

RESOLUTION NO. R-93- 895

RESOLUTION APPROVING ZONING PETITION EAC77-133(D)
DEVELOPMENT ORDER AMENDMENT
PETITION OF CROSS COUNTY PARTNERS

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition EAC77-133(D) was presented to the Board of County Commissioners at a public hearing conducted on July 29, 1993; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, and the recommendations of the various county review agencies; and

WHEREAS, this approval is subject to Article 5, section 5.8 (Compliance with Time Limitations), of the Palm Beach County Land Development Code and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. This Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with relevant and appropriate portions of Article 6, Supplementary Use Standards of the Palm Beach County Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Land Development Code.
4. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach county Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Development Order Amendment, with conditions as adopted, complies with standards imposed on it by applicable provisions of the Palm Beach County Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
8. This Development Order Amendment has a concurrency exemption and therefore complies with Art. 11 (Adequate Public Facility Standards) of the Palm Beach County Land Development Code.

9. This Development Order Amendment, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 of the Palm Beach County Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition DOA77-133(D), the petition of CROSS COUNTY PARTNERS, by: MICHAEL CONNORS, AGENT for a DEVELOPMENT ORDER AMENDMENT in the Commercial General (CG) Zoning District, to amend Condition 14.B.2 of Resolution No. R89-1314, (Unity of Title on parcels A, X, and B), previously approved on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located on a vicinity sketch as shown on EXHIBIT B, attached hereto and made a part hereof, was approved on July 29, 1993, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Newell moved for the approval of the Resolution.

The motion was seconded by Commissioner Roberts and, upon being put to a vote, the vote was as follows:


Mary McCarty, Chair	--	Aye
Burt Aaronson	--	Aye
Ken Foster	--	Aye
Maude Ford Lee	--	Absent
Karen T. Marcus	--	Aye
Warren Newell	--	Aye
Carol A. Roberts	--	Aye

The Chair thereupon declared that the resolution was duly passed and adopted this 29th day of July, 1993.

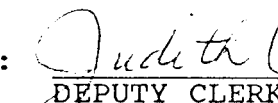
APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK

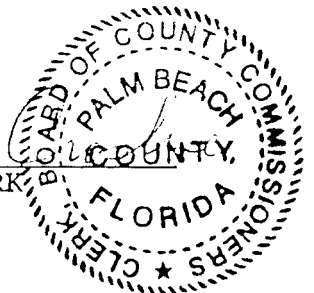


EXHIBIT A

LEGAL DESCRIPTION

A parcel of land in the Northwest Quarter of the Northeast Quarter of Section 25, Township 43 South, Range 42 East, Palm Beach County, Florida, being more particularly described as follows:

Commencing at the Quarter Corner on the North Line of said Section 25 run thence southerly along the Quarter Section Line 45.0 feet; thence easterly along the South right-of-way line of Okeechobee Boulevard and the westerly extension thereof as said right-of-way is shown on plat recorded in Road Plat Book 2, at Pages 130 through 133, Pages 138 through 141, Public Records of Palm Beach County, Florida, a distance of 338.91 feet to the beginning of a curve, concave to the North having a radius of 5,789.65 feet and a central angle of $2^{\circ}36'13''$; thence easterly along the arc of said curve subtending an angle of $1^{\circ}16'39''$, a distance of 129.09 feet to the Point of Beginning; thence continue easterly along the arc of said curve subtending an angle of $1^{\circ}19'34''$, a distance of 134.00 feet to the end of said curve; thence continue easterly along said right-of-way line and along the tangent of the just described curve 400.00 feet to the beginning of a curve, concave to the North, having a radius of 5,669.65 feet and a central angle of $02^{\circ}36'13''$; thence easterly along the arc of said curve and along said right-of-way line, subtending an angle of $02^{\circ}30'21''$, a distance of 247.96 feet; thence southerly parallel to the East line of the Northwest Quarter of the Northeast Quarter of said Section 25, 98.41 feet; thence easterly forming an angle of $90^{\circ}00'00''$ with the preceding course 100.00 feet to a point in the East line of the Northwest Quarter of the Northeast Quarter; thence southerly along just said line forming an angle with the preceding course of $90^{\circ}00'00''$, a distance of 1,193.53 feet to a point in the North right-of-way line of Westgate Avenue; thence westerly along the North right-of-way line of Westgate Avenue forming an angle of $90^{\circ}39'01''$ with preceding course, a distance of 1,094.83 feet; thence northerly forming an angle of $89^{\circ}23'43''$ with the preceding course, a distance of 175.00 feet; thence westerly forming an angle of $89^{\circ}23'43''$ with the preceding course, a distance of 200.00 feet to a point on the easterly right-of-way line of Military Trail (S.R. 809); thence northerly along said right-of-way line forming an angle of $89^{\circ}23'43''$ with the preceding course, a distance of 530.46 feet; thence northeasterly forming an angle of $135^{\circ}00'00''$ with the preceding course, a distance of 140.00 feet; thence southeasterly forming an angle of $90^{\circ}00'00''$ with the preceding course, a distance of 15.00 feet; thence northeasterly forming an angle of $90^{\circ}00'00''$ with the preceding course, 387.67 feet; thence northwesterly forming an angle of $90^{\circ}00'00''$ with the preceding course, 15.00 feet; thence northeasterly forming an angle of $90^{\circ}00'00''$ with the preceding course 66.50 feet; thence northerly forming an angle of $132^{\circ}51'44''$ with the preceding course when measured from Southwest to North a distance of 139.88 feet, more or less, to the Point of Beginning.

PARCEL B

A certain parcel of land in the Northwest Quarter (NW 1/4) of the Northeast Quarter (NE 1/4) of Section 25, Township 43 South, Range 42 East, Palm Beach County, Florida, being more particularly described as follows:

Commencing at the Northeast Corner of the said Northwest Quarter (NW 1/4) of the Northeast Quarter (NE 1/4) run thence Southerly along the East line of said Northwest Quarter (NW 1/4) of the Northeast Quarter (NE 1/4), a distance of 15 feet to the POINT OF BEGINNING; thence Westerly along a line parallel to and 15.0 feet Southerly from (as measured at right angles to) the North Line of said Section 25 and along the south line of Okeechobee Road, a distance of 90.33 to the beginning of a curve, concave to the South having a radius of 5,669.65 feet and a central angle of $2^{\circ}36'13''$; thence Westerly along the arc of said Curve, subtending an angle of $0^{\circ}05'52''$, a distance of 9.68 feet thence Southerly parallel to the East Line of the Northwest Quarter (NW 1/4) of a Northeast Quarter (NE 1/4), a distance of 98.41 feet] thence Easterly forming an angle of 90° with the preceding course, a distance of 100 feet to a point in the East Line of the Northwest Quarter (NW 1/4) of the Northeast Quarter (NE 1/4); thence 100.0 feet North along said East Line to the POINT OF BEGINNING.

PARCEL C

A parcel of land in the Northwest Quarter (NW 1/4) of the Northeast Quarter (NE 1/4) of Section 25, Township 43 South, Range 42 East, Palm Beach County, Florida, being more particularly described as follows:

Beginning at the point of intersection of the Easterly Right-of-way Line of Military Trail and the North-Right-of-way Line of Westgate Avenue, said intersection point being 53 feet Easterly from, (as measured at right angles to) the North-South Quarter Section Line and also being 40 feet North of the South Line of the Northwest Quarter (NW 1/4) of the Northeast Quarter (NE 1/4) run thence Easterly along said North Right-of-Way Line of Westgate Avenue, a distance of 200 feet; thence Northerly forming an angle with preceding course of $90^{\circ}36'17''$, a distance of 175 feet; thence Westerly parallel with the South Line of the Northwest Quarter (NW 1/4) of the Northeast Quarter (NE 1/4), a distance of 200 feet to a point in the Easterly Right-of-Way Line of Military Trail; thence Southerly along the East Right-of-Way Line of Military Trail, 175 feet to the POINT OF BEGINNING.

PARCEL D

Together with the Southerly 425 feet of the West 1/2 of the Northwest 1/4 of the, Southeast 1/4 of the Northeast 1/4 of Section 25, Township 43 South, Range 42 East, and less the West 20 feet thereof for Westgate Avenue Outfall as recorded in Road Plat Book 4, page 52, containing 3.09 acres, plus or minus.

