0.58 based upon ULI-published data for parking ratios

Future Campus Parking Needs

Future parking needs calculations were then undertaken for the existing uses on campus for both weekday and weekend conditions. **Table 6** determines the parking requirements for visitors and employees for each use by applying the visitor/employee ratios previously identified in **Table 4** to the parking ratios defined in Section 134-2176 of the Town's Code of Ordinances. An additional adjustment was made in the office parking to reflect that there are 26 desk spaces for employees (counted as employee parking requirements, assuming 1 space per employee) + 99 parking spaces for visitors (counting the seating capacity of 99 seats in the large conference rooms). Visitor parking demand for the office use (weekdays) was further adjusted to assume approximately no more than 40% use of the large conference rooms during daytime hours on a day in which the theater would be in full use and 100% in the early evening hours. Using the Town's Code and applying ULI adjustments in demand for weekday vs. weekend conditions, as shown in **Table 6**, a total of 293.9 parking spaces would be required on a weekday and 209.1 parking spaces would be required on a weekend if no consideration is made for time-of-day variations in parking needs.

Tables 7 and 8 show the shared parking calculations based upon ULI time-of-day variations in parking demand for weekday and weekend conditions, respectively. As shown in **Table 7**, the overall weekday peak is projected to occur at 2:00 PM with a total calculated supply requirement of 232 spaces. As shown in **Table 8**, the overall weekend peak is projected to be 201 parking spaces at 2:00 PM.

Charts illustrating these variations in time-of-day demand for each individual use and on a cumulative basis are attached to this memorandum.

TABLE 6 - Baseline Parking Determination Based on the Parking for the Proposed Land Uses
Parking Ratios, Town of Palm Beach Code Of Ordinances

Land Use	Intensity	Weekday				Weekend			
		Total Parking Ratio	Component	Parking Ratio ³	Supply Required	Total Parking Ratio	Component	Parking Ratio ³	Supply Required
Theater	656 seats	0.23 per seat ¹	Visitor Employee	0.19 per 1000 SF 0.04 per 1000 SF	124.6 spaces 26.2 spaces	0.25 per 1000 SF	Visitor Employee	0.21 per 1000 SF 0.05 per 1000 SF	137.8 spaces 32.8 spaces
Professional Office	31,562 SF	4.00 per 1000 SF	Visitor	0.32 per 1000 SF	99.0 spaces ⁴	0.40 per 1000 SF ²	Visitor	0.03 per 1000 SF	0.9 spaces
			Employee	3.68 per 1000 SF	26.0 spaces ⁴		Employee	0.37 per 1000 SF	11.7 spaces
Museum	5,186 SF	1.76 per 1000 SF	Visitor	1.60 per 1000 SF	8.3 spaces	2.00 per 1000 SF	Visitor	1.80 per 1000 SF	9.3 spaces
			Employee	0.16 per 1000 SF	0.8 spaces		Employee	0.20 per 1000 SF	1.0 spaces
Library	7,800 SF	1.15 per 1000 SF	Visitor	1.02 per 1000 SF	8.0 spaces	2.00 per 1000 SF ³	Visitor	0.98 per 1000 SF	7.6 spaces
			Employee	0.13 per 1000 SF	1.0 spaces		Employee	1.02 per 1000 SF	8.0 spaces
Total					293.9 spaces				209.1 spaces

NOTES

- ¹ adjusted based on weekday / weekend ratio of 0.925 based upon ULI-published data for parking ratios
- ² adjusted based on weekend / weekday ratio of 0.1 based upon ULI-published data for parking ratios
- ³ adjusted based on weekday / weekend ratio of 0.88 based upon ULI-published data for parking ratios
- ⁴ adjusted to account for 26 employee offices/desks (employees @ 1 space / employee) + 99 seats total in large conference rooms

TABLE 7
WEEKDAY ADJUSTED PARKING REQUIREMENTS - ULI SHARED PARKING (Proposed)

Land Use	Quantity*	Unit	User	Unadjusted Parking Spaces	8 a.m.	9 a.m.	10 a.m.	11 a.m.	Noon	1 p.m.	2 p.m.	3 p.m.	4 p.m.	5 p.m.	6 p.m.	7 p.m.	8 p.m.	9 p.m.	10 p.m.	11 p.m.	
Theater	656	seats	Visitor	124.6	0%	1%	15%	25%	50%	75%	100%	100%	25%	1%	0%	0%	0%	0%	0%	0%	
				0	1	19	31	62	93	125	125	31	1	0	0	0	0	0	0	0	
			Employee	26.2	10%	20%	50%	90%	100%	100%	100%	100%	75%	50%	25%	10%	0%	0%	0%	0%	0%
Professional Office	31,562	SF	Visitor	99.0	20%	40%	40%	40%	40%	40%	40%	40%	40%	100%	100%	100%	50%	0%	0%	0%	
				20	40	40	40	40	40	40	40	40	99	99	99	99	50	0	0	0	0
			Employee	26.0	50%	90%	100%	100%	85%	85%	95%	95%	85%	60%	25%	15%	5%	3%	1%	0%	0%
				13	23	26	26	22	22	25	25	22	16	7	4	1	1	0	0	0	
Museum	5,186	SF	Visitor		0%	0%	45%	65%	85%	95%	100%	95%	90%	85%	60%	30%	10%	0%	0%	0%	
				0	0	4	5	7	8	8	7	7	5	2	1	0	0	0	0	0	
			Employee	0.8	5%	25%	75%	100%	100%	100%	100%	100%	100%	80%	75%	10%	5%	0%	0%	0%	5%
				0	0	1	1	1	1	1	1	1	1	1	0	0	0	0	0	0	
Library	7,800	SF	Visitor		0%	100%	100%	98%	98%	78%	72%	65%	70%	79%	60%	50%	40%	0%	0%	0%	
				0	8	8	8	8	6	6	5	6	6	5	4	3	0	0	0	0	0
			Employee	8.0	50%	100%	100%	100%	100%	100%	100%	100%	100%	90%	75%	50%	20%	10%	0%	0%	0%
				1	1	1	1	1	1	1	1	1	1	1	1	0	0	0	0	0	
Total				294	37	78	112	136	167	197	232	231	128	144	125	113	55	1	0	0	
Maximum Required					232																

Note: Town of Palm Beach parking ratios have been subdivided into Visitor/Employee demand by applying ratios published by ULI for comparable land uses in *Shared Parking, Third Edition*.

