

A RESOLUTION OF THE SCHOOL BOARD OF PALM BEACH COUNTY, FLORIDA, TO THE BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA, REQUESTING MODIFICATION OF DEED RESTRICTIONS (TRUSTEES' DEED NO. 18599)

WHEREAS, the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida ("Board of Trustees") conveyed to the Board of Public Instruction of Palm Beach County, Florida, now known as the School Board of Palm Beach County, Florida, certain lands more particularly described in Deed No. 18599, recorded in Deed Book 624, Page 534, of the Public Records of Palm Beach County, Florida; and

WHEREAS, said Deed No. 18599 contains the following deed restriction ("Restriction"):

"This conveyance is made on the express condition that the above described land and premises shall be forever maintained and used solely for public school purposes by said Board of Public Instruction of Palm Beach County, Florida, and that said land will not be mortgaged or any liens placed thereon, and in case the said premises or any part thereof shall by the action, consent or neglect of said Board of Public Instruction of Palm Beach County, their successors and assigns, cease to be used and maintained for the purposes aforesaid, or be used for any purposes inconsistent therewith or be mortgaged or any liens placed thereon, the title to the above described land shall revert unto and vest in the grantor, the Trustees of the Internal Improvement Fund of the State of Florida and their successors, and all rights of the grantee, Board of Public Instruction of Palm Beach County, State of Florida, in and unto the above described land shall absolutely cease and end."

WHEREAS, in 2002 the Board of Trustees approved certain modifications to the Restriction to allow for use of the Property other than for public school purposes, to wit, for public recreation, public health, public education, and other community purposes which promote the public health, safety and welfare of the inhabitants of the City of Belle Glade, Florida (the "City"), as set forth in that certain Modification of Restrictions instrument approved by the Grantor on May 28, 2002 and recorded in Official Record Book 14151, Page 0999, of the Public Records of Palm Beach County, Florida; and

WHEREAS, the School Board wishes to convey additional portions of the lands described in Deed No. 18599, as more particularly described in Exhibit "A" attached hereto, to the City for the development and operation of an assisted living/senior housing facility, to offer affordable housing and supportive services to residents of the facility and to provide community-based services to the citizenry of the City and surrounding rural areas of Palm Beach County, Florida; and

WHEREAS, in order to accomplish the same, it is necessary that the Restriction be modified.

NOW THEREFORE, BE IT RESOLVED BY THE SCHOOL BOARD OF PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

1. The School Board requests modification of the restrictions in Deed No. 18599 in the form attached as Exhibit "B" hereto, or in a form acceptable to the Board of Trustees and the School Board.

THIS RESOLUTION SHALL BE EFFECTIVE IMMEDIATELY UPON ADOPTION.

DATED THIS _____ DAY OF _____ 20_____

SCHOOL BOARD OF
PALM BEACH COUNTY, FLORIDA

By: _____
Thomas E. Lynch, Chairman

ATTEST:

By: _____
Arthur C. Johnson, Ph.D., Superintendent

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: Blair Holt 11/24/04
School Board Attorney

EXHIBIT "A"
Description of lands to be conveyed to City

A composite of three parcels of land in State Lot 28, Section 31, Township 43 South, Range 37 East, City of Belle Glade, Palm Beach County, Florida, described as follows;

Commencing at a point on the East line of said Lot 28, said point being the centerline intersection at Southwest Avenue C Place and Southwest 10th Street in the City of Belle Glade,

Thence North 0°07'10" W 85.64 feet along the East line of said Lot 28;

thence South 88°56'00" West 25.00 feet to the Point of Beginning of the hereinafter described composite parcel;

thence South 88°56'00" West 176.98 feet;

thence South 0°07'10" East 476.86 feet to a point on a line 45 feet North of, measured at right angles to the South line of Section 31, Township 43 South, Range 37 East, said line being the same as the centerline of Southwest Avenue E, now known as Dr. Martin Luther King Jr. Boulevard;

thence North 89°59'44" West 240.16 feet along said line parallel with and 45 feet North of the South line of Section 31, township 43 South, Range 37 East;

thence North 0°09'59" West 290.47 feet along a line parallel with the West line of State Lot 28;

thence South 88°56'00" West 35.02 feet;

thence North 0°09'59" West 81.12 feet along a line parallel with the West line of State Lot 28;

thence South 88°56'00" West 157.00 feet to a line parallel with and 25 feet East of the West line of said State Lot 28;

thence North 0°09'59" West 271.19 feet along said line parallel with and 25 feet East of the West line of State Lot 28;

thence South 89°59'44" East 609.64 feet to a line 25 feet West of measured at right angles to the East line of State Lot 28;

thence South 0°07'10" East 159.02 feet along said parallel with and 25 West of the East line State Lot 28, to the Point of Beginning.

Containing 5.433 Acres (236671.51 square feet), more or less.