PARCEL E

The Westerly 40 feet of the West 1/2 of the Northwest 1/4 of the Southeast 1/4 of the Northeast 1/4 of Section 25, Township 43 South, Range 42 East, less the North 40 feet thereof for Westgate Avenue as recorded in Road Plat Book 2, page 205, 1966 the West 20 feet thereof for Westgate Avenue Outfall as recorded in Road Plat Book 4, page 52, less the South 425 feet thereof, containing 0.10 acres, plus or minus.

PARCEL G

The West three-quarters of the North 1/4 of the Southwest 1/4 of the Northeast 1/4 of Section 25, Township 43 South, Range 42 East, Palm Beach County, Florida; less the West 533.00 feet thereof; and less the North 40.00 feet thereof for Westgate Avenue right-of-way, containing 3.25 acres, plus or minus.

PARCEL H

The West 1/2 of the Northwest 1/4 of the Southeast 1/4 of the Northeast 1/4 of Section 25, Township 43 South, Range 42 East, Palm Beach County, Florida; less the North 40.00 feet thereof for Westgate Avenue as recorded in Road Plat Book 2, page 205, Public Records of Palm Beach County, Florida, less the West 40 feet, and less the South 425 feet thereof, containing 1.43 acres, plus or minus.

EXHIBIT B
VICINITY SKETCH

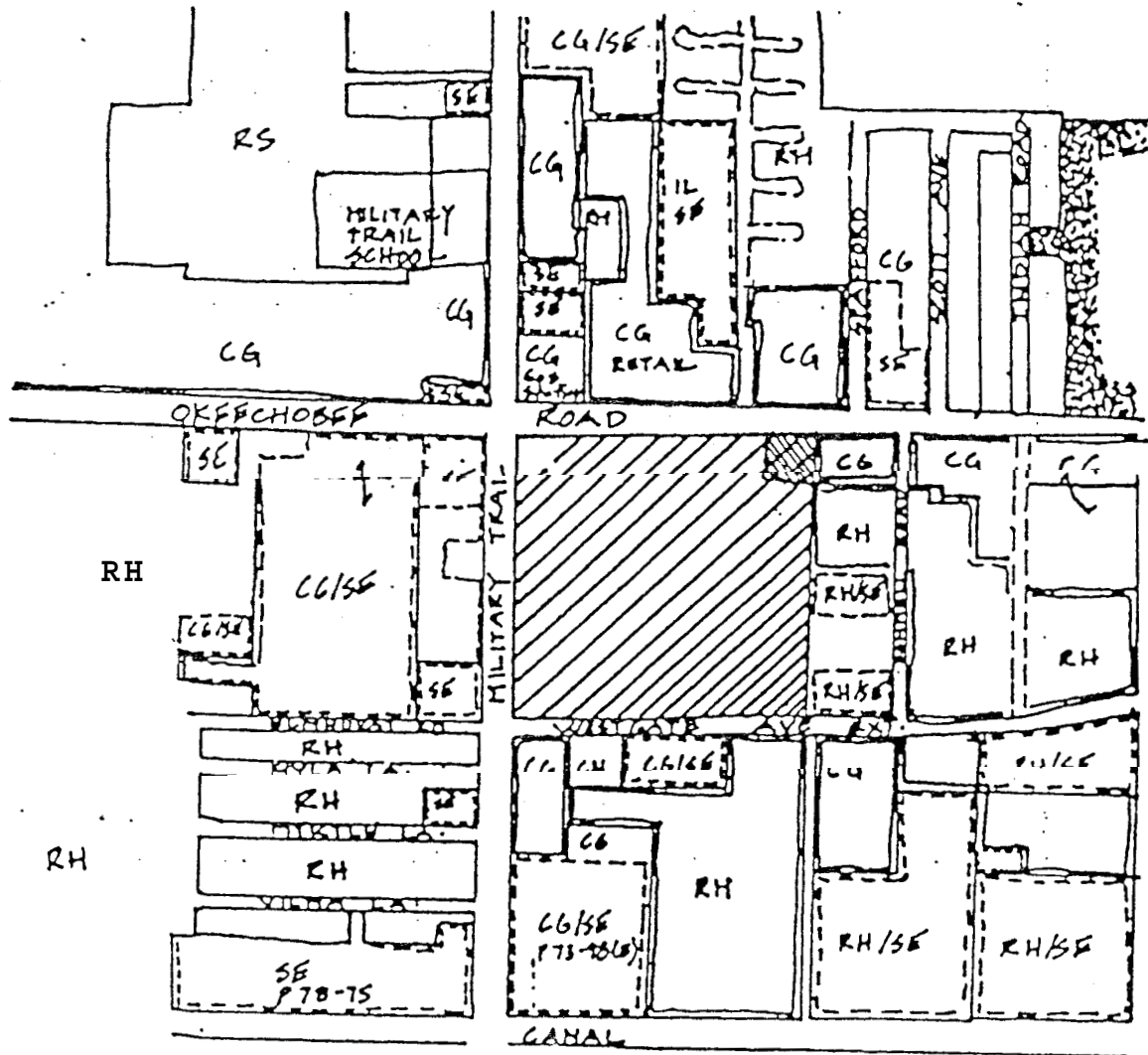


EXHIBIT C

CONDITIONS OF APPROVAL

A. GENERAL

1. All previous conditions of approval have been consolidated. The petitioner shall comply with all pervious conditions of approval unless expressly modified herein. To ensure proper notification of existing conditions. (ZONING)

2. Developer shall provide surface parking required by Code for the total floor area or shall construct a parking deck providing spaces for employees. Previously Condition No. 1, Petition No.77-133, Resolution No. R77-1191. (ZONING)

3. Condition No. 2, Petition No.77-133, Resolution No. R77-1191, which currently states:

Landscape exhibits containing specimen designs and elevations labeled "A" through "F" shall be made a part of the Master Site Plan and all improvements shown thereon shall be installed by the Developer.

Is hereby deleted. [REASON: Exhibits no longer represent existing conditions, See revised landscape conditions 6 and 7 Petition 77-133(D)]

4. Developer shall install landscape berms, plantings and sprinkler systems pursuant to the Palm Beach County Landscape Code. Previously Condition No. 3, Petition No.77-133, Resolution No. R77-1191. (ZONING)

5. Condition No. 4, Petition No.77-133, Resolution No. R77-1191, which currently states:

Developer shall redesign the existing landscape perimeters, parking medians and islands for the parking lot in conformity with the Palm Beach County Landscape and Zoning Codes.

Is hereby deleted. [REASON: Exhibits no longer represent existing conditions, See revised landscape conditions 6 and 7 Petition 77-133(D)]

6. Developer shall provide a bond to guarantee the installation of all landscape areas in accordance with approved plans and specifications. Previously Condition No. 5, Petition No.77-133, Resolution No. R77-1191,

Shall be amended to state:

Developer shall provide a bond in a form acceptable to the Zoning Division and the County Attorney to guarantee the installation of all landscape areas in accordance with approved plans Exhibit ID), (Petition 77-13: (D), specifications and phasing schedule. Code Enforcement Board order. (ZONING/County Attorney)

7. Prior to December 15, 1994 the petitioner shall remove all prohibited vegetation from site and install landscaping, site improvements, pursuant to Exhibit (D), (Petition 77-133 (D)), specifications and phasing schedule. Required to implement Code Enforcement Board order. (MONITORING/ZONING)

8. Developer shall keep all loading areas and berths in a clean, maintained and screened manner. Previously Condition No. 6, Petition No.77-133, Resolution No. R77-1191. (CODE ENFORCEMENT)
9. Condition No. 7, Petition No.77-133, Resolution No. R77-1191, which currently states:

Developer shall install seventy five (75) percent opaque landscaped screening behind the building containing: Winn-Dixie, Taco Viva, etc.