Note: time-of day demand ratios for office (visitors) and theater (visitors and employees) have been adjusted based upon site-specific assumptions. These adjustments are highlighted in yellow.

TABLE 8
WEEKEND ADJUSTED PARKING REQUIREMENTS - ULI SHARED PARKING (Proposed)

Land Use	Quantity*	Unit	User	Unadjusted Parking Spaces	8 a.m.	9 a.m.	10 a.m.	11 a.m.	Noon	1 p.m.	2 p.m.	3 p.m.	4 p.m.	5 p.m.	6 p.m.	7 p.m.	8 p.m.	9 p.m.	10 p.m.	11 p.m.
Theater	656	seats	Visitor	137.8	0%	1%	1%	25%	50%	75%	100%	100%	50%	1%	1%	0%	0%	0%	0%	0%
			Employee	32.8	10%	20%	20%	20%	30%	100%	100%	100%	75%	50%	25%	10%	0%	0%	0%	0%
Professional Office	31,562	SF	Visitor	0.9	60%	80%	90%	100%	90%	80%	60%	40%	20%	10%	5%	0%	0%	0%	0%	0%
			Employee	11.7	60%	80%	90%	100%	90%	80%	60%	40%	20%	10%	5%	0%	0%	0%	0%	0%
Museum	5,186	SF	Visitor	9.3	0%	0%	45%	65%	85%	95%	100%	95%	90%	85%	60%	30%	10%	0%	0%	0%
			Employee	1.0	5%	25%	75%	100%	100%	100%	100%	100%	80%	75%	10%	5%	0%	0%	0%	5%
Library	7,800	SF	Visitor	7.6	0%	0%	100%	90%	80%	65%	50%	35%	11%	5%	5%	0%	0%	0%	0%	0%
			Employee	8.0	10%	50%	100%	100%	100%	100%	100%	50%	10%	10%	10%	10%	0%	0%	0%	0%
Total				209	12	22	41	76	114	169	201	193	107	28	18	7	1	0	0	0
Maximum Required																				

Note: Town of Palm Beach parking ratios have been subdivided into Visitor/Employee demand by applying ratios published by ULI for comparable land uses in *Shared Parking, Third Edition*.

Note: time-of day demand ratios for theater (visitors) have been adjusted based upon site-specific assumptions. These adjustments are highlighted in yellow.



Summary

As shown in the site plans, the total parking supply provided is 233 spaces when event valet parking (on grass) is utilized:

- 150 spaces – west campus
- 41 parking spaces – east campus
- 42 parking spaces – stabilized surface grass parking

Accounting for variations in time-of-day demand for uses on site, the peak parking needs for the campus are anticipated to be approximately 232 spaces during the weekday peak period in which the theater is in use. Therefore, the parking needs for the site are anticipated to be met.

Please contact me via phone at (561) 840-0248 or via e-mail at chris.heggen@kimley-horn.com if you have any questions regarding this evaluation.

Attachments

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EXHIBIT E

Sec. 134-229. Requirements for granting a Special Exception.

The requirements for granting a special exception use under this chapter are as follows:

(1) The use is a permitted special exception use as set forth in article VI of this chapter.

RESPONSE: *The Four Arts is permitted and an approved Special Exception. The request is to expand the existing approved Special Exception.*

(2) The use is so designed, located and proposed to be operated that the public health, safety, welfare and morals will be protected.

RESPONSE: *The Four Arts is currently designed, located and operates so that the public health, safety, welfare and morals will be protected, but improvements are required to better serve the public. As such, the Project proposes to improve the Site as outlined in the Four Arts Narrative, a copy of which is included as **Exhibit "B"**.*

(3) The use will not cause substantial injury to the value of other property in the neighborhood where it is to be located.

RESPONSE: *The Project will not cause substantial injury to the value of other properties in the neighborhood where it is to be located. The Four Arts exists today as a theater, a museum, a sculpture garden, a botanical garden, a public library, a children's library, offices, residential units above the first floor, classrooms, an auditorium, along with other ancillary uses and will continue to operate as such.*

(4) The use will be compatible with adjoining development and the intended purpose of the district in which it is to be located.

RESPONSE: *The proposed Project is and continues to be compatible with the adjoining development and the intended purpose of the district in which it is located. The Project aims to align with the objectives of the residents of Palm Beach, immediate neighbors, authorities, and the Four Arts' overall mission.*

(5) The use will comply with yard, other open space, and any special requirements set out in article VI for the particular use involved.

RESPONSE: *As noted above, the Four Arts is and continues to be a Special Exception use. The Project is part of a larger mission to:*

- *To seek a new, safe location for the children's library, currently on the second floor of the Rovensky Building, with the aid of a new building.*
- *To upgrade the Gubelmann auditorium in the Esther B. O'Keeffe Gallery building and create backstage and support areas that do not currently exist.*
- *To upgrade the exhibition galleries in the Esther B. O'Keeffe Gallery building and create support areas that do not currently exist.*
- *To enhance visitor experience in the Esther B. O'Keeffe Gallery building (access, circulation, lighting, air-conditioning, acoustics, box office, restrooms, etc.).*
- *To re-configure the interior of the Rovensky building better to accommodate offices and meeting rooms.*
- *To create an identity for the anonymous, dispersive, and difficult-to-navigate Site by means of landscaping, signage, wayfinding, and lighting.*

Considering the Existing Development and the Project goals, there is a need to seek new variances from the yard and open space requirements as outlined in the plans included with the application. As such, the Applicant has included requests for variances that are necessary in order to accomplish the overall mission of the Four Arts.

(6) The use will comply with all elements of the comprehensive plan.

RESPONSE: *The Four Arts is approved as a Private Group Use and thus complies with the applicable elements of the Comprehensive Plan.*

(7) The use not result in substantial economic, noise, glare, or odor impacts on adjoining properties and properties generally in the district.

RESPONSE: *The Project has been designed and situated in such a manner to have no impact on adjoining properties and will not result in substantial economic, noise, glare, or odor impacts on adjoining properties or properties generally in the district.*

(8) Adequate ingress and egress to property and proposed structures thereon and off-street parking and loading areas will be provided where required, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.

RESPONSE: *There are no changes proposed to the vehicular ingress and egress to the Site. Overall, the Project proposes to improve the safety of the pedestrian paths throughout the Site.*

(9) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, and economic impact shall be compatible and in harmony with properties in the district.

RESPONSE: *The Project does propose new wayfinding signage. All signage will be compatible and in harmony with the adjacent properties in the district. A signage plan is included with the submittal.*

(10) Location, availability and compatibility of utility service for the use shall be satisfactory to ensure health and safety.

RESPONSE: *The Project has obtained the approval from the Town for the availability of utility services. All proposed utility service improvements will be compatible and suitably located as part of the permitting process.*

(11) Refuse and service areas for the use shall not adversely affect automotive and pedestrian safety and convenience, traffic flow and control, or access in case of fire or catastrophe.

RESPONSE: *The Project proposes to improve the efficiency of the refuse and service areas and thus has no adverse effects on automotive and pedestrian safety and convenience, traffic flow and control, or access in case of fire or catastrophe.*

(12) In all districts except the C-OPI district, and also with the exception of hotel, motel and timeshare uses, the proposed special exception use will not attract the principal portion of its customers/clients from off-island locations. The applicant shall submit evidence satisfactory to the town council that not less than 50 percent of the customers of the proposed use will be town persons. Evidence submitted in support of this contention shall include credible data or information suitable for review by the town to determine the credibility and the appropriateness of the applicant's conclusion. The submittal shall include a description of the types of information used and the methodology employed to arrive at the conclusion. Information used shall include, but shall not be limited to, lists of customer/client addresses or certification thereof by an independent certified public accountant approved by the town, market studies prepared by independent professional firms, or data from similar operations under the control of the applicant. The town may in the future require the applicant to demonstrate to the satisfaction of the town council that the special exception use is continuing to be town-serving.

RESPONSE: *The Four Arts is an approved Special Exception use which has been and will continue to be a town-serving use. The Special Exception use is not proposed to change.*

- (13) If historic/specimen trees are located on the subject property, the location of said historic/specimen trees shall be identified on a signed and sealed survey. In addition, adequate landscaping, screening and barricade protection of historic/specimen trees shall be demonstrated to be provided as required in this chapter.

RESPONSE: *There are no historic/specimen trees that are affected as part of the Project.*

- (14) The proposed use will not place a greater burden than would be caused by a permitted use on municipal police services due to increased traffic or on fire protection services due to the existence of or increased potential for fire/safety code violations.

RESPONSE: *The Project does not place a greater burden on municipal police or fire protection services.*

EXHIBIT F

Sec. 134-329. Review by town council.

Within 30 days of receipt of the application for site plan review, the town council shall review and consider the application. Before any site plan shall be approved, approved with changes, or denied, the town council shall make a finding that the approval of the site plan will or will not adversely affect the public interest and certify that the specific zoning requirements governing the individual use have or have not been met and that, further, satisfactory provision and an arrangement has or has not been made concerning the following matters, where applicable:

- (1) Sufficiency of statements on ownership and control of the subject property and sufficiency of conditions of ownership or control, use and permanent maintenance of common open space, common facilities or common lands to ensure preservation of such lands and facilities for their intended purpose and to ensure that such common facilities will not become a future liability for the town.

RESPONSE: *The Applicant is the fee simple owner and in control and possession of the entire parcel which is subject of this application. As such, the Applicant is already the property owner and is responsible for the care and upkeep of the entire site.*

- (2) Intensity of use and/or purpose of the proposed development in relation to adjacent and nearby properties and the effect thereon; provided, however, that nothing in this subsection shall be construed as granting the town council the authority to reduce residential densities below that permitted by the use regulations in article VI of this chapter.

RESPONSE: *There are no new land uses, programming or intensities of use proposed for the Site. The Project proposes to continue operation as a Private Group Use and provide the amenities customary to a theater, a museum, a sculpture garden, a botanical garden, a public library, a children's library, offices, residential units above the first floor, classrooms, an auditorium, along with the other ancillary uses.*

- (3) Ingress and egress to the property and the proposed structure thereof, with particular reference to automotive and pedestrian safety; separation of automotive traffic; traffic flow and control; provision of services and servicing of utilities and refuse collection; and access in case of fire, catastrophe or emergency.

There are no changes proposed to the vehicular ingress and egress to the Site. The Project proposes to improve the safety of the pedestrian paths which includes the Abandonment, which will redirect the pedestrian path along Lake Trail to a safer path.

- (4) Location and relationship of off-street parking and off-street loading facilities to thoroughfares and internal traffic patterns within the property, with particular reference to automotive and pedestrian safety, traffic flow and control, access in case of fire or catastrophe, and screening and landscaping.

RESPONSE: *The Project proposes to redesign and improve the off-street parking by reconfiguring the East Campus parking and improving the parking on the West Campus. Furthermore, the Applicant has included a Parking Evaluation report that accounts for variations in time-of-day demand for uses on Site and demonstrates that the parking needs for the Site are anticipated to be met.*

- (5) Proposed screens and buffers to preserve internal and external harmony and compatibility with uses inside and outside the property boundaries.

RESPONSE: *The Project proposes to maintain the screens and buffers to preserve internal and external harmony and compatibility with the uses inside and outside of the Site boundaries.*

- (6) Manner of drainage on the property, with particular reference to the effect of provisions for drainage on adjacent and nearby properties and the consequences of such drainage on overall town capacities.

RESPONSE: *The Applicant will assess and improve existing stormwater infrastructure as part of the permitting process.*

- (7) Utilities, with reference to hook-in locations and availability and capacity for the uses projected.

RESPONSE: *The Applicant proposes to relocate utility lines as needed as part of the Project. The existing utility lines will be relocated on-site as needed.*

- (8) Recreation facilities and open spaces, with attention to the size, location and development of the areas as to adequacy, effect on privacy of adjacent and nearby properties and uses within the property, and relationship to communitywide open spaces and recreation facilities.