Is hereby amended to state:

Developer shall install seventy five (75) percent opaque landscaped screening behind the buildings on the western property line adjacent to Military trail. (Clarification of building location) (ZONING)
10. Developer shall provide a six (6) foot high wood fence, with a landscape hedge adjacent to the inside of the fence along the east property line. Previously Condition No. 8, Petition No.77-133, Resolution No. R77-1191. (ZONING)
11. Developer shall preserve the existing tree coverage along the east property line. Previously Condition No. 9, Petition No.77-133, Resolution No. R77-1191. (ZONING/ERM)
12. Developer shall redesign and/or replace all signs to meet the Palm Beach County Sign Code and provide for a uniform graphics program. Previously Condition No. 10, Petition No.77-133, Resolution No. R77-1191. (ZONING/CODE ENFORCEMENT)
13. All painted wall signs shall be removed. Previously Condition No. 11, Petition No.77-133, Resolution No. R77-1191. (CODE ENFORCEMENT)
14. Developer shall modify the Master Site Plan to rechannel the ingress and egress from and to Okeechobee Boulevard via the Northwest entrance by the installation of landscape barriers. Previously Condition No. 12, Petition No.77-133, Resolution No. R77-1191. (ENGINEERING)
15. The use of the southerly 3.2 acres of the parcel located on the south side of Westgate Avenue shall be limited to retention and detention for water management and master drainage purposes. Previously Condition No. 13, Petition No.77-133, Resolution No. R77-1191. (CODE ENFORCEMENT-Zoning)
16. Developer shall post a bond to insure proper aquatic weed control in all drainage and water management areas. Previously Condition No. 15, Petition No.77-133, Resolution No. R77-1191. (ENGINEERING)
17. Developer shall comply with the following conditions:
 - a) Bring the existing building up to Fire Code standards prior to issuance of a Certificate of Occupancy for the structure.
 - b) Remove the overhead roller doors in the existing building's rear exit access and replace with swinging or side roller doors to comply with N.F.P.A. Fire Codes for this type of occupancy.

- c) Enclose the interior stairs of existing building in the rear exit access to comply with Fire Codes.
 - d) The ceiling in the rear exit access of the existing building shall be enclosed to comply with Fire Codes.
 - e). Properly rated fire doors shall be placed in the fire wall separating the general sales area from the stock area of the existing building.
 - f) The fire hose connection throughout the existing building shall be repiped to meet Fire Code specifications.
 - g) The sprinkler system inspection drains shall be repiped to discharge the water from these drains to the outside of the building, per Code. Previously Condition No. 16, Petition No.77-133, Resolution No. R77-1191. (BUILDING- Fire)
18. Developer shall restripe and resign the south approach to the intersection of Military Trail and Okeechobee Boulevard to provide for a dual left turn lane. Previously Condition No. 17, Petition No.77-133, Resolution No. R77-1191. (ENGINEERING)
 19. Developer shall construct a continuous right turn lane along Okeechobee Boulevard from Military Trail easterly to the east entrance road. Previously Condition No. 18, Petition No.77-133, Resolution No. R77-1191. (ENGINEERING)
 20. Developer shall construct a third lane on Westgate Avenue from Military Trail to the development's east property line. Previously Condition No. 19, Petition No.77-133, Resolution No. R77-1191. (ENGINEERING)
 21. Developer shall lengthen the existing left turn lane on Military Trail at the development's entrance at such time as the actual demand requires it at the determination of the County Engineer. Previously Condition No. 20, Petition No.77-133, Resolution No. R77-1191. (ENGINEERING)
 22. Developer shall lengthen the existing right turn lane at the east approach on Okeechobee Boulevard from Zip Code Place to Military Trail. Previously Condition No. 21, Petition No.77-133, Resolution No. R77-1191. (ENGINEERING)
 23. Developer shall lengthen the existing left turn lane east approach on Okeechobee Boulevard and the development's east entrance to a total storage length of two hundred forty (240) feet. Previously Condition No. 22, Petition No.77-133, Resolution No. R77-1191. (ENGINEERING)
 24. Developer shall lengthen the existing left turn lane east approach on Okeechobee Boulevard and the development's west entrance to a total storage length of two hundred forty (240) feet. Previously Condition No. 23, Petition No.77-133, Resolution No. R77-1191. (ENGINEERING)
 25. Developer shall lengthen the existing left turn lane north approach on Military Trail and Westgate Avenue to a total storage length of two hundred (200) feet. Previously Condition No. 24, Petition No.77-133, Resolution No. R77-1191. (ENGINEERING)

26. Developer shall upgrade the existing two phase signal at the intersection of Westgate Avenue and Military Trail, when warranted, **as** determined by the County Engineer, Previously Condition No. 25, Petition No.77-133, Resolution No. R77-1191. (ENGINEERING)
27. Developer shall signalize the intersection at Okeechobee Boulevard and the east entrance, when needed, as determined by the County Engineer. Previously condition No. 26, Petition No.77-133, Resolution No. R77-1191. (ENGINEERING)
28. Developer shall provide a chain link fence along the east and south property lines of the property lying south of Westgate Avenue. Previously Condition No. 27, Petition No.77-133, Resolution No. R77-1191. (CODE ENFORCEMENT)
29. Developer shall construct, on the south side of Westgate Avenue, an additional lane for Westgate Avenue along the frontage of the school property. Previously condition No. 28, Petition No.77-133, Resolution No. R77-1191. (ENGINEERING)
30. Developer shall construct a bicycle path or sidewalk on the north side of Westgate Avenue, and striping for a cross walk to the school. Previously Condition No. 29, Petition No.77-133, Resolution No. R77-1191. (ENGINEERING)
31. Developer shall provide an umbrella liability and property damage insurance policy to include Mr. and Mrs. Jacob Solomon, abutting 4.2 acre parcel, adjacent to the 3.2 acre drainage area. Previously Condition No. 30, Petition No.77-133, Resolution No. R77-1191. (COUNTY ATTORNEY)
32. The petitioner shall comply with all previous conditions of approval unless expressly modified herein. Previously Condition No. 1, Petition No.77-133(B), Resolution No. R89-1314. Is hereby deleted, duplication.
33. Condition No. 14 of Zoning Petition No. 77-133, Resolution No. R-77-1191, amended by Condition No. 2, Petition No.77-133(B), Resolution No. R89-1314, which currently states:

Prior to site plan certification, the petitioner shall execute a Unity of Control covering the following:

- a. Entire parcel located on the north side of Westgate Avenue, and, the southerly four hundred twenty five (425) feet of the parcel located on the south side of Westgate Avenue (3.09 acres), and the twenty (20) foot recorded access easement running south from Westgate Avenue of the southerly 425 feet of parcel lying south of Westgate Avenue (0.10 acres).
- b. Execute a Unity of Title on:
 1. The parcel of land supporting the two buildings on the north west portion of the site, Known as Parcel F; and,
 2. Parcel A, X, and B, supporting the mall facility and attendant parking.

This Unity of Control shall grant appropriate cross access, parking, easements and maintenance agreements among all properties contained in the planned development.

Is hereby amended to state:

Prior to site plan certification, the petitioner shall execute:

- a. A Unity of Control covering the entire parcel located on the north side of Westgate Avenue, and, the southerly four hundred twenty five (425) feet of the parcel located on the south side of Westgate Avenue (3.09 acres), and the twenty (20) foot recorded access easement running south from Westgate Avenue to the southerly 425 feet of the parcel lying south of Westgate Avenue (0.10 acres), supporting the mall facility, outparcels and attendant parking. This Unity of Control shall grant appropriate cross access, parking, easements and maintenance agreements among all properties contained in the planned development.
 - b. A Unity of Title on the parcel of land supporting the two buildings on the north west portion of the site, Known as Parcel F. (ZONING/COUNTY ATTORNEY)
34. Prior to obtaining approval of the Unity of Control from Palm Beach County Zoning Division and County Attorney's Office, a site plan shall be submitted to and approved by the Zoning Division indicating:
- a. The location of all buildings, parking stalls, access points, and easements.
 - b. The boundary lines of each separately owned parcel.
 - c. The building square footage, lot coverage, parking required and parking provided for each individual parcel. Previously Condition No. 3, Petition No. 77-133(B), Resolution No. R89-1314. (ZONING)
35. Condition No. 4, Petition No. 77-133(B), Resolution No. R89-1314, which currently states:
- Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
- Is hereby deleted. [REASON: condition is duplicate]
36. Condition No. 5, Petition No. 77-133(B), Resolution No. R89-1314, which currently states:
- Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
- Is hereby deleted. [REASON: condition is duplicate]
37. Condition No. 9, Petition No. 77-133(B), Resolution No. R89-1314, which currently states:
- Failure to comply with any conditions of approval may result in the denial or revocation of a building permit; the issuance of a stop work order; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation of any permit or approval for any developer-owner, commercial-owner, lessee, or user of the subject property. Appeals from such action may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code.
- Is hereby deleted. [REASON: Code Requirement]