RESPONSE: *There are no changes proposed that impact the recreation facilities.*

- (9) Such other standards as may be imposed by this chapter for the particular use or activity involved.

RESPONSE: *There are no other standards as may be imposed by this chapter for the particular use or activity involved.*

- (10) Height of commercial structures with reference to adjoining buildings, the effect on uniformity in height, and the general principle of retaining the low-profile scale of commercial architecture.

RESPONSE: *There are no commercial structures located on the Site and no adjoining commercial buildings. The Site is comprised of the entire block and is developed as a Private Group Use. The height of the structures within the Existing Development already exceeds the maximum permitted height.*

- (11) Visible size and bulk. The proposed development should be so arranged that it minimizes the visible bulk of the structures to drivers and pedestrians on abutting roadways, the point of reference being the centerline of the abutting roadways, with the intent being to maintain visual impact of multistory buildings at the same relative level of intensity as a single-story building at the minimum required setback.

RESPONSE: *The Project is arranged so that it minimizes the visible bulk of the structures to drivers and pedestrians on abutting roadways. The intent is to maintain visual impact of the Existing Development at the same relative level of intensity.*

EXHIBIT G

Sec. 134-201. Findings prior to authorization.

- (a) The town council may authorize upon appeal such variance from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of this chapter will result in unnecessary and undue hardship. In order to authorize any variance from the terms of this chapter, the town council must and shall find the following:
- (1) Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.

RESPONSE: *The Four Arts is a non-profit cultural organization founded in 1934. The Site is currently developed with a theater, a museum, a sculpture garden, a botanical garden, a public library, a children's library, offices, residential units above the first floor, classrooms, an auditorium, along with other ancillary uses. The Site exists today with several structural legal non-conformities; inclusive of parking, building height, setbacks, angle of vision, and more as outlined in this Letter of Intent. As a result, there are special conditions and circumstances existing which are peculiar to the land, structures and buildings involved and which are not applicable to other lands, structures or buildings in the same zoning district.*

*The Four Arts is a unique Site within the Town that serves a function that is different from any other uses within the Town and, as such, does not directly match with the Code categories that have been applied in the initial determination of parking requirements. As such, the Site will require a variance from the Code. In support of the variance, the actual parking needs for the Site have been calculated using an alternate methodology. In this case, the parking needs for the Site were calculated using Code parking requirements in combination with shared parking principles, recognizing that different use components within the Site experience peak parking demands at different times of the day. Therefore, the evaluations that were undertaken included adjustments to reflect hourly variation in demand as well as differences in weekday and weekend parking demand needs. These adjustments were based upon data published by the ULI in Shared Parking, Third Edition. A complete Parking Requirements Evaluation report was completed by Kimley Horn, a copy of which is attached hereto as **Exhibit "D"**.*

The Project proposes a total of 233 parking spaces.

- 150 spaces – west campus
- 41 parking spaces – east campus
- 42 parking spaces – stabilized surface grass parking

Accounting for variations in time-of-day demand for uses on site, the peak parking needs for the campus are anticipated to be approximately 232 spaces during the weekday peak period in which the theater is in use. Therefore, the parking needs for the site are anticipated to be met.

- (2) The special conditions and circumstances do not result from the actions of the applicant.

RESPONSE: *The special conditions and circumstances do not result from the actions of the Applicant. See also the response to criteria #1.*

- (3) Granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, buildings or structures in this same zoning district.

RESPONSE: *The granting the variance requested will not confer on the Applicant any special privilege that is denied by the Code to other lands, buildings or structures in this same zoning district. In fact, the variance can be requested by any property owner affected by the applicable regulations.*

- (4) Literal interpretation of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this chapter and would work unnecessary and undue hardship on the applicant.

RESPONSE: *The literal interpretation of this chapter would deprive the Applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this chapter and would work unnecessary and undue hardship on the Applicant. See also the response to criteria #1.*

- (5) The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.

RESPONSE: *The requested variance is the minimum variance that will make possible the reasonable use of the land. The Project proposes to continue operation as a Private Group Use and provide the amenities customary to a theater, a museum, a sculpture garden, a botanical garden, a public library, a children's library, offices, residential units above the first floor, classrooms, an auditorium, along with the other ancillary uses. As such, the requested variance is reasonable to better serve the public.*

- (6) For granting of a variance to sections 134-387 or 134-390 through 134-392, pertaining to the regulation of nonconforming uses, the following additional findings shall be made pertaining to the nonconforming use for which the variance is requested:

- a. It is the continuance of a unique hotel or residential use that has, for at least 15 years proven compatible with the surrounding uses; and
- b. Neither rezoning to a district which would allow the use, nor inclusion of the subject use as a permitted or special exception use in the district would act to achieve the preservation of the subject use without opening the possibility of the incursion of uses incompatible with the immediately surrounding area and, further, such variance shall:
 1. Be granted only for the continuation of the same hotel or residential use; and
 2. Require the applicant to submit a declaration of use limiting the utilization of the property for which the variance was granted to the same use as that existing at the time the variance was granted.

RESPONSE: *N/A*

- (7) The grant of the variance will be in harmony with the general intent and purpose of this chapter, and such variance will not be injurious to the area involved or otherwise detrimental to the public welfare. In granting any variance, the town council may prescribe appropriate conditions and safeguards in conformity with this chapter. Upon granting a variance the town council may require the landowner to provide a declaration of use agreement which shall be recorded in the public records to ensure continuing compliance with town council imposed conditions of such grants. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter.

RESPONSE: *Granting of the variance will be in harmony with the general intent and purpose of the Code. Additionally, granting of the variance will not be injurious to the area involved or otherwise detrimental to the public welfare, in fact, it will be a benefit to the public and provide a more enhanced experience to the patrons of the Four Arts.*

EXHIBIT H

Sec. 54-122. New construction.

- (a) The following aspects of new construction shall be visually compatible with the buildings and environment with which the new construction is visually related:
- (1) The height, the gross volume, and the proportion between width and height of the facade;
 - (2) The proportions and relationships between doors and windows;
 - (3) The rhythm of solids to voids created by openings in the facade;
 - (4) The materials used in the facade;
 - (5) The texture inherent in the facade;
 - (6) The colors, pattern and trim used in the facade; and
 - (7) The design of the roof.

RESPONSE:

O'KEEFE BUILDING

- (1) The height, the gross volume, and the proportion between width and height of the façade are an extension of the existing.*
- (2) The proportions and relationships between doors and windows are similar to existing and recreate historic doors and windows.*
- (3) The rhythm of solids to voids created by openings in the façade is similar to existing.*
- (4) The materials used in the façade is similar to existing.*
- (5) The texture inherent in the façade is similar to existing.*
- (6) The colors, pattern and trim used in the façade match existing.*
- (7) The design of the roof matches existing.*

ROVENSKY BUILDING

- (1) The height, the gross volume, and the proportion between width and height of the façade is compatible with the existing building and adjacent buildings on the campus.*
- (2) The proportions and relationships between doors and windows is compatible with the existing building and adjacent buildings on the campus.*
- (3) The rhythm of solids to voids created by openings in the facade; is compatible with the existing building and adjacent buildings on the campus. The proportion of the arched windows is similar to that of the King Library.*
- (4) The materials used in the facade are compatible with the existing building and adjacent buildings on the campus.*
- (5) The texture inherent in the façade is compatible with the existing building and adjacent buildings on the campus.*
- (6) The colors, pattern and trim used in the facade; is compatible with the existing building and adjacent buildings on the campus.*
- (7) The design of the roof is compatible with the existing building and adjacent buildings on the campus. The third floor is stepped back in order to relate the mass of the first two floors to that of the King Library.*

SHADE HOUSE

- (1) The height, the gross volume, and the proportion between width and height of the façade are similar to existing*
- (2) The proportions and relationships between doors and windows are similar to existing.*
- (3) The rhythm of solids to voids created by openings in the façade are similar to existing.*
- (4) The materials used in the façade match existing.*
- (5) The texture inherent in the façade matches existing*
- (6) The colors, pattern and trim used in the façade matches existing*
- (7) The design of the roof adjacent structures matches.*

(b) Existing rhythm created by existing building masses and space between them should be preserved.

RESPONSE:

O'KEEFE BUILDING

Existing rhythm created by existing building masses and space between them have been preserved through step backs in the façade of the building.

ROVENSKY BUILDING

Existing rhythm created by existing building masses and space between them has been preserved.

SHADE HOUSE

Existing rhythm created by existing building masses and space between them have been preserved.

(c) The landscape plan should be sensitive to the individual building and its occupants and needs and should be visually compatible with the buildings and environment with which it is visually related.

RESPONSE:

O'KEEFE BUILDING

The landscape plan is sensitive to the individual building and its occupants and is visually compatible with the buildings and environment with which it is visually related.

ROVENSKY BUILDING

The landscape plan is sensitive to the individual building and its occupants and is visually compatible with the buildings and environment with which it is visually related.

SHADE HOUSE

The landscape plan is sensitive to the individual building and its occupants and is visually compatible with the buildings and environment with which it is visually related.

(d) A new street facade should blend directionally with other buildings with which it is visually related; which is to say, when adjacent buildings have a dominant horizontal or vertical expression, that expression should be carried over in the new facade.

RESPONSE:

O'KEEFE BUILDING

A new street facade blends directionally with other buildings with which it is visually related.

ROVENSKY BUILDING

A new street facade faces the mall and blends directionally with other buildings with which it is visually related.

SHADE HOUSE

A new street facade matches existing.

(e) Architectural details should be incorporated as necessary to relate the new with the old and to preserve and enhance the inherent architectural characteristics of the area.

RESPONSE:

O'KEEFE BUILDING

Architectural details incorporate the new with the old, preserve and enhance the inherent architectural characteristics of the area and recreate historic details lost to time.

ROVENSKY BUILDING

Architectural details have been incorporated as necessary to relate the new with the old and to preserve and enhance the inherent architectural characteristics of the area.

SHADE HOUSE

Architectural details incorporated relate the new with the old and to preserve and enhance the inherent architectural characteristics of the area.

EXHIBIT I

P R O P E R T Y I N F O R M A T I O N

The approximately 7.68-acre site located at 100, 101, 102, and 103 Four Arts Plaza, and 240 Cocoanut Row (**“Site”**).

Property Address:	100, 101, 102, and 103 Four Arts Plaza, and 240 Cocoanut Row (<i>Figure 1</i>)
Parcel Control Number (“PCN”):	50434323050210010; 50434322000030030; 50434322000030080; 50434323050210010; 50434323050210031; 50434322000030090; 50434322000030140; 50434323050210040; 50434323050210050