38. Prior to Site Plan Review, the petitioner shall **amend** the site plan to indicate:
- A. A five (5) foot landscape buffer shall be installed along Okeechobee Boulevard to be supplemented with solid thirty-six (36) inch hedge material and native canopy trees twelve (12) feet in height at time of planting and to be planted thirty (30) feet on center.
 - B. The landscape strip separating the proposed restaurant parking from the existing access way off Okeechobee Boulevard shall be upgraded to include a solid twenty-four (24) inch hedge and native trees to be planted thirty (30) feet on center. Previously Condition No. 2, Petition No.77-133(C), Resolution No. R90-1296. (ZONING)
39. The petitioner shall install adequate signage in the parking lot to direct vehicular traffic. There shall be signage to identify designated parking areas for particular uses on site. Previously Condition No. 3, Petition No.77-133(C), Resolution No. R90-1296. (ZONING)
40. Vehicular parking shall be limited to the parking areas designated on the approved site plan. No parking of vehicles shall be allowed in landscaped areas, right-of-way, or interior drives. Previously Condition No. 4, Petition No.77-133(C), Resolution No. R90-1296. (CODE ENFORCEMENT)
41. No storage or placement of any stock materials, refuse, equipment or accumulated debris shall be permitted in the parking lots or access ways of the shopping center. Previously Condition No. 5, Petition No.77-133(C), Resolution No. R90-1296. (CODE ENFORCEMENT)
42. When the right-of-way for Okeechobee Boulevard and Military Trail is constructed, the petitioner shall satisfy the minimum landscape requirements on the portion of the site affected by the right-of-way taking, to the maximum amount possible. This may require parking stalls along Okeechobee Boulevard and Military Trail to be redesigned to accommodate angle parking to provide the maximum landscaping possible. Previously Condition No. 6, Petition No.77-133(C), Resolution No. R90-1296. (ZONING)
43. No advertising flags, foreign flags, pennants, banners, streamers or balloons shall be permitted on site. No gimmicks or advertising designed to attract the public's attention off-site shall be displayed outdoors or upon any building, vehicle or wall, or other than inside a window as may be permitted by the Sign Code. Also, flashing signs, electronic message boards, etc., shall not be permitted on-site. Previously Condition No. 7, Petition No.77-133(C), Resolution No. R90-1296. (CODE ENFORCEMENT)
44. Generation and disposal of hazardous effluents into sanitary sewerage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Regulation (FDER) and Agency responsible for sewage works are constructed and used by project tenants or owners generating such effluents. Previously Condition No. 8, Petition No.77-133(C), Resolution No. R90-1296. (HEALTH/ERM)

45. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site. Previously Condition No. 9, Petition No.77-133(C), Resolution No. R90-1296. (HEALTH)
46. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water. Previously Condition No. 10, Petition No.77-133(C), Resolution No. R90-1296. (HEALTH)
47. The Developer shall provide discharge control and treatment for the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain on site the stormwater runoff generated by a three (3) year-one (1) hour storm with a total rainfall of 3 inches as required by the Permit Section, Land Development Division. In the event that the subject site abuts a Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. In the event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be referred to the Code Enforcement Board for enforcement. Previously Condition No. 11, Petition No.77-133(C), Resolution No. R90-1296. (ENGINEERING)
48. Prior to Site Plan approval the property owner shall enter into a written agreement with Palm Beach County for the reservation of additional right of way required by the Florida Department of Transportation for: (A) the eight (8) laning of Okeechobee Boulevard from the centerline of the eastern drive onto Okeechobee Boulevard to the west property line (maximum seventy (70) feet from centerline as identified in the thoroughfare right-of-way protection map); (B) the ultimate urban interchange from the centerline of the existing eastern drive onto Okeechobee Boulevard to the project's eastern property line (maximum eighty (80) feet from the centerline of Okeechobee Boulevard as identified in the thoroughfare right-of-way protection map). Previously Condition No. 12, Petition No.77-133(C), Resolution No. R90-1296. (ENGINEERING)
49. The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project presently is \$51,865.00 (943 trips x \$55.00 per trip). Previously Condition No. 13, Petition No.77-133(C), Resolution No. R90-1296. (IMPACT FEE COORDINATOR)
50. As part of any site plan application for any portion of the project, the developer shall submit a solid waste stream reduction/recycling plan approvable by the Solid Waste Authority or Palm Beach County or any other applicable regulatory agencies. Previously Condition No. 14, Petition No.77-133(C), Resolution No. R90-1296. (SWA)
51. Condition No. 15, Petition No.77-133(C), Resolution No. R90-1296, which currently states:

As provided in the Palm Beach County Zoning Code, Sections 400.2 and 402.6, failure to comply with any of these conditions of approval at any time may result in:

- a. The denial or revocation **of** a building permit; the issuance of a stop work order; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation **of** any permit or approval for any developer-owner, commercial-owner, lessee, or user of the subject property; and/or
- b. The revocation of the Special Exception and any zoning which was approved concurrently with the Special Exception **as well as** any previously **granted** certifications of concurrency or exemptions therefrom; and/or
- c. A requirement of the development to conform with updated standards of development, applicable **at** the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions.

Appeals of any departmental-administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Appeals of any revocation **of Special** Exception, Rezoning, or other actions based on a Board of County Commission decision, shall be by petition for writ **of** certiorari to the Fifteenth Judicial Circuit.

Is hereby deleted. [REASON: Code requirement]

- 52. Petitioner shall install crosswalks on Westgate Avenue. Previously Condition No. 1, Petition No.78-83, Resolution No. R78-606. (ENGINEERING)
- 53. Petitioner shall install street lights at the crosswalk locations and shall enter into a maintenance agreement with Florida Power and Light Company for maintenance and lamping costs. Previously Condition No. 2, Petition No.78-83, Resolution No. R78-606. (ZONING)
- 54. Condition No. 8, Petition No.77-133(B), Resolution No. R89-1314, which currently states:

Pruning practices shall be in accordance with acceptable standard Horticultural Pruning Standards as established by Florida Nurserymen's and Growers Association. There shall be no hatracking of vegetation.

Is hereby deleted. [REASON: Code requirement]

- 55. Condition **No. 7**, Petition No.77-133(B), Resolution No. R89-1314, which currently states:

Within sixty days of site plan certification, the petitioner shall repair the existing wooden fence along the eastern property line to the Palm Beach County Building Standards.

Is hereby deleted. [REASON: wood fence **has** been replaced with a concrete wall]

- 56. Within eight **(8)** months of Board **of** County Commission approval, the petitioner shall replace the **existing** wooden fence along the eastern property line with a six **(6)** foot concrete slat wall. Previously Condition No. 6, Petition No.77-133(B), Resolution No. R89-1314. (COMPLETED).

WILL CALL #69

Prepared by and Return to:
Michael W. Connors, Esquire
Boose, Casey, Ciklin, Lubitz,
Martens, McBane & O'Connell
17th Floor - Northbridge Tower I
515 North Flagler Drive
West Palm Beach, Florida 33401

RELEASE AND TERMINATION OF DECLARATION OF UNITY OF TITLE

W I T N E S S E T H :

WHEREAS, Cross County Partners, Ltd., a Florida Limited Partnership ("**Partners**"), is the owner of property more particularly described in Exhibit "**A**" attached hereto and made a part hereof (the "Property"), the Property being also known as Parcels "**A**", "**X**", and "**B**" within the Cross County Mall regional shopping center located at the southeast corner of the intersection of Okeechobee Boulevard and Military Trail in unincorporated Palm Beach County, Florida; and

WHEREAS the Property is presently encumbered by a Declaration of Unity of Title dated May 3, 1989, recorded in Official Records Book 6133, Page 1567, of the Public Records of Palm Beach County, Florida, which is attached hereto and made a part hereof as Exhibit "**B**" (the "Unity of Title"); and

WHEREAS, the Property, together with all other parcels comprising the **Cross** County Mall, is also encumbered by a Declaration of Unity of Control dated May 3, 1989, recorded in Official Records **Book** 6133, Page 1557 of the Public Records of Palm Beach County, Florida, which is attached hereto and made a part hereof as Exhibit "**C**" (the "Unity of Control") ; and

WHEREAS, the Unity **of** Title provides that **it** may be released in writing by the "proper authority **of** the County **of** Palm Beach, Florida"; and

WHEREAS, release **of** the Unity **of** Title will not affect the Unity **of** Control;

WHEREAS, Partners has requested that the Palm Beach County Board **of** County Commissioners release the Unity of Title, and

WHEREAS, on July **29, 1993,** the Palm Beach County Board **of** County Commissioners sitting as the Zoning Authority, approved the request **of** Partners in Petition ~~#~~ EAC 77-133(D) to amend a condition of approval **so** as to delete the condition requiring the Unity **of** Title and authorized the execution **of a** release **of** the Unity **of** Title; and

NOW, THEREFORE, in consideration of the **sum of** \$10.00, the receipt whereof is hereby acknowledged, and in consideration of Partners maintaining **the** Unity **of** Control **on** the Property, the Board of County Commissioners of Palm Beach County, Florida, does hereby release, terminate and rescind the Unity **of** Title recorded in Official Records **Book 6133, Page 1567, of the** Public Records **of** Palm Beach County, Florida. The Unity of Control recorded in Official Records **Book 6133, Page 1557,** of the Public Records of Palm Beach County, Florida shall remain in full force and effect.