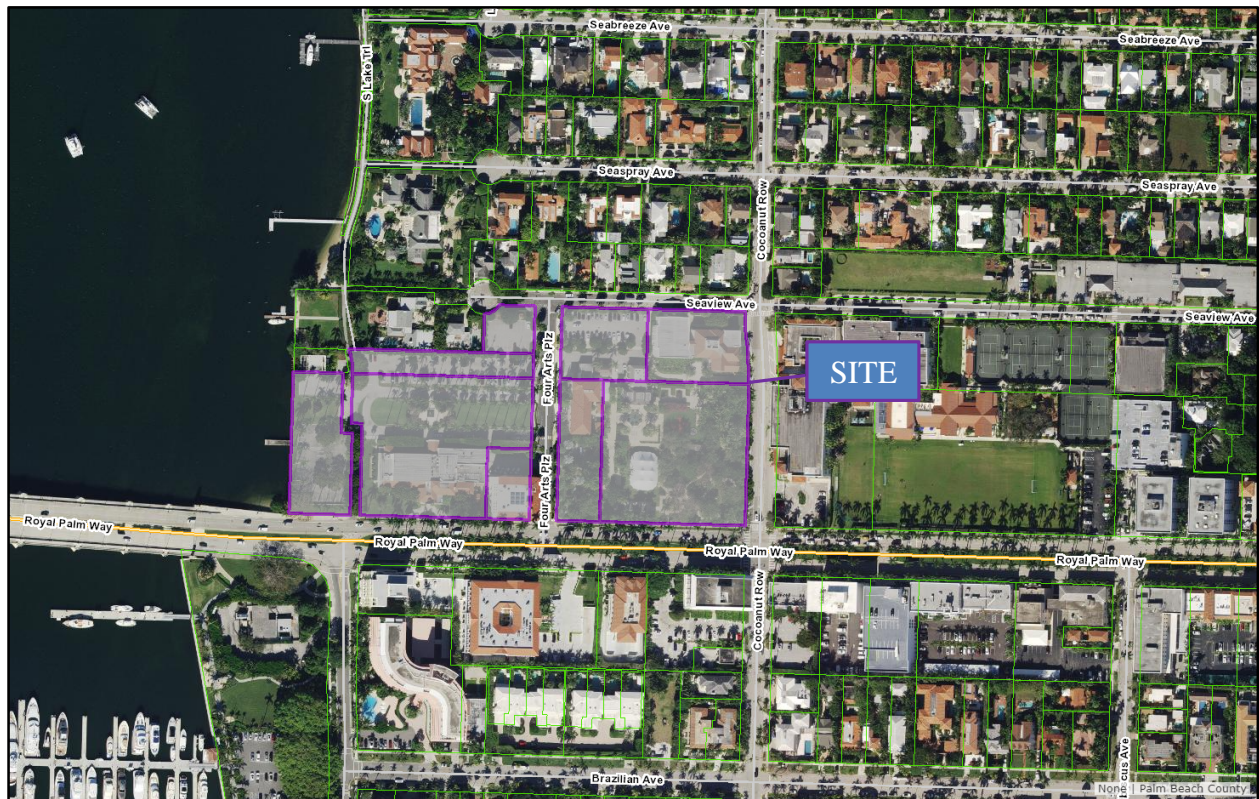


FIGURE 1 – Location map

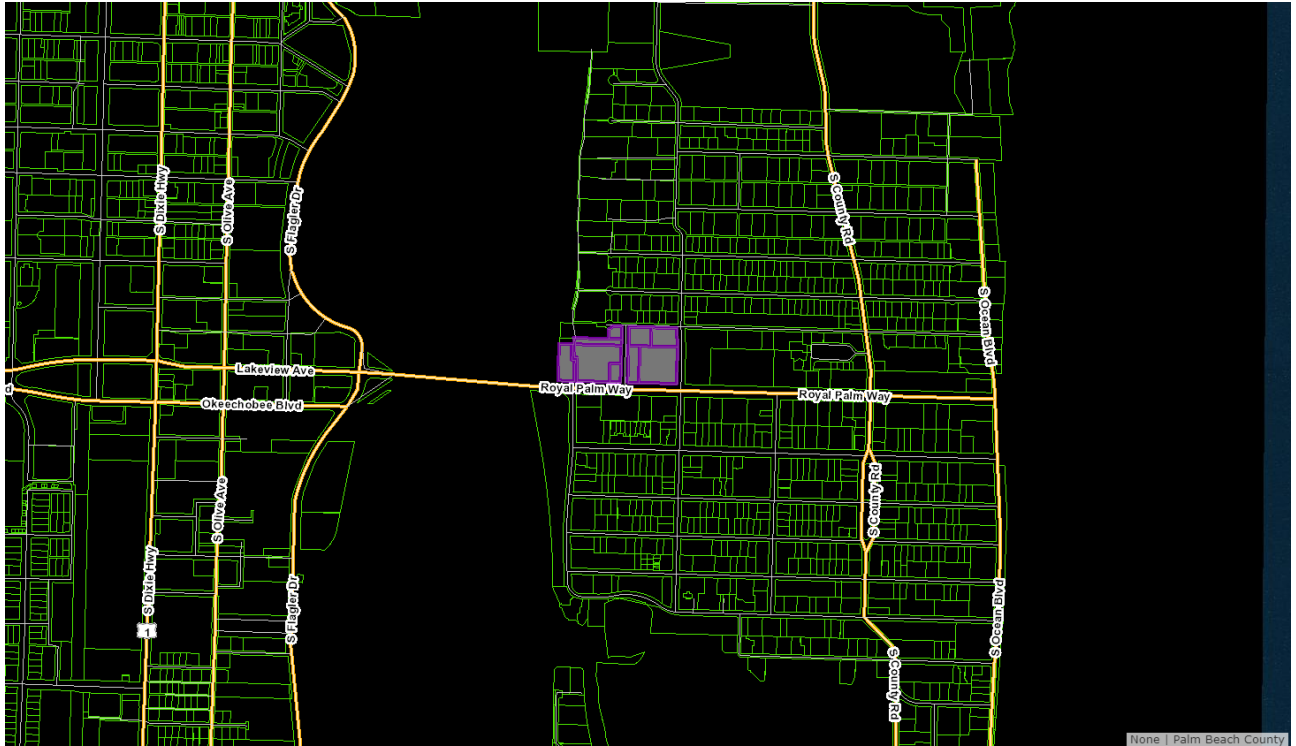


FIGURE 2 – Vicinity map

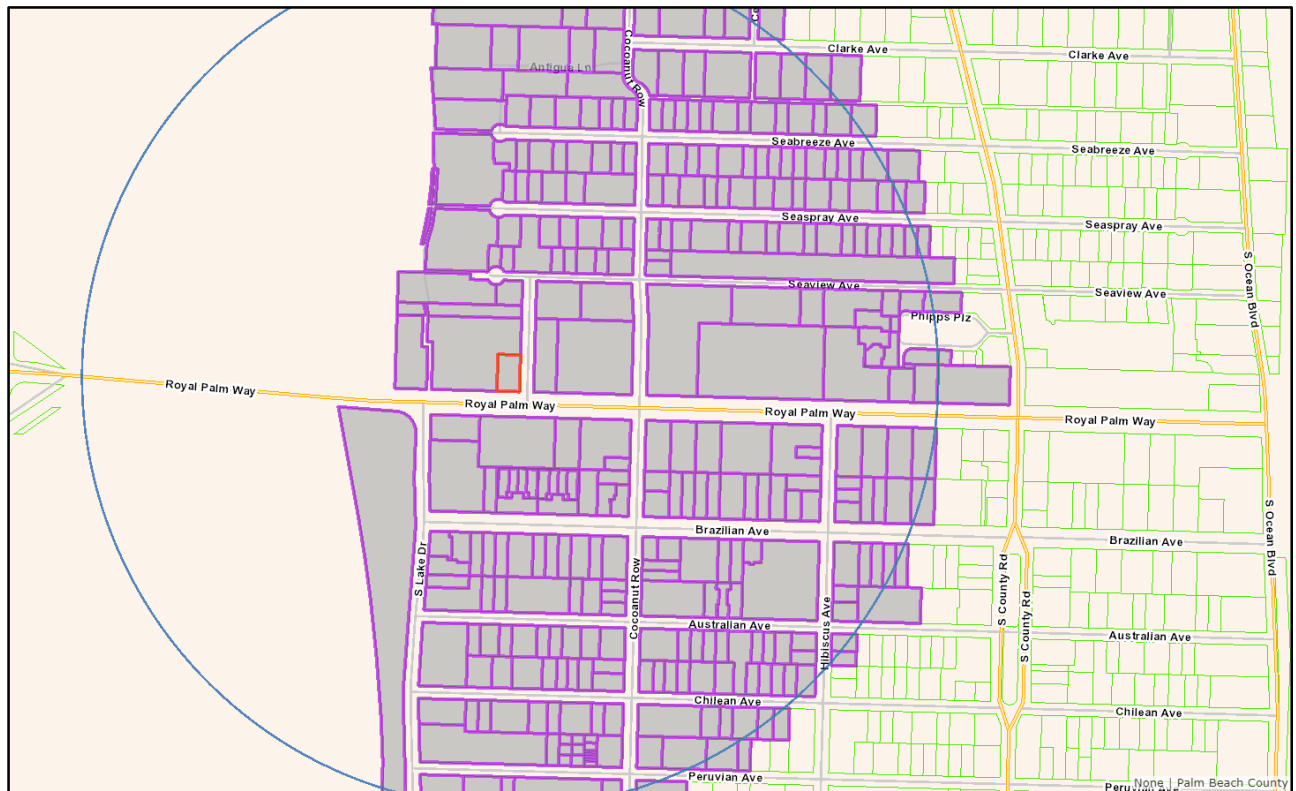


FIGURE 3 – Street map (1,700 ft. buffer)

EXHIBIT J

LEGAL DESCRIPTION

WEST CAMPUS:

A PORTION OF GOVERNMENT LOT 3, LYING WITHIN SECTION 22, TOWNSHIP 43 SOUTH, RANGE 43 EAST, AND LOTS 1, 2, AND A PORTION OF LOT 3, BLOCK "A", REVISED MAP OF ROYAL PARK ADDITION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 4, PAGE 1, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 2 OF BLOCK "A", REVISED MAP OF ROYAL PARK ADDITION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 4, PAGE 1, THENCE N90°00'00"W ALONG THE SOUTH LINE OF SAID BLOCK "A" BEING COINCIDENT WITH THE NORTH RIGHT OF WAY LINE OF ROYAL PALM WAY FOR A DISTANCE OF 302.04 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE DESCRIBED IN OFFICIAL RECORDS BOOK 7151, PAGE 617 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE N00°00'47"W ALONG SAID EAST RIGHT OF WAY LINE FOR A DISTANCE OF 182.78 FEET; THENCE S89°59'13"W FOR A DISTANCE OF 3.76 FEET TO A POINT ON THE WEST LINE OF A PARCEL DESCRIBED IN SECTION ONE IN OFFICIAL RECORDS BOOK 469, PAGE 230, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE N00°49'40"E ALONG SAID WEST LINE FOR A DISTANCE OF 107.24 FEET; THENCE N90°00'00"W TO A POINT ON THE WESTERLY EXTENSION OF LOT 1 OF SAID BLOCK "A" FOR A DISTANCE OF 20.30 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE DESCRIBED IN SAID OFFICIAL