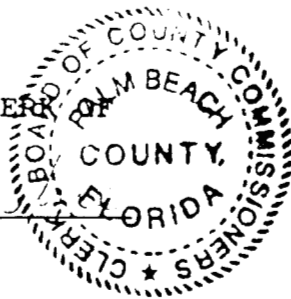
PALM BEACH COUNTY, FLORIDA, BY
ITS BOARD OF COUNTY COMMISSIONERS

By: Mary McCarty
Mary McCarty, Chair

ATTEST:

DOROTHY H. WILKEN, CLERK OF
THE CIRCUIT COURT

By: Judith Cross
Deputy Clerk



APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: Richard Altier
County Attorney

STATE OF FLORIDA)

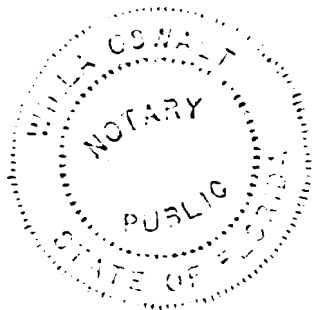
COUNTY OF PALM BEACH)

The foregoing instrument was acknowledged before me this 29th day of July, 1993 by Mary McCarty, Chair of the Board of County Commissioners of Palm Beach County, who is personally known to me, or has produced _____ as identification.

Willa Oswalt
Notary, State of Florida

Willa Oswalt
(PRINT NOTARY'S NAME)
COMMISSION NO. 7745-48
My Commission Expires:

Notary Public, State of Florida
My Commission Expires May 6, 1994
Bonded Thru Troy Fair - Insurance Inc.



A parcel of land in the Northwest Quarter of the Northeast Quarter of Section 25, Township 43 South, Range 42 East, Palm Beach County, Florida, being more particularly described as follows: Commencing at the Quarter Corner on the North Line of said Section 25 run thence Southerly along the Quarter Section Line 45.00 feet; thence Easterly along the South right-of-way line of Okeechobee Boulevard and the Westerly extension thereof as said right-of-way is shown on Plat recorded in Road Plat Book 2, at Pages 130 through 133, Pages 138 through 141, Public Records of Palm Beach County, Florida, a distance of 338.91 feet to the beginning of a curve, concave to the North having a radius of 5789.65 feet and a central angle of $02^{\circ}36'13''$; thence Easterly along the arc of said curve subtending an angle of $01^{\circ}16'39''$, a distance of 129.09 feet to the Point of Beginning; thence continue Easterly along the arc of said curve subtending an angle of $01^{\circ}19'34''$, a distance of 134.00 feet to the end of said curve; thence continue Easterly along said right-of-way line and along the tangent of the just described curve 400.00 feet to the beginning of a curve, concave to the South having a radius of 5669.65 feet and a central angle of $02^{\circ}36'13''$; thence Easterly along the arc of said curve and along said right-of-way line, subtending an angle of $02^{\circ}30'21''$, a distance of 247.96 feet; thence Southerly parallel to the East line of the Northwest Quarter of the Northeast Quarter of said Section 25, 98.41 feet; thence Easterly forming an angle of $90^{\circ}00'00''$ with the preceding course 100.00 feet to a point in the East line of the Northwest Quarter of the Northeast Quarter of said Section 25, 98.41 feet; thence Easterly forming an angle of $90^{\circ}00'00''$ with the preceding course 100.00 feet to a point in the North right-of-way line of Westgate Avenue; thence Southerly along just the North right-of-way line of Westgate Avenue; thence Southerly along the North right-of-way line of Westgate Avenue forming an angle of $90^{\circ}39'01''$ with the preceding course, a distance of 193.53 feet to a point in the North right-of-way line of Westgate Avenue; thence Southerly along the North right-of-way line of Westgate Avenue forming an angle of $89^{\circ}23'43''$ with the preceding course, a distance of 1094.83 feet; thence Southerly forming an angle of $89^{\circ}23'43''$ with the preceding course, a distance of 175.00 feet; thence Southerly forming an angle of $89^{\circ}23'43''$ with the preceding course, a distance of 200.00 feet to a point on the Easterly right-of-way line of Military Trail (S.R. 809); thence Northerly along said right-of-way line forming an angle of $135^{\circ}00'00''$ with the preceding course, a distance of 530.46 feet; thence Northeasterly forming an angle of $89^{\circ}23'43''$ with the preceding course, a distance of 140.00 feet; thence Southeasterly forming an angle of $90^{\circ}00'00''$ with the preceding course, a distance of 15.00 feet; thence Southeasterly forming an angle of $90^{\circ}00'00''$ with the preceding course, 387.67 feet; thence Northeasterly forming an angle of $90^{\circ}00'00''$ with the preceding course, 15.00 feet; thence Northeasterly forming an angle of $90^{\circ}00'00''$ with the preceding course 66.50 feet; thence Northerly forming an angle of $132^{\circ}51'44''$ with the preceding course when measured from Southwest to North a distance of 139.88 feet, more or less, to the Point of Beginning.

RECORDED MEMO: Legibility
of Writing, Typing or Printing
unsatisfactory in this document
when received.

DESCRIPTION
PARCEL A

DESCRIPTION

PARCEL X

A parcel of land in the Yorthrrst Quarter of the Northeast Quarter of Section 25, Township 43 South, Range 42 East, Palm Beach County, Florida, being more particularly described as follows:

Commencing at the point of intersection of the Easterly right-of-way line of Military Trail and the North right-of-way line of Yestgate Avenue, said Intersection point befn 53.00' feet Easterly from, (as measured at right angles to the Mort-South quarter section line and also being 40.00' feet North of the South line of the Northwest quarter of the Northeast quarter, run thence Easterly along said Yorth right-of-way line of Yestgate Avenue, a distance of 1,208.83 feet to the POINT OF BEGINNING of the following described parcel; thence from said POINT OF BEGINNING, northerly forming an angle rftth the preceding course of 90°00'00", a distance of 300.00 feet; thence Yesterly forafng an angle rftth the preceding course of 90°00'00", a distance of 145.00 feet; thence Southwesterly forafng an angle wftth the preceding course of 135°00'00", a distance of 120.21 feet; thence Southerly forafng an angle with the preceding course of 135°00'00", a dfstance of 215.00 feet to a point on the said Horth rftth-of-wry line of Yestgate Avenue; thence Easterly along the Horth rftth-of-ury line of Yestgate Avenue, a distance of 250.00 fert, more or less, to the POINT OF BEGINNING.

Containing 1.639 acres, more or less.

RECORDED'S MEMO: Legibility
of Writing, Typing or Printing
unsatisfactory in this document
when received.

LEGAL DESCRIPTIONPARCEL "B"

A certain parcel of land in the Northwest Quarter (NW 1/4) of the Northeast Quarter (NE 1/4) of Section 25, Township 43 South, Range 42 East, Palm Beach County, Florida, being more particularly described as follows:

Commencing at the Northeast Corner of the said Northwest Quarter (NW 1/4) of the Northeast Quarter (NE 1/4) run then southerly along the East line of said Northwest Quarter (NW 1/4) of the Northeast quarter (NE 1/4), a distance of 15.00 feet to the POINT OF BEGINNING; thence Westerly along a line parallel to and 15.00 feet Southerly from (as measured at right angles to) the North Line of said section 25 and along that South line of Okeechobee Road, a distance of 90.33 feet to the beginning of a curve, concave to the South having a radius of 5669.65 feet and a central angle of 02°36'13"; thence Westerly along the arc of said curve, subtending an angle of 00°05'52", a distance of 9.68 feet; thence Southerly parallel to the East Line of the Northwest Quarter (NW 1/4) of a Northeast Quarter (NE 1/4), a distance of 98.41 feet; thence Easterly forming an angle of 90°00'00" with the preceding Course, a distance of 100 feet to a point in the East Line of the Northwest Quarter (NW 1/4) of the Northeast Quarter (NE 1/4); thence 100.00 feet North along said East Line to the POINT OF BEGINNING.

RECORD VERIFIED
PALM BEACH COUNTY FLA
JOHN R. DUNKLE
CLERK OF THE COURT

DECLARATION OF UNITY OF TITLE

KNOW ALL MEN BY THESE PRESENTS THAT:

Pursuant to the ordinances of the County of Palm Beach, Florida, and in Consideration for the release and termination of those certain Unity of Title Agreements both dated June 26, 1971 and recorded in Official Records Book 2883, Page 1626 and in Official Records Book 2883, Page 1628, respectively of the Public Records of Palm Beach County, Florida. Wespac Investors Trust II, a California business trust, (the "Trust") whose address is 1661 Lincoln Boulevard, 4th Floor, Santa Monica, California 90404, being the owner and title holder of the property situate in Palm Beach County, Florida more particularly described on Exhibit A attached hereto and incorporated herein (the "Property"), (said Property also known as Parcels "A", "X" and "B" within the property commonly known as the Cross County Mall/Winn Dixie Center located at the Southeast intersection of Okeechobee Boulevard and Military Trail in the incorporated area of Palm Beach County, Florida).

DOES HEREBY make the following declarations of conditions, limitations and restrictions:

1. All of above described property (the "Property") shall be considered as one (1) lot and parcel of land, held under single ownership, and no portion of said lot and parcel of land shall be eligible for further subdivision or shall be transferred, conveyed, sold or divided into any other Unit other than its entirety as one (1) lot and parcel of land.

2. The Trust further agrees that this Unity of Title shall constitute a covenant running with the land, and shall be binding upon the Trust, its successors and assigns, and all parties claiming under it or through it, until such time as the same may be released in writing by the proper authority of the County of Palm Beach, Florida.

3. The Trust further agrees that this instrument shall be recorded in the Public Records of Palm Beach County, Florida.

WITNESSES:

WESPAC INVESTORS TRUST II,
a California Business Trust

Dana Crowley
Susan Gardner
As to Dudley Muth

Dudley Muth
By DUDLEY MUTH, President - Trustee

EXHIBIT B

Dana Crowley
Susan Gindera
As to Joel Ciniero

By: [Signature]
JOEL CINIERO, Trustee

Dana Crowley
Susan Gindera
As to John-T. Hall

By: [Signature]
JOHN T. HALL, Trustee

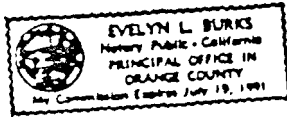
STATE OF CALIFORNIA)
) as:
COUNTY OF LOS ANGELES)

On this 3rd day of March, 1989, before me the undersigned, a Notary Public in and for the State of California, personally appeared DUDLEY MUTH, President and Trustee, JOEL CINIERO, Trustee and JOHN T. HALL, Trustee, personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons who executed the within instrument as President and Trustees on behalf of the Trust therein named and acknowledged to me that the Trustees executed it.

WITNESS my hand and official seal.

[Signature]
Notary Public
State of California

My Commission Expires: 7-1-11



A parcel of land in the Northwest Quarter of the Northeast Quarter of Section 25 Township 43 South, Range 42 East, Palm Beach County, Florida, being more particularly described as follows: Commencing at the Quarter Corner on the North line of said Section 25 run thence Southerly along the Quarter Section line 45.00 feet; thence Easterly along the South right-of-way line of Okeechobee Boulevard and the Westerly extension thereof as said right-of-way is shown on Plat recorded in Road Plat Book 2, at Pages 130 through 133, Pages 138 through 141, Public Records of Palm Beach County, Florida, a distance of 338.91 feet to the beginning of a curve, concave to the North having a radius of 5789.65 feet and a central angle of 02°36'13"; thence Easterly along the arc of said curve subtending an angle of 01°16'39", a distance of 129.09 feet to the Point of Beginning; thence continue Easterly along the arc of said curve subtending an angle of 01°19'34", a distance of 134.00 feet to the end of said curve; thence continue Easterly along said right-of-way line and along the tangent of the just described curve 400.00 feet to the beginning of a curve, concave to the South having a radius of 5669.65 feet and a central angle of 02°36'13"; thence Easterly along the arc of said curve and along said right-of-way line, subtending an angle of 02°30'21", a distance of 247.96 feet; thence Southerly parallel to the East line of the Northwest Quarter of the Northeast Quarter of said Section 25, 98.41 feet; thence Easterly forming an angle of 90°00'00" with the preceding course 100.00 feet to a point in the East line of the Northwest Quarter of the Northeast Quarter of the Northeast Quarter of said line forming an angle with the preceding course of 90°00'00", a distance of 1193.63 feet to a point in the North right-of-way line of Westgate Avenue; thence Westerly along the North right-of-way line of Westgate Avenue forming an angle of 90°39'01" with the preceding course, a distance of 1094.83 feet; thence Northerly forming an angle of 89°23'43" with the preceding course, a distance of 175.00 feet; thence the Easterly right-of-way line of Military Trail (S.R. 809); thence Northerly along said right-of-way line forming an angle of 89°23'43" with the preceding course, a distance of 530.46 feet; thence Northeasterly forming an angle of 135°00'00" with the preceding course, a distance of 140.00 feet; thence Southeasterly forming an angle of 90°00'00" with the preceding course, a distance of 15.00 feet; thence Southeasterly forming an angle of 90°00'00" with the preceding course, 387.67 feet; thence Northeasterly forming an angle of 90°00'00" with the preceding course, 15.00 feet; thence Northeasterly forming an angle of 90°00'00" with the preceding course 66.50 feet; thence Northerly forming an angle of 132°51'44" with the preceding course when measured from Southwest to North a distance of 139.88 feet, more or less, to the Point of Beginning.

RECORDER'S MEMO: Legibility
of Writing, Typing or Printing
unsatisfactory in this document
when received.

DESCRIPTION
PARCEL A

DESCRIPTION

PARCEL X

A parcel of land in the Northwest Quarter of the Northeast Quarter of Section 25, Township 43 South, Range 42 East, Palm Beach County, Florida, being more particularly described as follows:

Commencing at the point of intersection of the Easterly right-of-way line of Military Trail and the North right-of-way line of Westgate Avenue, said intersection point being 53.00' feet Easterly from, (as measured at right angles to the North-South quarter section line and also being 40.00' feet North of the South line of the Northwest quarter of the Northeast quarter, run thence Easterly along said north right-of-way line of Westgate Avenue, a distance of 1,208.83 feet to the POINT OF BEGINNING of the following described parcel; thence from said POINT OF BEGINNING, Northerly forming an angle with the preceding course of $90^{\circ}00'00''$, a distance of 300.00 feet; thence Westerly forming an angle with the preceding course of $90^{\circ}00'00''$, a distance of 165.00 feet; thence Southwesterly forming an angle with the preceding course of $135^{\circ}00'00''$, a distance of 120.21 feet; thence Southerly forming an angle with the preceding course of $135^{\circ}00'00''$, a distance of 215.00 feet to a point on the said North right-of-way line of Westgate Avenue; thence Easterly along the North right-of-way line of Westgate Avenue, a distance of 250.00 feet, more or less, to the POINT OF BEGINNING.

Containing 1.639 acres, more or less.

**RECORDER'S MEMO: Legibility
of Writing, Typing or Printing
unsatisfactory in this document
when received.**

LEGAL DESCRIPTION

PARCEL "B"

A certain parcel of land in the Northwest Quarter (NW 1/4) of the Northeast Quarter (NE 1/4) of Section 25, Township 43 South, Range 42 East, Palm Beach County, Florida, being more particularly described as follows:

Commencing at the Northeast Corner of the said Northwest Quarter (NW 1/4) of the Northeast Quarter (NE 1/4) run thence Southerly along the East line of said Northwest Quarter (NW 1/4) of the Northeast Quarter (NE 1/4), a distance of 15.00 feet to the POINT OF BEGINNING; thence Westerly along a line parallel to and 15.00 feet Southerly from (as measured at right angles to) the North Line of said section 25 and along that South line of Ckeechobee Road, a distance of 90.33 feet to the beginning of a curve, concave to the South having a radius of 5669.65 feet and a central angle of 02°36'13"; thence Westerly along the arc of said curve, subtending an angle of 00°05'52", a distance of 9.68 feet; thence Southerly parallel to the East Line of the Northwest Quarter (NW 1/4) of a Northeast Quarter (NE 1/4), a distance of 98.41 feet; thence Easterly forming an angle of 90°00'00" with the preceding Course, a distance of 100 feet to a point in the East Line of the Northwest Quarter (NW 1/4) of the Northeast Quarter (NE 1/4); thence 100.00 feet North along said East Line to the POINT OF BEGINNING.

RECORD VERIFIED
 PALM BEACH COUNTY FLA
 JOHN B. DUNKLE
 COUNTY CLERK

Prepared by and
Return to:
Marilyn A. Moore, Esq.
Shutts & Bowen
1675 Palm Beach Lakes Blvd.
Suite 700
W. Palm Beach, Fl. 33401
(407)684-3400

JUL-12-1969 04:19pm 89-203059

ORE 5133 P3 1557

DECLARATION OF UNITY OF CONTROL

KNOW ALL MEN BY THESE PRESENTS THAT:

Pursuant to the ordinances of the County of Palm Beach, a political subdivision of the State of Florida and in consideration for the release and termination of those certain **UNITY OF TITLE AGREEMENTS** dated June 26, 1978, and recorded June 26, 1978 in Official Records Book 2883, Page 1626 and in Official Records Book 2883, Page 1628, respectively of the Public Records of Palm Beach County on the property more particularly described therein, **WESPAC INVESTORS TRUST 11**, a California business trust (the "Trust"), whose address is 1661 Lincoln Boulevard, 4th Floor, Santa Monica, California 90404, being the owner and title holder of the property situate in Palm Beach County, Florida more particularly described on Exhibit 1 attached hereto and incorporated herein (the "Property") (commonly known as the Cross County Mall/Winn Dixie Center located at the southeast intersection of Okeechobee Boulevard and Military Trail in the unincorporated area of Palm Beach County, Florida) hereby makes the following declarations of conditions, limitations and restrictions:

1. All parcels of the Property shall conform to the overall integrity and design of the Property as approved by the Board of County Commissioners of Palm Beach County, Florida, from time to time and on file in the Palm Beach County Zoning Division.

2. Should any of the parcels shown on Exhibit A be sold, transferred, leased, or assigned separately, each parcel shall continue to be bound by this Declaration and the parcel(s) will conform to the overall integrity and design of the Property in its entirety as approved by the Board of county Commissioners of Palm Beach County, Florida, from time to time and on file in the Palm Beach County Zoning Division.

3. Each owner of a parcel of the Property shall be responsible for the maintenance of that parcel including any common areas of the Property lying wholly or partially within that parcel.

4. Each then owner, lessee, assignee and/or lien holder of each and every parcel shown on Exhibit 1 has granted to every owner, lessee, assignee and/or lien holder of each parcel and has agreed to be bound by the following utility, drainage, ingress and egress easements, and access and cross access easements as currently recorded among the Public Record of Palm Beach County, Florida in Official Records Books for the County:

Easement dated February 11, 1969, recorded February 20, 1969, in Official Records Book 1704, Page 339;

Easement dated Septerrber 22, 1970, recorded September 28, 1970, in Official Records Book 1841, Page 353 (Parcel "A");

Easement dated June 13, 1969, recorded July 22, 1970, in Official Records Book 1826, Page 1294 (Parcel "A");

Drainage Easement dated October 9, 1970, recorded November 3, 1970, in Official Records Book 1849, Page 1761 (Parcels "A" and "B");

Drainage Easement dated October 9, 1970, recorded November 3, 1970, in Official Records Book 1849, Page 1763 (Parcel "A");

Easement dated March 21, 1975, recorded June 13, 1975, in Official Records Book 2427, Page 284 (Parcels "A" and "B");

Declaration of Easements dated March 8, 1978, recorded March 20, 1978, in Official Records Book 2820, page 1159.

5. This Declaration and its conditions, restrictions and limitations shall be deemed a covenant running with the land of each of the parcels of the Property and shall remain in full force and effect and be binding upon the Trust, its successors, lessees, assigns and/or lien holders until such time as this Declaration or any portion thereof shall be released or modified in writing and approved by the Board of County Commissioners of Palm Beach County, Florida.

6. The Trust further agrees that this instrument shall be recorded in the Public Records of Palm Beach County, Florida

signed, sealed, executed and acknowledged this 15th day of JUNE, 1989, at Santa Monica California.

WITNESS:

WESPAC INVESTORS TRUST II,
a California business trust

Victoria Schultz
As to Dudley Muth

By: Dudley Muth
Dudley Muth, President and Trustee

Victoria Schultz
As to Joel Ciniero

By: Joel Ciniero
Joel Ciniero, Trustee

Victoria Schultz
As to John T. Hall

By: John T. Hall
John T. Hall, Trustee

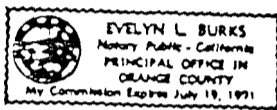
Signed and attested to by Secretary for the Trust:

Evelyn L. Burks
Evelyn Burks

STATE OF CALIFORNIA)
) ss:
COUNTY OF LOS ANGELES)

On this 1st day of June, 1989, before me the undersigned, a Notary Public in and for the State of California, personally appeared DUDLEY MUTH, President and Trustee, JOEL CINIERO, Trustee, and JOHN T. HALL, Trustee, personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons who executed the within instrument as President and Trustees on behalf of the Trust therein named and acknowledged to me that the Trust executed it.

WITNESS my hand and official seal.



Evelyn L. Burks
NOTARY PUBLIC, State of California

My Commission Expires: 7/9/91

A parcel of land in the Northwest Quarter of the Northeast Quarter of Section 25 Township 43 South, Range 42 East, Palm Beach County, Florida, being more particularly described as follows: Commencing at the Quarter Corner on the North Line of said Section 25 run thence Southerly along the Quarter Section Line 45.00 feet; thence Easterly along the South right-of-way line of Okeechobee Boulevard and the Westerly extension thereof as said right-of-way is shown on Plat recorded in Road Plat Book 2, at Pages 130 through 133, Pages 138 through 141, Public Records of Palm Beach County, Florida, a distance of 338.91 feet to the beginning of a curve, concave to the North having a radius of 5789.65 feet and a central angle of 02°36'13"; thence Easterly along the arc of said curve subtending an angle of 01°16'39", a distance of 129.09 feet to the Point of Beginning; thence continue Easterly along the arc of said curve subtending an angle of 01°19'34", a distance of 134.00 feet to the end of said curve; thence continue Easterly along said right-of-way line and along the tangent of the just described curve 400.00 feet to the beginning of a curve, concave to the North, having a radius of 5669.65 feet and a central angle of 02°36'13"; thence Easterly along the arc of said curve and along said right-of-way line, subtending an angle of 02°30'21", a distance of 247.96 feet; thence Southerly parallel to the East line of the Northwest Quarter of the Northeast Quarter of said Section 25, 98.41 feet; thence Easterly forming an angle of 90°00'00" with the preceding course 100.00 feet to a point in the East line of the Northwest Quarter of the Northeast Quarter; thence Southerly along just said line forming an angle with the preceding course of 90°00'00", a distance of 1193.53 feet to a point in the North right-of-way line of Westgate Avenue; thence Westerly along the North right-of-way line of Westgate Avenue forming an angle of 90°39'01" with the preceding course, a distance of 1094.83 feet; thence Northerly forming an angle of 89°23'43" with the preceding course, a distance of 175.00 feet; thence Westerly forming an angle of 89°23'43" with the preceding course, a distance of 200.00 feet to a point on the Easterly right-of-way line of Military Trail (S.R. 809); thence Northerly along said right-of-way line forming an angle of 89°23'43" with the preceding course, a distance of 530.46 feet; thence Southeasterly forming an angle of 135°00'00" with the preceding course, a distance of 140.00 feet; thence Southeasterly forming an angle of 90°00'00" with the preceding course, a distance of 15.00 feet; thence Northeasterly forming an angle of 90°00'00" with the preceding course, 387.67 feet; thence Northwesterly forming an angle of 90°00'00" with the preceding course, 15.00 feet; thence Northeasterly forming an angle of 90°00'00" with the preceding course 66.50 feet; thence Northerly forming an angle of 132°51'44" with the preceding course when measured from Southwest to North a distance of 139.88 feet, more or less, to the Point of Beginning.

RECORDER'S MEMO: Legibility
of Writing, Typing or Printing
unsatisfactory in this document
when received.

DESCRIPTION
PARCEL A

DESCRIPTION

PARCEL B

A certain parcel of land in the Northwest Quarter (NW 1/4) of the Northeast Quarter (NE 1/4) of Section 25, Township 43 South, Range 42 East, Palm Beach County, Florida, being more particularly described as follows:

Beginning at the Northeast Corner of the said Northwest Quarter (NW 1/4) of the Northeast Quarter (NE 1/4) run thence Southerly along the East Line of said Northwest Quarter (NW 1/4) of the Northeast Quarter (NE 1/4), a distance of 15.00 feet to the POINT OF BEGINNING; thence Westerly along a line parallel to and 15.00 feet Southerly from (as measured at right angles to) the East Line of said section 25 and along that South line of Okeechobee Road, a distance of 90.33 feet to the beginning of a curve, concave to the South having a radius of 5669.65 feet and a central angle of 02°36'13"; thence Westerly along the arc of said curve, subtending an angle of 00°05'52", a distance of 9.68 feet; thence Southerly parallel to the East Line of the Northwest Quarter (NW 1/4) of a Northeast Quarter (NE 1/4), a distance of 98.41 feet; thence Easterly forming an angle of 90.00°00' with the preceding course, a distance of 100 feet to a point in the East Line of the Northwest Quarter (NW 1/4) of the Northeast Quarter (NE 1/4); thence 100.00 feet North along said East Line to the POINT OF BEGINNING.

RECORDER'S MEMO: Legibility
of Writing, Typing or Printing
unsatisfactory in this document
when received.

PARCEL "C"

A parcel of land in the Northwest Quarter (NW 1/4) of the Northeast Quarter (NE 1/4) of Section 35, Township 4 South, Range 42 East, Palm Beach County, Florida, being more particularly described as follows:

Beginning at the point of intersection of the Easterly Right-of-Way Line of Military Trail and the North Right-of-way Line of Westgate Avenue, said intersection point being 53.00 feet Easterly from, (as measured at right angles to) the North-South Quarter Section Line and also being 40.00 feet North of the South Line of the Northwest quarter (NW 1/4) of the Northeast Quarter (NE 1/4) run thence easterly along said North Right-Of-Way Line of Westgate Avenue, a distance of 200.00 feet; thence Northerly forming an angle with preceding course of $90^{\circ}36'17''$, a distance of 175.00 feet; thence westerly parallel with the South Line of the Northwest Quarter (NW 1/4) of the Northeast Quarter (NE 1/4), distance of 200.00 feet to a point in the Easterly Right-of-way Line of Military Trail; thence Southerly along the East Right-of-Way Line of Military Trail, 175.00 feet to the POINT OF BEGINNING.

PARCEL "D"

Together with the southerly 425 feet of the West 1/2 of the Northwest 1/4 of the southeast 1/4 of the Northeast 1/4 of Section 25, Township 43 South, Range 42 East, and less the West 20 feet thereof for Westgate Avenue Outfall as recorded in Road Plat Book 4, Page 52, containing 3.09 acres, plus or minus.

DESCRIPTION

PARCEL F

A certain parcel of land in the Northwest Quarter (NW 1/4) of the Northeast Quarter (NE 1/4) of Section 25, Township 43 South, Range 42 East, Palm Beach County, Florida, being more particularly described as follows:

COMMENCING at the point of intersection of the Southerly Right-of-Way Line of Okeechobee Road as same is shown in Road Plat Book 2, Pages 130 through 133 and Pages 138 through 141, Public Records of Palm Beach County, Florida; with the Easterly Right-of-Way Line of Military Trail, (S.R. 809), as same as shown on plat recorded in Road Plat Book 2, Page 233, Public Records of Palm Beach County, Florida; (for the purpose of this description the North Line of said Section 25, Township 43 South, Range 42 East is assumed to bear East and West and all other bearings mentioned herein are relative thereto; thence Cast along said southerly line of Okeechobee Road a distance of 175.00 feet to the Point of Beginning of the herein described parcel; thence continuing East along the said Southerly line of Okeechobee Road a distance of 110.91 feet to the beginning of a curve concave to the North having a radius of 578⁰⁰.65 feet and a central angle of 02°36'13"; thence Easterly along the arc of said curve and through central angle of 01°16'39" a distance of 129.09 feet; thence South 01°16'39" Cast a distance of 139.88 feet; thence South 45°51'37" West a distance of 66.50 feet; thence South 44°08'23" East a distance of 15.00 feet; thence South 45°51'37" West a distance of 387.67 feet; thence North 44°08'23" West a distance of 15.00 feet; thence South 45°51'37" West a distance of 140.00 feet to a point in the said Easterly Right-of-Way Line of Military Trail; thence North 00°51'37" East along said Easterly Right-of-Way line of Military Trail a distance of 377.25 feet; thence East a distance of 175.00 feet (to a point being hereafter described as the point aforesaid); thence North 00°51'37" East a distance of 175.00 feet to the Point of Beginning.

AND LESS (for widening of Military Trail)

Commencing at the Northwest corner of the Northwest Quarter (NW 1/4) of the Northeast Quarter (NE 1/4) of Section 25, Township 43 South, Range 42 East, Palm Beach County, Florida; thence South 01°53'54" West, along the West Line of the Northwest Quarter (NW 1/4) of the Northeast Quarter (NE 1/4) of said Section 25, a distance of 220.03 feet to a point on a line lying 220.00 feet South of, when measured at right angles, and parallel with the North Line of the Northwest Quarter (NW 1/4) of the Northeast Quarter (NE 1/4) of said Section 25; thence South 88°57'24" East, along the said parallel line, a distance of 53.01 feet to a point on a line lying 53.01 feet East of, when measured at right angles, and parallel with the West Line of the Northwest Quarter (NW 1/4) of the Northeast Quarter (NE 1/4) of said Section 25 at the Point of Beginning of the parcel to be herein described; thence South 01°53'54" West, along the said parallel line, a distance of 360.00 feet to a point; thence North 04°25'06" East, a distance of 250.21 feet to a point on a line lying 64.00 feet East of, when measured at right angles, and parallel with the West Line of the Northwest Quarter (NW 1/4) of the Northeast Quarter (NE 1/4) of said Section 25; thence North 01°53'54" East, along the said parallel line, a distance of 110.05 feet to a point on a line lying 220.00 feet South of, when measured at right angles, and parallel with the North Line of the Northwest Quarter (NW 1/4) of the Northeast Quarter (NE 1/4) of said Section 25; also being the Point of Beginning of the herein described parcel.

RECORDER'S MEMO: Legibility
of Writing, Typing or Printing
satisfactory in this document
when received.

PARCEL "G"

The West three-quarters of the North 1/4 of the Southwest 1/4 of the Northeast 1/4 of Section 25, Township 43 South, Range 2 East, Palm Beach County, Florida: less the West 533.00 feet thereof; and less the North 40.00 feet thereof for Westgate Avenue right-of-way, containing 3.25 acres, plus or minus.

PARCEL "H"

The West 1/2 of the Northwest 1/4 of the Southeast 1/4 of the Northeast 1/4 of Section 25, Township 43 South, Range 42 East, Palm Beach County, Florida; less the North 40.00 feet thereof for Westgate Avenue as recorded in Road Plat Book 2, Page 205, Public Record of Palm Beach County, Florida, less the West 40 feet, and less the South 425 feet thereof, containing 1.43 acres, plus or minus.

RECORD VERIFIED
PALM BEACH COUNTY FLA
11/11/11