RECORDS BOOK 7151, PAGE 617, SAID POINT BEING ON A NON TANGENT CIRCULAR CURVE CONCAVE TO THE WEST, SAID POINT BEARING N88°48'20"E FROM THE RADIUS POINT OF SAID CURVE; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 115.00 FEET AND A CENTRAL ANGLE OF 13°23'57" FOR A DISTANCE OF 26.89 FEET TO A POINT OF TANGENCY; THENCE N14°35'41"W FOR A DISTANCE OF 19.16 FEET; THENCE N90°00'00"E ALONG THE NORTH LINE OF PARCEL 3 DESCRIBED IN DEED BOOK 809, PAGE 524, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, FOR A DISTANCE OF 276.10 FEET; THENCE N00°00'00"E ALONG THE WEST LINE OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 5272, PAGE 331, FOR A DISTANCE OF 84.36 FEET TO A POINT ON A NON TANGENT CIRCULAR CURVE CONCAVE TO THE NORTHWEST, SAID POINT BEARING S03°10'59"E FROM THE RADIUS POINT OF SAID CURVE; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 36.00 FEET AND A CENTRAL ANGLE OF 57°10'32" FOR A DISTANCE OF 35.92 FEET; THENCE S90°00'00"E ALONG THE SOUTH RIGHT OF WAY LINE OF SEA VIEW AVENUE AS SHOWN ON THE PLAT OF POINCIANA PARK 3RD ADDITION ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 8, PAGE 72 FOR A DISTANCE OF 74.71 FEET; THENCE S00°00'00"W ALONG THE WEST RIGHT OF WAY LINE OF FOUR ARTS PLAZA (FORMERLY CIEBA AVENUE) FOR A DISTANCE OF 437.62 FEET; THENCE N90°00'00"W ALONG THE NORTH RIGHT OF WAY LINE OF SAID ROYAL PALM WAY FOR A DISTANCE OF 47.00 FEET TO THE POINT OF BEGINNING; SAID LANDS SITUATE WITHIN THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH (A):

A PORTION OF GOVERNMENT LOT 3 OF SECTION 22, TOWNSHIP 43 SOUTH, RANGE 43 EAST, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF FOUR ARTS PLAZA (CIEBA AVENUE) AND THE NORTH RIGHT-OF-WAY LINE OF ROYAL PALM WAY (100 FOOT WIDE RIGHT-OF-WAY); THENCE N90°00'00"W, ALONG SAID NORTH RIGHT-OF-WAY LINE, 90.00 FEET; THENCE N00°00'00"E, PARALLEL WITH SAID WEST RIGHT-OF-WAY LINE OF CIEBA AVENUE, 335.12 FEET; THENCE N90°00'00"W, PARALLEL WITH SAID NORTH RIGHT-OF-WAY LINE OF ROYAL PALM WAY, 300.58 FEET TO THE POINT OF BEGINNING; THENCE S14°34'47"E, 21.75 FEET; THENCE SOUTHEASTERLY, ALONG THE ARC OF A TANGENT CURVE BEING CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 105.00 FEET, A DELTA OF 12°53'47", AN ARC DISTANCE OF 23.63 FEET TO A POINT OF COMPOUND CURVATURE; THENCE SOUTHWESTERLY, ALONG THE ARC OF SAID CURVE BEING CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 3.00 FEET, A DELTA OF 91°41'08", AN ARC DISTANCE OF 4.80 FEET; THENCE TANGENT TO SAID CURVE N90°00'00"W, 6.96 FEET; THENCE S00°00'00"E, 2.51 FEET; THENCE N90°00'00"W, 102.47 FEET TO THE WATERS OF LAKE WORTH; THENCE N00°22'23"E, ALONG SAID WATERS, 50.00 FEET; THENCE S90°00'00"E, 103.29 FEET TO THE POINT OF BEGINNING. SAID LANDS LYING IN THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH (B):

A PORTION OF GOVERNMENT LOT 3, SECTION 22, TOWNSHIP 43 SOUTH, RANGE 43 EAST, LYING EAST OF AND ADJACENT TO THE WATERS OF LAKE WORTH (LESS LAKE DRIVE RIGHT-OF-WAY, PER OFFICIAL RECORDS BOOK 7151, PAGE 617, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID LANDS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF FOUR ARTS PLAZA (CIEBA AVENUE) AND THE NORTH RIGHT-OF-WAY LINE OF ROYAL PALM WAY (100-FOOT WIDE RIGHT-OF-WAY); THENCE N90°00'00"W, ALONG SAID NORTH RIGHT-OF-WAY LINE, 386.16 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID NORTH RIGHT-OF-WAY LINE, N90°00'00"W, 110.63 FEET TO THE WATERS OF LAKE WORTH; THENCE N00°12'38"E, ALONG SAID WATERS OF LAKE WORTH, 285.13 FEET TO THE INTERSECTION WITH THE WESTERLY PROLONGATION OF THE SOUTHERLY LINE OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 7151, PAGE 614, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE N90°00'00"E, ALONG SAID SOUTH LINE, 104.17 FEET TO THE WEST LINE OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 7151, PAGE 617, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE S00°00'53"E ALONG SAID WEST LINE, 122.36 FEET; THENCE N89°59'13"E, 7.85 FEET; THENCE S00°52'16"W, 162.79 FEET TO THE POINT OF BEGINNING. SAID LANDS LYING IN THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA.

EAST CAMPUS:

A PORTION OF GOVERNMENT LOT 3, LYING WITHIN SECTION 22, TOWNSHIP 43 SOUTH, RANGE 43 EAST, AND LOTS 5, 6, A PORTION OF LOTS 4, AND 7, BLOCK "A", REVISED MAP OF ROYAL PARK ADDITION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 4, PAGE 1, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 7 OF BLOCK "A", REVISED MAP OF ROYAL PARK ADDITION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 4, PAGE 1, THENCE S00°00'00"W ALONG THE EAST LINE OF SAID BLOCK "A" BEING COINCIDENT WITH THE WEST RIGHT OF WAY LINE OF COCOANUT ROW FOR A DISTANCE OF 275.00 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE DESCRIBED IN OFFICIAL RECORDS BOOK 1909, PAGE 74 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA TO A TANGENT CIRCULAR CURVE CONCAVE TO THE WEST; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 15.00 FEET AND CENTRAL ANGLE OF 90°00'00" FOR A DISTANCE OF 23.56 FEET; THENCE N90°00'00"W ALONG THE SOUTH LINE OF SAID BLOCK "A", BEING COINCIDENT WITH THE NORTH RIGHT OF WAY LINE OF ROYAL PALM WAY FOR A DISTANCE OF 373.90 FEET TO A POINT ON THE EAST LINE OF THE WEST 3 FEET OF LOT 4, PLAT BOOK 4, PAGE 1, AS DESCRIBED IN DEED BOOK 549, PAGE 180, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE N00°00'00"E ALONG THE SAID EAST LINE OF THE WEST 3 FEET OF LOT 4 AND THE EXTENSION THEREOF, BEING COINCIDENT WITH EAST RIGHT OF WAY LINE OF FOUR ARTS PLAZA FOR A DISTANCE OF 437.62 FEET; THENCE N90°00'00"E ALONG THE SOUTH RIGHT OF WAY LINE OF SEA VIEW AVENUE AS SHOWN ON THE PLAT OF POINCIANA PARK 3RD ADDITION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 8, PAGE 72, FOR A DISTANCE OF 379.44 FEET; THENCE S00°00'00"E ALONG THE WEST RIGHT OF WAY LINE OF COCOANUT ROW, AS DESCRIBED IN SAID OFFICIAL RECORDS BOOK 1909, PAGE 74, A DISTANCE OF 9.51 FEET TO A TANGENT CIRCULAR CURVE CONCAVE TO THE EAST; THENCE CONTINUE ALONG SAID WEST RIGHT OF WAY LINE, SOUTHERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 276.17 FEET, AND CENTRAL ANGLE OF 02°08'33", FOR A DISTANCE OF 10.33 FEET; THENCE S04°08'54"E ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 127.72 FEET TO THE POINT OF BEGINNING, SAID LANDS SITUATE WITHIN THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA.